

Taxi Policy



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Section 1:

Hackney Carriage and Private Hire Policy

Definitions

Applicant

Person or business who has submitted an application for either a grant or renewal of a licence.

Application

A completed application made by an individual (or individuals) for the grant or renewal of a licence.

Assistance Dog

- A dog which has been trained to guide a blind person;
- A dog which has been trained to assist a deaf person;
- A dog which has been trained by a prescribed charity to assist certain disabled persons.

Authorised Council Officer

A Council officer who is authorised by the Council to exercise powers and duties conferred by legislation.

Badge

Issued to all licensed drivers and must be worn at all times when working as a licensed driver.

Byelaws

Locally adopted laws applicable to Hackney Carriage vehicles and drivers. Breach is a criminal offence.

Conditions

Conditions of licence applied by the Council to a driver's licence, an operator's licence, or a vehicle licence. Non-compliance will lead to penalty points being imposed or action against the licence.

Controlled District Boundary

Area of a local authority which has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976. This is the area of Westmorland and Furness Council.

Conventional partnership

An arrangement where 2 or more people are in business together, but which is not a Limited Liability Partnership.

Council

Westmorland and Furness Council

Councillor

A councillor who is a member of Westmorland and Furness Council.

Date of First Registration

The date of first registration on the vehicles V5 log book/registration document issued by DVLA.

DBS

Disclosure & Barring Service

DfT

Department for Transport

District

This is the terminology used in the Local Government (Miscellaneous Provisions) Act 1976 to refer to the area of the Council.

Door Signage

The Council issues door signage which must be affixed to the front doors of all licensed vehicles.

Driving licence

Full UK driving licence issued by DVLA, Northern Ireland driving licence, EEA driving licence or exchangeable driving licence as defined in section 108 of the Road Traffic Act 1988.

DVLA

Driver and Vehicle Licensing Agency

DVSA

Driver and Vehicle Standards Agency (which replaced VOSA in 2014)

Equality Act

Equality Act 2010 as amended

Table of Fares

A table of fares issued by the Council which must legally be displayed in Hackney Carriage vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and additional charges determined by the Council under s65 The Local Government (Miscellaneous Provisions) Act 1976.

Guidance

Guidance published or issued by the Government via the Department for Transport or any other Government Department.

Hackney Carriage Vehicle

A vehicle licensed under the Town Police Clauses Act 1847 often referred to as a taxi.

Hirer

Any person or persons who from time-to-time hires or books the vehicle.

HMRC

His Majesty's Revenue and Customs

ICO

Information Commissioners Office

IoL

Institute of Licensing

LGA

Local Government Association

Legislation

Acts of Parliament, Secondary legislation and decisions of the senior courts, Supreme Court, European Court of Justice and European Court of Human Rights.

Licensing Authority

The licensing function within Westmorland and Furness Council.

Licensed Driver

A driver licensed under the Town Police Clauses Act 1847 to drive a Hackney Carriage vehicle and under the Local Government (Miscellaneous Provisions) Act 1976 to drive a Private Hire vehicle.

Licensed Operator

A person, persons or company holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire operator's licence is required to enable a person to accept or invite bookings for private hire vehicles.

Licensed Vehicle

A Hackney Carriage or private hire vehicle licensed by Westmorland and Furness Council.

Licensee(s)

The person(s) or company/firm named on the licence.

Licence Plate

The plate that licensed vehicles must display showing the licence number, maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle.

Licensed Vehicle

Vehicle licensed under Town Police Clauses Act 1847 as a Hackney Carriage or licensed under the Local Government (Miscellaneous Provisions) Act 1976 as a private hire vehicle.

Limited Company

A company registered with Companies House.

Limited Liability Partnership

An incorporated partnership registered with Companies House.

Member

See councillor. The terms "councillor" and "member" are effectively interchangeable.

NR3S

A database of refusals, suspensions and revocations for drivers' licences.

Officer

An employee of the Westmorland and Furness Council or another individual acting in the same capacity as an employee e.g. an independent contractor.

Operator

See licensed operator.

Policy

This policy document and all associated documents

Private Hire Vehicle

A vehicle licensed by Westmorland and Furness Council under the section 48 Local Government (Miscellaneous Provisions) Act 1976.

Proprietor

Registered owner or part owner of a vehicle

PSV

Public Service Vehicle

Regulatory Committee

The committee which determine taxi licensing matters as set out in the Westmorland and Furness Council constitution.

Road Traffic Acts

Road Traffic Act 1988 and all associated legislation.

Stretched Limousine

Any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.

Taximeter

Device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. This must be fitted in all Hackney Carriage vehicles and may be fitted in private hire vehicles.

The 1847 Act

The Town Police Clauses Act 1847 as amended and all associated legislation and the provisions within.

The 1976 Act

The Local Government (Miscellaneous Provisions) Act 1976 as amended and the provisions within.

WAV

Wheelchair Accessible Vehicle. Certain Hackney Carriages and private hire vehicles can be suitable for carrying wheelchair-bound passengers.

Working day

Any day other than a Saturday, a Sunday, Christmas day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Introduction

1.1 The policy informs and assists the Council in the discharge of its functions in relation to Hackney Carriage and private hire licensing under the powers and duties contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and all associated and related legislation. This includes byelaws in relation to Hackney carriages. The Council is responsible for the licensing of Hackney Carriage and private hire vehicles, drivers and operators.

1.2 Westmorland and Furness Council has the vision to make this 'a great place to live, work, and thrive'. This Policy has been developed with reference to Westmorland and Furness Council Plan, and will be kept under review and revised as necessary.

1.3 In carrying out these functions, the Council will comply with the law and also have regard to this policy document and any relevant Guidance published by the Department for Transport and any other relevant Guidance issued by any Government Department. In any situation where the Council departs from this policy, clear reasons will be given for doing so.

1.4 The Council is committed to ensuring that members and officers involved in Hackney Carriage and private hire licensing are fully trained, and such training is regularly updated.

1.5 This policy contains "bright lines". These are firm statements of intent which may appear to be absolute. Such statements are lawful and allow the Council to provide robust guidance to itself, applicants, licensees and members of the public on the approach that will be taken. This does not affect the discretion of the Council as each case will be considered on its own merits and in light of this policy.

1.6 Where this policy differs from the previous policy, consideration will be given by the Council to licences that were granted or renewed before this policy was adopted. There is no guarantee that any licence will be renewed and the Council will consider all new and renewal applications in the light of this policy. The fact that a licence has been granted in the past will be taken into account and will be a relevant consideration, but there is no legitimate expectation that any Hackney Carriage or private hire licence will be renewed (See R. (on the application of Wilcock) v Lancaster City Council [2014] L.L.R. 388 CA). This policy will also be used to inform action that may be taken against any existing licence.

1.7 Council staff involved in Hackney Carriage and private hire licensing and other associated functions will always be polite, courteous, civil and professional. The same standards of behaviour are expected from applicants and licensees and the Council has a policy of zero tolerance to any abuse, bullying, violence or similar behaviour towards staff or councillors. Any such behaviour on the part of an applicant or licensee will be taken into account when considering whether a licence should be granted, or whether action should be taken against any existing licence.

Council Service Standards

1.8 Subject to unforeseen circumstances beyond the control of the Council, the Council will endeavour to maintain the following service levels:

1.9 Licensees and applicants can contact the licensing team by email, through the website, or in person by appointment. The preferred method of contact is via email to reduce the need for licence holders to travel to the Council offices and to allow the team to deal with enquiries as effectively as possible.

1.10 If you have any concerns or complaints about the service you have received, please contact the Licensing Section by email on the following email addresses:

Eden Area: **Admin.Licensing@westmorlandandfurness.gov.uk**

South Lakes and Barrow Area: **taxis@westmorlandandfurness.gov.uk**

If you are still not satisfied, please use the Council Complaints Procedure, details of which can be found here <https://www.westmorlandandfurness.gov.uk/your-council/about-your-council/contact-us>

Background

1.11 Hackney Carriage and private hire vehicles have an important role to play in our local transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

Practice, guidance & legislation

1.12 The Department for Transport (DfT) has national responsibility for Hackney Carriage and private hire legislation and policy in England. They also provide guidance for local licensing authorities. Their principal document is the ‘Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England’ (referred to as “Best Practice Guidance” in this Policy¹). This is supplemented by the ‘Statutory taxi and private hire vehicle standards (referred to as “Statutory Standards” in this Policy²). They have been taken into account in preparing this policy.

1.13 The DfT guidance recognises and emphasises that licensing authorities can reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.

1.14 This policy takes account of the law which forms the basis of the Council’s taxi licensing functions. The principal pieces of legislation are the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 both as amended. In addition the Supreme Court, along with Senior Courts (High Court and Court of Appeal) have handed down judgments which explain and interpret this legislation.

Purpose of Hackney Carriage & Private Hire Licensing

1.15 The sole consideration in relation to the licensing of Hackney Carriage and private hire vehicles is public safety (See DfT Best Practice Guide Chapter 3 and Statutory Standards Para 3.2). Public safety includes the safety of drivers, operators, vehicle proprietors and their staff as well as the users of Hackney Carriage and private hire vehicles, and the wider public. The public must have confidence in the safety of Hackney Carriages and private hire vehicles as a form of transport and as a consequence the highest standards will be expected from all applicants and licensees.

1.16 Public safety includes safeguarding which also includes prevention of child sexual abuse and exploitation (CSAE). All licensees will be expected to demonstrate an understanding of public safety and safeguarding and ensure that their actions do not infringe those requirements at any time. Any member of the public, licensee, officer or member who becomes aware of any safeguarding issues, or any other criminal behaviour related to Hackney Carriage and private hire licensing should inform the Council and be secure in the knowledge that the Council's whistleblowing policy will be used to take all reasonable steps to protect them.

Policy objectives & aims

1.17 As already stated, this policy is intended to enable the Council to provide a robust licensing regime which enables the Hackney Carriage and private hire trades to provide the best possible service to the public with the overriding aim of maintaining and improving public safety.

Objectives

1.18 The objectives of this policy are:

- The protection of the public
- The maintenance and development of professional and respected Hackney Carriage and private hire trades
- Enabling access to an efficient and effective local transport service
- The protection of our local environment.
- To support all Hackney Carriage and private hire businesses by ensuring a consistent and fair approach

¹ Available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>.

² Available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>. This dates from 2020, updated 2022

Aims

1.19 The Council will aim to achieve these objectives in the following ways:

- By ensuring that licensed drivers are fit and proper persons and achieve and maintain the highest standards of professional practice
- By ensuring that licensed vehicles are safe for passengers, drivers and other road users, and properly insured
- By ensuring that licensed vehicles comply with all Council standards at all times
- By checking all documents provided as part of an application for authenticity, including contacting the maker of the document and other tests.
- By specifying emissions standards and encouraging the use of low polluting vehicles
- By encouraging the use of more vehicles that are accessible to disabled people
- By ensuring that licensed vehicles are comfortable
- By working across the Council to ensure that Hackney Carriages and private hire vehicles form part of wider strategic transport and local transport plans
- By working in partnership with a variety of other agencies to support the Council's objective in relation to both the public and the trade
- By reducing the frequency with which licence holders are required to attend the Council offices
- By ensuring online accessibility to allow remote application by new and existing licence holders, so far as is permissible under the legislation
- By utilising electronic and mobile communication methods including the use of SMS messaging and other technological methods including web sites

Methods

1.20 The methods the Council will use to achieve this will include (but this is not an exhaustive list):

- Working with the Hackney Carriage and private hire trades to deliver continuing improvements, encourage innovation, and deal with emerging issues
- Setting the standards for the licensing of vehicles, drivers and operators
- Use of the NR3S database (The National Register of Refusals, Revocations and Suspensions)
- Assessing knowledge of The highway code and licensing policy as well as driving ability (at the time of first application or as instructed by the Licensing Authority)
- Annual licensing and routine inspection of vehicles, with appropriate follow-up action including enforcement
- Routine inspection of documents, with appropriate follow-up action including enforcement
- Routine checks of driver's medical fitness and criminal record history during the time the licence is in force
- Timely investigation of complaints with appropriate follow-up action
- Liaison with Cumbria Constabulary and other constabularies as required, neighbouring local authorities and other agencies concerning issues of concern relating to public safety
- Robust enforcement (taking account of both the Regulators Code and the Westmorland and Furness Council enforcement policy.) including, monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation and prosecution
- Regular training and development of Council officers and members
- Meeting continuing performance and efficiency targets for the service
- Provision of information to licensees about good practice and what to expect from any inspection or assessment
- Provision of mandatory training (additional fees may apply) for applicants and licensees when considered necessary

- Promotion of training courses and information for licensees,
- Promotional activities to inform and encourage and maintain high standards

1.21 To achieve this the Council will liaise with a wide range of stakeholders including:

- Cumbria Police and other constabularies including British Transport Police
- Driver and Vehicle Standards Agency
- Other local authorities
- Town and Parish Councils
- Railway Companies
- Disclosure and Barring Service
- Department for Transport
- Driving and Vehicle Licensing Agency
- Home Office
- Department for Work and Pensions
- Other relevant agencies and departments

Uniformity

1.22 The Council will conduct its functions in relation to Hackney Carriage and private hire licensing in a consistent manner and will always take a proportionate approach to enforcement action.

Applications and licences

1.23 Hackney Carriage and private hire licences can be granted for a maximum period of time.

Those maximum periods are:

- Hackney Carriage vehicle - 1 year;
- Private hire vehicle - 1 year;
- Hackney Carriage and Private Hire (dual) driver - 3 years;
- Private hire operator - 5 years;
- Restricted Private Hire Driver Licence (RPHD) - 3 year

1.24 The Council will issue dual or combined drivers' licences. This will constitute a licence to drive both a Hackney Carriage and a private hire vehicle. The Council will also issue a Restricted Private Hire Driver licence for drivers undertaking school or social services contract work only.

1.25 Applicants for licences must submit a complete application. A complete application means that the application form has been properly completed, with all required information provided, all supporting documentation that is required has been submitted, and the fee has been paid at application.

1.26 If an application is made which is not complete, the applicant will be contacted and given an opportunity to rectify the problems. Any such application will be held on file for 3 months during which time additional and/or updated information can be provided to enable the application to proceed. After 3 months a new application would need to be made in its entirety.

1.27 Applications for renewals of licences must be received before the expiry of the current licence. Any application received after that date will be treated as a new application. This will extinguish any grandfather rights and the applicant will have to comply with all requirements for a new licence.

1.28 As part of the application process applicants will have to attend certain appointments. If the date and time provided is inconvenient, the applicant should contact the Council as soon as possible to arrange an alternative date and time. Failure to attend an appointment without having notified the Council in advance will lead to the entire application being cancelled and a fresh application will have to be commenced.

1.29 The Council will aim to issue a licence within 28 days of a completed application being received, but this may be delayed due to circumstances beyond the control of the Council. Where an application has to be considered by the Regulatory Committee this will extend this timescale.

1.30 Licensees must ensure that they notify the Council immediately of any change of address, change of name, or alterations to means of contact (change of telephone numbers or email addresses). Failure to do this may lead to important communications not being received which in turn may lead to licences expiring or action being taken against licences without the knowledge of the licensee. Any notice required to be served by the Council under this licence or under any statutory provision shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of the holder of the licence or sent to the known email address of the licence holder.

1.31 All information held on files and databases about an applicant is confidential, under the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679. However, this information can be used ("processed") by the Council as part of the application process and used within the Council. This will include communicating information to relevant officers and members who are involved in any decision-making process. In addition, the Council is under a duty to protect the public and to protect the public funds it administers, and may use any information provided by an applicant for this purpose. This may include sharing this information with other agencies where that is lawful.

1.32 The legislation requires the Council to maintain Public Registers, which will be available for inspection at the Council offices and also via the Council's website. <https://www.westmorlandandfurness.gov.uk/your-council/data-protection-and-privacy/privacy-notice>. That duty overrides any data protection protections.

1.33 Full details of the Council's privacy policy and the specific privacy policy for Hackney Carriage and private hire licensing can be found here www.westmorlandandfurness.gov.uk

1.34 It is a privilege to hold a Hackney Carriage or private hire licence and licensees have responsibilities to their passengers (drivers) and customers (drivers, operators and proprietors), other road users (drivers and vehicle proprietors) and the public generally. The requirement to satisfy the Council that the applicant is a fit and proper person continues throughout the duration of the licence. If at any time a licensee falls below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence.

1.35 Licensees must be aware of this and be familiar with the requirements placed upon them by the legislation, the conditions of their licence and this policy.

Fees for Licences

1.36 Section 53 and section 70 of the Local Government (Miscellaneous Provisions) Act 1976 allows Westmorland and Furness Council to charge a fee for issuing driver, vehicle, and operator licences.

1.37 Fees are calculated on a cost recovery basis, so far as the law allows that to occur.

1.38 The licence fee include the costs of:

- Processing applications;
- Issuing licences;
- Providing badges and vehicle plates (as required);
- Providing additional vehicle signage;
- Ensuring compliance with the requirements of the licence.

1.39 Additional costs will apply to various pre-application requirements. The requirements are detailed at the relevant chapters below. The details of any situations in which refunds can be made are detailed in each section below.

1.40 All licence fees must be paid by credit/debit card on application .

1.41 In exceptional cases payment by cash may be considered, but applicants and licensees wishing to pay with these methods should contact the Licensing section.

1.42 If a licence is surrendered, revoked or suspended, no refund of the licence fee will be made.

Appeals

1.43 There are statutory rights of appeal contained within the legislation. These are against decisions to refuse an application, refuse to renew a licence, suspension or revocation of a licence and also against any conditions that the Council has attached to a licence. The rights will be detailed on any decision notice which is issued where there is such a right of appeal.

1.44 In almost every case the right of appeal is to the magistrates' court and contact should be made with that court for details on how the appeal is commenced. The one exception to that is a refusal to grant a new Hackney Carriage proprietors licence where the right of appeal is directly to the Crown Court. Again, in those circumstances contact should be made with the court for details on how the appeal is commenced.

1.45 The appeal period is 21 days from the date on which the written notice of the Council's decision was received. That period cannot be extended so anybody who is considering appealing should ensure that the appeal is lodged with the court as soon as possible.

Suitability of applicants

1.45 The legislation makes it quite clear that the Council cannot grant a drivers' licence or a private hire operators' licence unless they are satisfied that the applicant is a fit and proper person. It is for the applicant to prove that they are a fit and proper person, and not for the Council to prove that they are not. The tests which will be applied are contained in the relevant sections of this policy.

1.46 In relation to a Hackney Carriage or private hire vehicle (proprietors) licence there is no statutory requirement for the Council to be satisfied that the applicant is a fit and proper person. However the Council has an absolute discretion as to whether or not to grant such a licence and in addition to considering the vehicle itself, the Council will also take into account the suitability of the applicant.

1.47 The Council has taken guidance produced by the Institute of Licensing into account in producing this policy³.

1.48 The Institute of Licensing guidance also contained guidelines on suitability. These were almost identical to the DfT guidance in “Statutory Standards”, but the Institute of Licensing guidelines have been updated. The updated guidelines have been incorporated into this policy and form the basis of the convictions and acceptable behaviour policy. This is contained at section 2.

1.49 Ideally, all those involved in the Hackney Carriage and private hire trades (Hackney Carriage and private hire drivers, Hackney Carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. However it is recognised that some applicants and licensees will have criminal convictions or other matters in their personal history which may affect the safety and suitability to hold a Hackney Carriage or private hire licence.

1.50 The Convictions and acceptable behaviour policy at section 2 provides guidance. These standards will be used in relation to all licences: driver, operator and proprietor. This is to ensure that the standards are maintained, and to reassure the public that only a fit and proper person is licensed for any role in the Hackney Carriage or private hire vehicle industry.

1.51 If the Convictions and Acceptable Behaviour policy (see Section 2) does not cover the particular matter then a decision will be made from first principles where the question will be whether, in the light of that information the Council can be satisfied that the applicant is a fit and proper person to be granted that licence.

1.52 The decision as to whether or not a licence should be granted is made on the facts at the time of that decision, but the Council has powers to take action against any licence that has been granted (the licence can be suspended, revoked, or the Council can refuse to renew it). It is vitally important that licensees understand that the test of fitness and propriety is not simply to be met when the application has been granted: it is a continuing requirement and if at any time during the currency of the licence the behaviour or conduct falls below that which would be acceptable, the Council will consider whether or not action should be taken against that licence.

1.53 At all times the sole consideration will be public safety.

Behaviour of licensees

1.54 All licensees (drivers, operators and vehicle proprietors) are professionals undertaking a highly responsible activity which protects and ensures the safety of their passengers, customers, other road users and the general public.

1.55 The highest standards of integrity and behaviour are expected, and these must be maintained at all times. The Council is concerned with the overall character of licensees, and not simply when the licence is being used. As a result, any behaviour at any time which falls short of the standards expected will lead to the Council considering whether that licensee should be allowed to retain their licence.

1.56 Where unacceptable behaviour occurs in connection with the use of the licence, that will be regarded as an aggravating feature, and behaviour which is not connected with the use of the licence will not be seen as less serious.

1.57 The overall aim of this policy is to ensure that the Hackney Carriage and private hire trades continue to provide a safe and satisfactory service to the public, and actions or behaviour that affect or reduce those standards will not be tolerated by the Council.

³“Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire industry. Institute of Licensing 2024 <https://iol.instituteoflicensing.org/articles/673ef9973bb4ad0008d7882a>

Enforcement

1.58 In any situation where there has been non-compliance with any requirement, or behaviour which falls short of the requirement to remain a fit and proper person to hold a licence, the council will consider enforcement action. In addition, action will be taken in respect of vehicles that do not comply with either the council's requirements or road traffic laws. Any enforcement action will be guided by the council's enforcement policy, and may result in one or more of the following (this is not an exhaustive list):

- a. Take no action
- b. Suspension of a licence
- c. Revocation of a licence
- d. Issue of a simple caution
- e. Prosecution

Decision Making

1.59 Decisions on applications and action against licences are made by the Council. Usually that will be a decision made by an officer acting under delegated powers but where an application is outside policy or action needs to be taken in relation to an existing licence the matter may be referred to a sub-committee of the Regulatory Committee.

1.60 There is no difference in the decision-making process between an officer and a committee. In both cases the applicant or licensee will be given an opportunity to make representations and those will be taken fully into account. There may be occasions when a very short timescale will be provided for representations to be made: this is likely to occur where action needs to be taken quickly in relation to a driver's licence. In those circumstances the licensee will be contacted by all practicable means to be informed of the date and time of the decision and given an opportunity to attend. If however the licensee cannot be contacted or does not attend, then the decision will be taken in their absence.

1.61 In all cases the matter will be considered entirely on its own merits, in the light of this policy and any guidance issued by the Department of Transport.

1.62 Full and detailed reasons for all decisions will be provided to the applicant or licensee, together with details of the rights of appeal.

Equality of treatment and discrimination

1.63 The Council will treat all applicants and licensees equally and fairly. There will be no discrimination on any ground and each and every application and subsequent decision will be considered on its merits in the light of the legislation, guidance and this policy.

1.64 The Council will not accept or tolerate any discriminatory behaviour on the part of any applicant or licensee. This includes any discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation, but that is not an exhaustive list.

1.65 All licensees must at all times treat people courteously, civilly and decently.

1.66 Any complaints that are received by the Council that indicate that the licensee has failed to uphold the standards will be investigated thoroughly, and if substantiated will lead to action being taken against that licence.

Safeguarding

1.67 The Council is committed to safeguarding and promoting the welfare of children, young people, adults at risk, vulnerable persons and all other members of society. We take our responsibilities seriously and expect all our licensed drivers, proprietors and operators to share this commitment.

1.68 Licensed drivers, proprietors and operators must consider the safety, security and welfare of their passengers, customers and the public generally when determining what safeguarding measures they should put in place in relation to their activities as a licensee.

1.69 All new applicants for taxi driver licences, private hire operator licences and Hackney Carriage and private hire proprietors (vehicle) licences will be required to attend and successfully pass a safeguarding course and test, as required by the Council, in order to obtain a pass certificate. The applicant may fail the test up to 3 times before they must wait a period of 6 months after the date of the last failed attempt before retaking the test. At that point, they may attempt the test on two further occasions before waiting a further 6 months before retaking the test again.

1.70 All existing licensed drivers, proprietors and operators will be required to attend and successfully pass a safeguarding course and test, as required by the Council, in order to obtain a pass certificate which must be produced within 1 calendar year of adoption of this policy or on renewal whichever is sooner. Failure to do so may result in suspension of the licence until successful completion of the test.

1.71 As part of the licence renewal application process renewal applicants will be required to submit a current safeguarding certificate, no older than 3 months, issued by a provider approved by the Council. That must be provided:

- Every 3 years for drivers
- Every 3 years for vehicle proprietors
- Every 5 years for private hire operators

1.72 It is the duty of the applicant to ensure that they have completed the course and passed the test in sufficient time before applying for a renewal licence. If the test has been failed 3 times, a period of 6 months must pass from the date of the last failed attempt before another attempt will be permitted. At that point, a further 2 attempts will be permitted before another period of 6 months must elapse from the date of the last failure.

Equality Act and Disability Discrimination

1.73 All licensees must ensure that they comply with their statutory duties in relation to disabled people under the Equality Act 2010 as amended which includes not charging disabled people any more for a particular journey than an able-bodied person would be charged.

1.74 Drivers of vehicles designated by the Council in the list of wheelchair accessible vehicles must

- a. Carry the passenger while in the wheelchair;
- b. If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- c. If the passenger has with them any mobility aids, to carry the mobility aids
- d. Take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- e. Give the passenger such mobility assistance as is reasonably required
- f. Not to make, or propose to make any additional charge.

1.75 Mobility assistance is assistance:

- a. To enable the passenger to get into or out of the vehicle;
- b. If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c. To load the passenger's luggage or mobility aids into or out of the vehicle;
- d. If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

1.76 This does not apply if the driver has a certificate of exemption issued by the Council, and the specified notice is displayed in the vehicle at the time. Any such exemption certificate does not allow the driver to refuse to carry a disabled person; it only removes the need to provide mobility assistance.

1.77 Drivers of all Hackney carriage and private hire vehicles must carry any disabled passenger without any additional charge being made (by the driver in the case of a hackney carriage, or by the operator or driver in the case of a private hire vehicle) and:

- a. If the passenger is in or has with them a wheelchair, to carry the wheelchair;
- b. If the passenger has with them any mobility aids, to carry the mobility aids (anything apart from a wheelchair the passenger uses to assist their mobility);
- c. To take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
- d. To give the passenger such mobility assistance as is reasonably required;

1.78 Mobility assistance means providing assistance:

- To enable the passenger to get into or out of the vehicle;
- To load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

This does not apply if the driver has a certificate of exemption issued by the Council, and the specified notice is displayed in the vehicle at the time. Any such exemption certificate does not allow the driver to refuse to carry a disabled person; it only removes the need to provide mobility assistance.

1.79 Drivers of Hackney Carriages must carry an assistance dog and allow it to remain with their owner unless they have a certificate of exemption issued by the Council. They must not make any additional charge for doing so. When an assistance dog is being carried, the driver must allow it to be carried wherever the owner requires i.e. the driver cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act 2010). The same requirements apply to drivers of private hire vehicles when the operator has accepted a booking for a passenger with an assistance dog (whether or not the driver is aware of the existence of the dog) unless they have a certificate of exemption issued by the Council. The operator cannot make any additional charge for the carriage of the dog.

Complaints about licensees

1.80 If any person has any complaint about the behaviour or actions of a licensee (taxi driver, private hire operator or vehicle proprietor) they should contact the licensing department. Complaints can be made by email (taxis@westmorlandandfurness.gov.uk), letter (Licensing Section South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ) or via the Council's website www.westmorlandandfurness.gov.uk

1.81 To enable a complaint to be investigated that person must provide their name, address and contact details to the Council but these will not necessarily be passed on to the licensee. The licensing officers will consider all complaints. If the complaint is taken forward by the Council there will be full discussion with the complainant and agreement as to whether or not their identity can be revealed to the licensee. Depending on the outcome of the investigation, the council may take appropriate action against the licensee. The Council will keep complainants informed of the progress of the investigation, any subsequent action taken and outcome of any subsequent court proceedings.

Hackney Carriage and private hire driver licences

1.82 The Council issues combined drivers' licences. That means that the licence is issued under both section 46 of the Town Police Clauses Act 1847 to drive a Hackney Carriage, and section 51 of the Local Government (Miscellaneous Provisions) Act 1976 to drive a Hackney Carriage. In both cases the vehicle must be licensed by the Council.

1.83 To be licensed as a driver, the following requirements must be met by the applicant (full details are contained in Section 3 of this policy):

- Must be aged at least 21;
- Must have held a full (not provisional) valid driver's licence for at least 3 years. This must be a UK, Northern Ireland, EU or exchangeable licence. In the case of an exchangeable driving licence this can only be used in the UK for a maximum of one year, after which it must be exchanged for a UK licence;
- Must have the right to live and work in the UK;
- Must be registered for tax with HMRC (in the case of a renewal) or acknowledge that they must register for tax with HMRC (in the case of a new application);
- Must pass the approved driver skills assessment (this applies to all new applicants and all existing drivers who on renewal cannot demonstrate that they have passed any previous test to the same standard);
- Undertake a medical assessment by a registered medical practitioner who has access to the person's full medical records (not a summary). This assessment must comply with DVLA group 2 standards.;
- Pass the Councils approved English communication skills test;
- Attend the Council approved child sexual exploitation and safeguarding training;

1.84 The applicant must hold an enhanced DBS certificate with a check of both the adult and child barred lists. The certificate must be subscribed to the DBS update service for the duration of the driver licence. New DBS applications must be applied for in conjunction with the Council.

1.85 A completed application must have been received by the Council, the application must have been processed, and the Council must be satisfied that the applicant has the right to remain and work in the UK, is either registered for tax with HMRC or acknowledges that they must be, holds a valid driving licence (and has done so for at least 3 years) and is a fit and proper person (as required by sections 51(1)(a)(i) and 59(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976.

1.86 As part of that process the Council will check the National Register of Refusals, Revocations and Suspensions (NR3S), undertake checks with DVLA, and where an applicant lives outside Westmorland and Furness District, contact will also be made with the authority in whose area they ordinarily reside. In addition, information may be shared with other departments of the Council, other local authorities, HMRC, the police and immigration services. As a user of the NR3S, the Council will check the name of every applicant for a drivers licence against the database, and will add the details to the database of any driver whose licence application is refused, suspended or whose licence is revoked.

1.87 Applicants can complete the application form, satisfy the immigration checks and provide the DBS certificate without undertaking the driving test, safeguarding training or medical if they wish. This is referred to as a provisional application and will enable them to be satisfied that the Council will regard them as being a fit and proper person, subject to the additional requirements. This will save expenditure on the part of the applicant in situations where there is doubt as to whether or not a licence will be granted based upon their previous convictions.

Full details of the policy including the application process can be found at Section 3?

This also includes copies of the byelaws and the Code of Conduct.

1.88 The Council does not attach conditions to a taxi driver's licence. Although the legislation allows conditions to be attached to a private hire driver's licence, they cannot be attached to a Hackney Carriage driver's licence. To ensure that the standards of behaviour are the same when drivers are driving either type of vehicle, the Council has decided to adopt a Code of Conduct. These are not conditions attached to the licence: rather this is the standard of behaviour expected from all taxi drivers.

1.89 If there is any non-compliance with this Code of Conduct, or the driver's behaviour falls short of these requirements, the Council will then consider whether or not that person remains a fit and proper person to hold a licence. The consequences of not complying with the Code of Conduct include; suspension of the licence; revocation of the licence or refusal to renew the licence.

Hackney Carriage vehicle (proprietor) licences

1.90 Once a vehicle has been licensed as a Hackney Carriage, it retains that status all day every day for the duration of that proprietors (vehicle) licence. That means that it can only be driven by a person who holds a Westmorland and Furness dual taxi driver's licence entitling them to drive a Hackney Carriage licensed by the Council. The exception to this is when the vehicle is being tested.

Full details of the policy including the application process can be found at Section 4.

1.91 Applicants for a Hackney Carriage proprietor's licence must provide a basic DBS at the time of first application and on every renewal unless they already hold an enhanced DBS and are subscribed to the update service through their drivers licence.

1.92 The council sets fares for Hackney carriages. The mechanism for doing so is contained in section 65 Local Government (Miscellaneous Provisions) Act 1976. The table of fares issued by the Council is a maximum fare which can be charged by Hackney Carriage drivers for any journey within Westmorland and Furness Council area. It is an offence to charge in excess of the council's table of fares for any journey within Westmorland and Furness. If the hiring takes the journey outside the boundary of Westmorland and Furness, the driver cannot charge any more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.

1.93 A fare review will be undertaken by the Council every 3 years. A review can be requested by Hackney carriage proprietors or drivers in writing at any time. Any such request will be considered by the Council. Due to the costs involved in undertaking this activity, should a request be received, the Council will consult the trade and based on the consultation response, determine if a review is required. There is no guarantee that a review will be initiated following such a request.

Private Hire Vehicle (proprietor) licences

1.94 Once a vehicle has been licensed as a private hire vehicle, it retains that status all day every day for the duration of that proprietor's (vehicle) licence. That means that it can only be driven by a person who holds a Westmorland and Furness dual taxi driver's licence entitling them to drive a private hire vehicle licensed by the Council. There is no exception to this, even when the vehicle is being tested.

1.95 Full details of the policy including the application process can be found at section 5.

1.96 Applicants for a private hire proprietor's licence must provide a basic DBS at the time of first application and on every renewal unless they already hold an enhanced DBS and are subscribed to the update service through their drivers licence.

Private Hire Operator Licences

1.97 A private hire vehicle must be booked via a private hire operator before the journey carrying passengers (the hiring) commences. A Westmorland and Furness private hire operator can only operate (i.e. dispatch) a private hire vehicle driven by a private hire driver, both licensed by the Council.

1.98 A Westmorland and Furness Council private hire operator can subcontract to another operator licensed anywhere in England (including Greater London but excluding Plymouth), Wales or Scotland, and can also accept a subcontract from any other operator. When discharging a subcontract, the vehicle and driver used must be licensed by the Council.

1.99 A Westmorland and Furness Council private hire operator can advertise their services anywhere, not only within the area of the Westmorland and Furness Council.

1.100 Full details of the policy including the application process can be found at Section 6.

1.101 Applicants for a private hire operator's licence must provide a basic DBS at the time of first application and annually thereafter.

Section 2: Convictions and Acceptable Behaviour Policy

2.1 The aim of this Policy is to enable the Council to protect the public, whilst not preventing the vast majority of decent, law-abiding applicants and licensees to obtain and retain hackney carriage and private hire licences. The 'public' is not restricted to passengers. It encompasses everyone: passengers, other road users and, of course, drivers.

2.2 There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk may reduce over time. In light of that, the timescales in this policy are intended to reduce the risk to the public to an acceptable level.

2.3 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This is especially true of disabled and vulnerable people. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the fitness and propriety of the driver, the vehicle itself and anyone involved with the booking process.

2.4 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

2.5 In relation to each of these licences (dual driver licence, restricted private hire driver licence, hackney carriage vehicle licence, private hire vehicle licence, private hire operator's licence), the Council has discretion as to whether or not to grant the licence.

2.6 Drivers and operators cannot be granted a licence unless the Council is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

2.7 There are no statutory criteria for vehicle licences, therefore the Council has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor's licence.

2.8 "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a conventional partnership or a limited liability partnership¹) is safe and suitable to hold the licence.

2.9 In determining fitness and propriety, the Council can and will take into account all matters concerning that applicant or licensee. The Council is not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament. The categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

¹Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

2.10 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction.² Fixed penalties and community resolutions will also be considered in the same way as a conviction.³

2.11 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the Council.⁴ In addition, complaints and or investigations where there was no police involvement will also be considered. Within this policy, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

2.12 In the case of any new applicant who is under investigation or has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, the Council will decide what action to take in the light of this Policy.

2.13 In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of this Policy.

2.14 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

2.15 As the Council will be looking at the entirety of the individual, in many cases fitness and propriety will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

2.16 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

2.17 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

² This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

³ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

⁴ See R v Maidstone Crown Court, ex p Olson [1992] COD 496, QBD; McCool v Rushcliffe Borough Council [1998] 3 All ER 889, QBD; and Leeds City Council v Hussain [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt.

2.18 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their fitness and propriety. The Council has powers to take action against the holder of all types of licence (drivers, vehicles and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

2.19 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

2.20 Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the hackney carriage and private hire licensing regimes, the Council will apply the same standards to all licences, except motoring convictions in relation to a private hire operator.

2.21 This Policy suggests minimum periods of time that should elapse between the date of conviction or completion of the sentence (whichever is later) and the grant of a licence. Those periods are for single convictions. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their fitness and propriety. Convictions do become less important over time (hence the time periods) but multiple convictions or continued offending over any period of time will always be of significant concern to the Council. The Council licence fit and proper individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

2.22 Where an applicant/licensee is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this Policy, the Council will take that conviction and/or behaviour into account and use this Policy as an indication of the approach that should be taken.

2.23 This Policy does not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this Policy, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

2.24 The Council will always recognise that this is a Policy, and the timescales are not fixed periods, and if there are "truly exceptional circumstances"⁵ the time periods can be reduced in individual cases. Such instances should only be for "truly exceptional circumstances" and not frequent occurrences. The Council will consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence, and any mitigation that has been offered. However, the conviction itself cannot be reconsidered.⁶

Drivers

2.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

⁵ DfT Statutory Standards Guidance para 5.55

⁶ Nottingham City Council v Farooq (Mohammed) Times, October 28, 1998 QBD

2.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

2.27 As stated above, where an applicant persistently offends, which shows a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a fit and proper person.

2.28 In relation to single convictions, the time periods detailed in the following paragraphs should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. For motoring offences see the paragraphs headed 'Motoring Offences' below.

2.29 As stated above, the categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

Barred lists

2.30 A licence will not be granted to a person who is on any barred list.

Offences resulting in death

2.31 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Offences involving exploitation and criminal harassment

2.32 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

Offences involving violence against persons, property, animals or the State

2.33 Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of "violence" is wide, but any such behaviour will be of concern. This Policy does not differentiate between different levels of violence. The Council will determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.

2.34 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

2.35 Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Offences involving Possession of a weapon

2.36 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Sex, indecency or obscene materials

2.37 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.

2.38 In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Offences involving Dishonesty

2.39 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Alcohol abuse, Misuse or Dependency

2.40 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

2.41 Where an applicant has any conviction for, or related to, the production, import, trade in or supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

2.42 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

2.43 If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

2.44 Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving Regulatory non-compliance

2.45 Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to hackney carriage and private hire licensees. The Council will give serious consideration to whether they are a fit and proper person to hold a licence.

Motoring Offences

2.46 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a fit and proper person to be granted or retain a licence.

2.47 Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

2.48 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.⁷

2.49 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)".⁸ They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction, or the date of the offence depending on the type of offence (see "Penalty points (endorsements)".⁹

⁷ Research shows driving while using a handheld device is potentially more dangerous than driving under the influence of alcohol: <https://www.trl.co.uk/news/transport-select-committee-road-safety-enquiry-on-the-use-of-mobile-phones>) Using an electronic device which is 'hands free' or 'factory fitted' does not constitute an offence on its own but drivers need to maintain proper control of the vehicle at all times. Any behaviour or activity other than driving may be considered an offence where control of the vehicle is compromised.

⁸ Available at : <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

⁹ Available at : <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

2.50 By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the Council will assess their suitability. Part of the assessment will be to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the Council they are considering the suitability of the licensee. Failure to do so will strongly suggest the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.

2.51 Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

2.52 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the Council as they are not a relevant consideration in determining what action the Council should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

2.53 Any driver who has been disqualified as a result of “totting-up”, which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

2.54 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. In relation to persistent offenders the Council may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

2.55 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the hackney carriage and private hire trades and to stop unwanted behaviours before they evolve into criminal acts. This may include behaviours such as:

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour
- This is more important if the passenger is a lone vulnerable individual.

2.56 Except in the most serious of cases, drivers will be given a warning in the first instance, if appropriate sent on refresher safeguarding training and it will be explained how the behaviour maybe perceived by a vulnerable passenger.

2.57 If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant will not be licensed or action will be taken against an existing licensee.

2.58 Where an applicant or licensee has a conviction for an offence contrary to any legislation relating to hackney carriage or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

2.59 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

2.60 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person.

2.61 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

2.62 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, except motoring offences to recognise the operator is not connected with the use of a vehicle, which are outlined above.

Vehicle proprietors

2.63 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

2.64 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

2.65 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

2.66 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to be granted or retain a vehicle licence.

2.67 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Section 3: Dual Driver Licence Policy Code of Conduct

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

The Council issues dual driver's licences. That means that once you hold a driver's licence, you can drive any Council licensed Hackney Carriage or Private Hire vehicle.

This reduces the burden on drivers who may wish to drive either type of vehicle, reduces the costs to the drivers and the Council, and as the criteria for issue and retention of both Hackney Carriage and Private Hire drivers' licences are identical, there is no practical or legal reason not to do so.

The council also issues Restricted private hire drivers licences. These are restricted for use solely on Local Education Authority home to school contracts and/or Social Services transport contracts. Applicants for this type of licence will not need to meet all the requirements for dual driver licences, and where a requirement is not needed for a restricted private hire driver licence (RPHDL) that will be indicated.

This document contains the policy, Code of Conduct, legislation and Byelaws and conditions (RPHDL only) relating to your licence.

The Council has the power to make byelaws relating to Hackney Carriage drivers under the legislation, and it has done so. The byelaws only apply when you are using your licence to drive a Hackney Carriage.

There is also a power to attach conditions to private hire drivers' licences, but the Council has decided not to attach standard conditions to these licences. However, conditions restricting the use of the licence to Education Authority and Social Services contract transport services will be applied to a RPHDL.

As it issues dual licences, it has a Code of Conduct for Taxi Drivers which applies to both Hackney Carriage and Private Hire activity. This Code is not a condition: it is a standard of behaviour which the Council expects drivers to maintain. Any failure to comply with the Code will lead to the Council questioning whether you remain a fit and proper person to drive a Hackney Carriage or Private Hire vehicle. This code also applies to holders of restricted private hire drivers licences .

A dual driver's licence is referred to as a "taxi driver's licence" and drivers are referred to as "taxi drivers" within the Council and for the remainder of this document. A restricted private hire driver's licence is referred to as a "RPHDL", but unless clearly stated, all requirements apply to all drivers .

Introduction

3.1 The purpose of licensing taxi drivers is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous drivers.

3.2 It is a privilege to hold a taxi driver's licence and licensees have responsibilities to their passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence you were a fit and proper person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour. This not only includes times when you are working as a taxi driver, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a fit and proper person continues throughout the duration of the licence. If at any time you as a licensee fall below the standards required of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. It is no defence to argue that your actions took place when you are not working as a taxi driver. You should appreciate that under the Convictions and Acceptable Behaviour Policy (available at Section 2), if the unacceptable or criminal behaviour took place whilst you were driving as a taxi driver that will be viewed as an aggravating feature by the Council.

3.3 In many cases a taxi driver is the first person that a visitor to the District will encounter following arrival at an airport, railway station or bus station. Taxi drivers are ambassadors for the District and that first impression can affect a person for their entire visit. Taxi drivers should be aware of this and act accordingly at all times.

3.4 Taxi drivers can also be the eyes and ears of their communities and are in a position to spot safeguarding issues. In addition to travelling far and wide around the area they also have close contact with people from every part of society. This means they can quickly establish when situations are not normal. That could be that a person has not made a booking that is expected which may be as a result of them falling ill. If they live alone the taxi driver may be the only person to have realised that there is a problem. Taxi drivers are also very aware of the movements of people. They are in a position to recognise where children and vulnerable adults may be being used for criminal purposes (for example County lines drug trafficking) or being moved for the purposes of abuse or exploitation. They may also recognise similar movements of adults in relation to modern slavery and other forms of abuse.

3.5 By working closely with the Council and other agencies the role of the taxi driver can be vital in protecting vulnerable people within the community.

3.6 Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.

3.7 A licensed taxi driver must understand and comply with the legal requirements relating to their taxi Driver Licence and the legal requirements and conditions attached to the Hackney Carriage or Private Hire Vehicle Licence of the vehicle they drive. Failure to comply with the requirements may result in their taxi Driver Licence being suspended or revoked.

3.8 The Council office for Hackney Carriage and private hire licensing purposes is Westmorland and Furness Council:

Barrow Area: Town Hall, Duke Street, Barrow in Furness, Cumbria LA14 2LD

Email: **commercial@westmorlandandfurness.gov.uk**

South Lakes Area Kendal (registered office): South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

Email: **taxi@westmorlandandfurness.gov.uk**

Eden Area Penrith: Voreda House, Portland Place, Penrith, Cumbria CA11 7BF

Email: **Admin.Licensing@westmorlandandfurness.gov.uk**

Telephone: **0300 373 3300**

Power to take action against a taxi driver's licence

3.9 Under section 61 Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend or revoke or refuse to renew a Taxi Drivers' Licence on the following grounds:

- That the licensee has, since the date of the grant of the licence –
 - Been convicted of an offence involving dishonesty, indecency or violence; or
 - Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; (aa) been convicted of an immigration offence or required to pay an immigration penalty; or
- Any other reasonable cause.

3.10 The Council may suspend or revoke a licence with immediate effect where it is of the opinion that the interests of public safety require such a course of action under section 61(2A) Local Government (Miscellaneous Provisions) Act 1976. That power is delegated to an officer under the Councils Scheme of Delegation. As this is likely to be an urgent situation, you will be contacted by telephone, text or email and notified of the timescales that the decision will be made and you have the opportunity to make representations. If you do not avail yourself of that opportunity, the decision will be taken in your absence.

3.11 Failure to comply with any Hackney Carriage or Private Hire legislation, or other road traffic legislation is an offence, and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which may also result in your taxi drivers' licence being suspended or revoked.

3.12 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may be prosecuted under s57(3) Local Government (Miscellaneous Provisions) Act 1976.

3.13 The Taxi Drivers Licence, badge and armband remain the property of the Council.

3.14 In the event that you lose your licence, badge or armband, or they are damaged or defaced, you must get a replacement on payment of a fee determined by the Council, and you cannot drive a Hackney Carriage or Private Hire vehicle until such a replacement is obtained.

Duration

3.15 The drivers' licence expires 3 years (36 months) from the date of issue, unless an application was made for a licence for one year. Where an applicant has a limited period permitted to work or reside in the UK, a licence will not be granted that exceeds that period.

Renewal

3.16 Any application for renewal must be complete and made at least 10 working days before the licence expires. If you do not apply to renew your licence in time there may be a period when you will be unable to drive a Hackney Carriage or Private Hire vehicle. If the renewal application is not received before the expiry of your current licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application (e.g. a new DBS check, up-to-date medical, driving assessment etc).

3.17 Renewals are generally dealt with by Council officers under delegated powers. However, if there have been any changes since the last grant of the licence (for example if you have been convicted or cautioned for any offence, received a fixed penalty notice, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), Domestic Violence Protection Notice (DVPN), have been required to undertake a speed awareness course or have been issued with court issued protection order or there have been complaints or concerns about your behaviour (but this is not an exhaustive list) the renewal application may need to be considered by the Regulatory Sub-Committee. This may not be considered before the expiry of your licence, so there may be a period of time when you cannot work as a taxi driver.

3.18 The renewal of the licence will be at the Council's discretion.

Applications

3.19 All applications where possible must be made on the Council's website.

3.20 An application will not be processed unless it is complete.

Photographs

3.21 All applications must be accompanied by a digital photograph of the applicant.

Age Restrictions

3.22 Licences will only be granted to persons over the age of 21.

Driving Licence

3.23 Applicants must have held a full DVLA driving licence for a Category B vehicle for a period of at least 3 years at the date of application. If a "young driver" (a driver who is within their probationary period as defined in the Road Traffic (New Drivers) Act 1995) has their licence revoked in accordance with that legislation, they are regarded as not having held a driving licence and must pass both the theory and practical parts of the driving test to obtain a new licence. In those circumstances, a period of at least 3 years must elapse from the date of the grant of the new (second) licence before an application for a dual driving or RPHD licence can be made.

3.24 If an applicant does not hold a UK driving licence, an application can be made provided the applicant holds a Northern Ireland, European Economic Areas or a driving licence issued by a country which is defined as an "Exchangeable" driving licence, and has held that licence for at least 3 years at the date of application. Countries which issue licences recognised as exchangeable are currently Gibraltar, South Africa, Canada, Andorra, Australia, Barbados, British Virgin Islands, Republic of Cyprus, The Falkland Islands, The Faroe Islands, Guernsey, Hong Kong, Isle of Man, Japan, Jersey, Malta, Monaco, New Zealand, Republic of Korea, Singapore, Switzerland and Zimbabwe.

3.25 The driving licence must be produced at the assessment interview and consent to access DVLA records must be given. A copy will be taken of the licence and retained together with the application form and all other supporting documents.

Immigration requirements

3.26 An applicant for a driver's licence must have the right to remain and work in the UK. This will be evidenced on application by the driver providing documentation which complies with the Home Office guidelines. At the time this policy was adopted those are detailed in Appendix 1 to the Home Office document "Guidance for Licensing Authorities to prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales"³ The original documents must be provided and brought to the Council offices by the applicant in person. They will then be inspected, verified and copied.

3.27 Where an applicant has an unqualified right to remain and work, that will be noted and this process will not be repeated on renewal.

3.28 However where there is a restriction to either of the rights, the required documentation must be provided each time the licence is renewed. In those cases a licence for a shorter period than the usual 3 years may be granted.

3.29 If at any time during the licence period, the right to remain and work is lost, that licence will cease to have effect and the licensee must immediately notify the Council and return the licence, badge and armband.

Where a person has made a right to work or right to reside application and is awaiting a decision, a licence may be granted. In these situations, the Government Guidance will be applied.

Tax Conditionality

3.30 Existing licensees applying for the renewal of a licence must obtain their unique 9 character code from His Majesty's Revenue and Customs (HMRC) and provide this to the council. If this cannot be provided the application cannot proceed.

3.31 The council will advise new applicants of the need to register with HMRC for tax and must sign an acknowledgement that they have received this information.

Criminal Record Checks

3.32 All applicants (new and renewal) will be required to provide an enhanced Disclosure and Barring Service check for "other workforce" plus "taxi" which will include a check of both the Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS Certificate is sent to the applicant's home address. The applicant must show the original certificate to the Licensing Officer prior to any grant of their licence. An enhanced DBS Certificate for "child workforce" (required for home to school contracts by an education authority) will not be accepted for these purposes. Once a licence has been granted, all licensees will be required to subscribe to the DBS Update Service.

³ (available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf) (<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks/guidance-for-licensing-authorities-to-prevent-illegal-working-in-the-taxi-and-private-hire-sector-in-the-uk-21-june-2024-accessible-version>). The list of acceptable documents is also detailed on the Council's website.

3.33 The application will then be considered in the light of the Council's Convictions and Behaviour Policy (see section 2)

3.34 Applicants who are foreign nationals and who have not been continuously resident in the UK for more than 5 years since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

3.35 UK citizens who have lived, holidayed, or travelled outside the UK for more than 3 months at a time since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

3.36 Where it is not possible for an applicant to obtain certificates of good conduct (e.g. in the case of refugees who do not want to reveal their whereabouts, or where there is no functioning system within that particular country) a licence will not be granted until that person has resided in the United Kingdom for 10 years. After that time, an Enhanced DBS certificate will be acceptable.

Provisional application

3.37 An applicant can complete the steps to this point and the Council will then assess whether a licence could be granted in relation to the driving licence and immigration checks, and whether it would be granted in relation to previous convictions. This will allow an applicant to reduce expenditure on a speculative application until such time as they have been informed that, subject to satisfactory results in the following requirements, a licence will be granted.

Driving Standards

3.38 In order to establish that an applicant reaches an acceptable driving standard, new applicants will be required to successfully undertake and pass an approved Driver Skills Assessment before a licence will be granted. The current requirements are detailed on the Council's Website. Applicants must arrange and pay for this test themselves. Applicants for RPHLD licences will be required to successfully undertake and pass an amended driver skills assessment (as detailed on the Council's website)⁴.

3.39 Any existing driver that cannot prove that they have completed a test to the same standard within the last 10 years must also successfully undertake such a test at their own expense before a licence will be renewed.

The driver skills assessment will assess the following:

- Driving skills;
- English communication skills;
- Knowledge of Hackney Carriage and Private Hire law, policy and licence conditions;
- Child sexual exploitation awareness
- Safeguarding awareness
- Disability awareness
- Wheelchair assessment. A driver will not be able to drive a Wheelchair Accessible Vehicle (WAV) until they have passed a wheelchair assessment.

Medical Requirements

3.40 Applicants are required to meet the group 2 medical standards and undertake a medical examination (at their own expense). They must provide a Council issued medical assessment form completed by their own GP (or another GP who must have **full access to all of their medical records**). The form must be signed by the GP who must be identifiable e.g. by a surgery address.

3.41 An applicant can also provide a PSV/HGV Group 2 medical certificate (form D4) which has been completed by their own GP or another GP who has had access to their full medical records within the previous four months, is signed by the GP and the GP is identifiable.

3.42 Medical certificates are required at the initial application, every 3 years thereafter, and every year from the age of 65, unless otherwise instructed by the Council.

3.43 The Council reserves the right to seek a second opinion (which may be at the expense of the applicant) in any case where it has any concerns about the medical fitness of an applicant, both on application and at any time during the duration of the licence. The Council may revoke or suspend a licence if the requested information raises further concerns as to the applicant's fitness to carry out their duties as a licensed driver.

Test of Fitness and Propriety

3.44 To enable the council to make a decision as to whether or not an applicant is a fit and proper person to be granted or continue to hold a drivers licence, the following test will be used:

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

If the answer is no, or the Council are uncertain, the person will not be fit and proper and will not be issued with a licence.

Drivers Licence and Badges

3.45 Successful applicants will be issued with their licence, a driver ID card, 2 badges and an armband on receipt of the licence fee.

3.46 The armband holding one badge must be worn outside clothing on the upper left arm at all times whilst working and be clearly visible. The second badge must be displayed in the vehicle where it can be seen by passengers. A copy of the licence must also be kept by the operator or Hackney Carriage proprietor (as applicable) in accordance with the code of conduct.

Equality Act Exemption Certificates

3.47 Taxi drivers must carry assistance dogs, carry disabled people and provide mobility assistance to them, and, when driving a listed wheelchair accessible vehicle, provide mobility assistance to wheelchair-bound passengers (detailed below).

3.48 Applications can be made to the Council for exemption from the assistance dogs requirements under sections 169 and 171 of the Equality Act 2010. Similar applications for exemptions from the requirement to provide mobility assistance can be made under section 166 of the Equality Act 2010.

3.49 Exemption certificates will only last until the driver is required to provide their next general medical certificate. This means that an exemption certificate will last for a maximum of 3 years, but if it is being granted subsequent to the last medical, it will not run beyond the renewal date for the general medical certificate.

Seat belts

3.50 The law relating to seat belts as it applies to drivers and passengers in Hackney Carriage and Private Hire vehicles is different from non-licensed passenger vehicles.

3.51 When driving a Hackney Carriage, the driver does not need to wear a seatbelt when seeking hire (plying), answering a call for hire (travelling to a pre-booked hiring) or when a commercial or fare paying passenger is being carried (this does not apply to the vehicle when it is being used for private/domestic use). However, Westmorland and Furness Council strongly advise that a seatbelt should be worn by drivers of Hackney Carriages at all times.

3.52 When driving a Private Hire vehicle, the driver does not need to wear a seatbelt when a commercial or fare paying passenger is being carried (this does not apply to the vehicle when it is being used for private/domestic use). However, Westmorland and Furness Council strongly advise that a seatbelt should be worn by drivers of Private Hire vehicles at all times.

3.53 In relation to commercial or fare paying passengers in Hackney Carriage and Private Hire vehicles (except when the vehicle is being used to private/domestic use) the rules relating to seat belts are as follows:

Commercial or fare paying passengers	Front seat	Rear seat	Who is responsible?
Children under three years' old	Correct child restraint MUST be used.	Correct child restraint MUST be used If one is not available in a licensed taxi or private hire vehicle, the child may travel unrestrained.	Driver
Child Aged 3–11 and under 135cms in height (about 4.5 Feet)	Correct child restraint MUST be used	Correct child restraint must be used if seat belts are fitted. If a child seat is not available, a child may travel using just the seat belt in these situations : <ul style="list-style-type: none"> - In a licensed taxi or private hire vehicle - For a short distance if the journey is unexpected and necessary - There isn't room to fit a third child seat 	Driver
Child Aged 12 or 13 years or younger child 135 cm or more in height	Adult seat belt must be worn if fitted	Adult seat belt must be worn if fitted	Driver
Passengers aged 14 years and over	Must be worn if fitted	Must be worn if fitted	Passenger

3.54 Children can be carried lawfully in Hackney Carriage and Private Hire vehicles without the correctly sized child restraints. In these circumstances, the driver must make the parent's, carer's or other responsible adult's accompanying the children aware of the potential dangers of carrying children who are not correctly restrained in motor vehicles. It will remain the parent's, carer's or other responsible adult's decision as to whether they are prepared to accept those risks.

Sanctions against Breaches of the Code of Conduct and for Acquiring Driving Licence Points

3.55 Where a driver acquires 7 or more penalty points on their DVLA licence, or who breaches any Legislation, Byelaw or requirement of the Code of Conduct, they may be referred to the Regulatory Sub Committee or an authorised Officer.

3.56 When a driver is brought before the Regulatory Sub Committee or an Officer, for whatever reason, the matter will be decided on its merits, after hearing the facts, taking into account the Convictions and Behaviour Policy (see section 2)

3.57 The Regulatory Sub Committee or Authorised officer may also suspend or revoke the driver's licence. Suspension or revocation of your licence can be with immediate effect where the Council is of the opinion that the interests of public safety require such a course of action. (Section 61(2A) Local Government (Miscellaneous Provisions) Act 1976).

3.58 A decision to grant you a licence was made on the basis that you were a fit and proper person to drive a Hackney Carriage and Private Hire vehicle. This decision was made based on the information provided at the time of the application. This status can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard. to protect your drivers' licence and therefore your livelihood.

Byelaws

3.59 Insert the councils byelaws ([these will be DoT model byelaws](#))

Taxi Drivers' Code of Conduct

3.60 This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of suspension, revocation or refusal to renew your licence.

3.61 You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person, which is not limited to the times when you are driving a Hackney Carriage and Private Hire vehicle

3.62 When you are driving a Hackney Carriage and Private Hire vehicle, that remains a Council licensed vehicle and you remain a Council licensed taxi driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use). This Code of Conduct applies across the whole of the United Kingdom.

Your taxi drivers Licence and Badge

3.63 Your taxi drivers' licence allows you to drive any Hackney Carriage and Private Hire vehicle licensed by Westmorland and Furness Council (see below for RPHD licences). However, you cannot drive a Wheelchair Accessible Vehicle (WAV) unless and until you have passed the Council's Wheelchair Assessment Test.

3.64 If you hold a RPHD licence you can only drive a private hire vehicle for the purposes of undertaking an education authority or social services contract and social domestic and pleasure purposes.

3.65 You have been issued with 2 copies of your driver's badge. You must wear one drivers badge in the armband provided on your upper left arm outside clothing at all times whilst working and it must be clearly visible. Failure to do so is a criminal offence [under s54 of the 1976 Act] when using a Private Hire vehicle and byelaw (insert number) [when using a Hackney Carriage]. You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi Driver.

3.66 You must return your licence and badges to the Licensing Section of the Council **within 7 days** if:

- a. You change your home or business address
- b. the licence expires, is suspended, or revoked
- c. You lose the right to work in the UK, or the right to remain in the UK
- d. Required to do so by an "Authorised Officer of the Council".

3.67 In the event of the loss of your licence or badge you must report the loss to the Council's Licensing Section immediately.

Copy of Taxi Driver Licence when working for others

3.68 You must give a copy of your taxi Driver Licence to the Private Hire Operator when driving Private Hire vehicles, or proprietor of any Hackney Carriage which you will be using. They will keep this copy of your licence while you are driving for them.

Production of Documents

3.69 If an Authorised Officer of the Council, an Authorised Officer of another Council with which the Council has a reciprocal arrangement or a police constable or PCSO asks you, you must produce:

- a. Your DVLA driving licence
- b. Your Taxi Driver Licence
- c. The vehicle registration document
- d. A valid certificate of insurance

3.70 Within **seven days** of the request being made at the location that they specify.

Medical condition

3.71 You must notify the Council in writing, as soon as is practicable and in any event within 72 hours of any change in your medical condition that may adversely affect your ability to drive Hackney Carriage and Private Hire vehicles.

3.72 You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.

3.73 If at any time you feel unwell you must discontinue work until such time as you feel better and able to return to work.

Declaration of conviction / caution / penalty

3.74 You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders) CPNs (Community Protection Notices), DVPN (Domestic Violence Protection Notice), requirements to undertake a driver awareness course, injunctions, restraining orders or any court issued protection orders to the Council on your initial application form.

3.75 If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of a CBO, CPN, DVPN (Domestic Violence Protection Notice), required to undertake a driver awareness course, injunctions, restraining orders or any court issued protection orders or you are arrested for any matter, you must give the Council details, in writing and within **48 hours** of the event.

Driving

3.76 You must comply with all road traffic regulations at all times.

3.77 You must comply with all legislation and conditions relating to the Hackney Carriage or private hire vehicle that you are driving at all times. Those conditions are available on the Council's website.

3.78 You must not use a hand-held mobile telephone or any other handheld device (apart from a two-way radio) whilst driving. In addition, you must not use any non-handheld device unless it is entirely voice activated.

3.79 You must not sound your vehicle horn:

- a. Unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there
- b. When your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road
- c. On any road in a built up area between 11.30 p.m. and 7.00 am.

3.80 Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.

3.81 You must not drive any Hackney Carriage or Private Hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that both your driving and behaviour on the road is of the highest standard.

3.82 When parking, or otherwise waiting for either a hiring (Hackney Carriage), a booking to be communicated to you (Private Hire and Hackney Carriage) or attending for a pre-booked hiring (Private Hire and Hackney Carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).

3.83 When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.

You must not sit with the engine idling when the vehicle is stationary unless you are otherwise moving in traffic, and the stop is necessitated by the traffic flow.

Taximeters and Fares

3.84 When driving a Hackney Carriage, you must not demand a fare greater than that shown on the taximeter for a journey within the Council's area. Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the taximeter unless an agreement was made between yourself and the hirer before the hiring commenced.

3.85 When driving a Private Hire vehicle you must not demand a fare greater than that shown on the taximeter (if that is how your operator calculates fares) or as agreed between the hirer and the operator.

Data protection

3.86 You must ensure that you have the correct safeguards for storing personal data that comply with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). This will include details of hirers (pre-booked Hackney Carriages) and also any dash cam footage and CCTV (the use of dash cams is considered in relation to vehicle licences).

Conduct and Behaviour

3.87 You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire Operator [does not apply to Hackney Carriages].

3.88 You must be honest and trustworthy at all times.

3.89 You must be polite, respectful and courteous to your passengers, other road users and the general public.

3.90 You must comply with any reasonable request made by a passenger.

3.91 You must not use abusive or foul language, spit or smoke in or near the vicinity of your vehicle.

3.92 You must not use aggressive language or behaviour, or engage in any violent conduct.

3.93 You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.

3.94 If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including the date, pick up point and destination, vehicle licence number, operators name and driver name or licence number. You must then sign the receipt.

3.95 You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.

3.96 If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.

3.97 You must at all times treat passengers, any potential passenger, members of the public, Police Officers and PCSOs, Council officers and all other public servants (NHS staff, fire fighters, HMRC staff etc) with courtesy and respect.

3.98 You must not discriminate against any person because of their age, disability (and remember that not all disabilities are obvious), gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, or political belief or affiliation.

3.99 You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public.

3.100 You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.

3.101 In your capacity as a taxi driver, you must not retain the telephone numbers of, or engage on any form of social media with any passenger or hirer.

3.102 You must not engage in any kind of sexual activity within or in the vicinity of your licensed vehicle.

3.103 You must always pick up your passengers on time unless unavoidably delayed.

3.104 You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.

3.105 You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.

3.106 You must not carry more than one passenger in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.

3.107 Hackney Carriages and Private Hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adults own risk.

3.108 You must maintain a logbook in which to record any incidents or complaints that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely by the driver in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a Private Hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately.

3.109 You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

3.110 During hiring, animals must not be carried in Private Hire vehicles or Hackney Carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control, and must be carried in the rear of the vehicle, or in the boot in the case of an estate car or hatchback, provided a dog guard is fitted and any parcel shelf/covering has been removed (except assistance dogs which must remain with their owner).

3.111 You must not carry more passengers than the maximum number prescribed by the conditions attached to the Hackney Carriage or Private Hire vehicle licence, displayed on the vehicle plate.

Personal Appearance and dress code

3.112 You must maintain good standards of personal hygiene at all times.

3.113 You must always be clean and respectable in your dress and present a professional image.

Footwear

3.114 Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

3.115 Unacceptable standards of dress:

- Clothing not being kept in a clean and fresh condition or any items which have holes or rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature.
- Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Not having either the top or bottom half of their bodies suitably clothed.
- No caps, hats or hoods worn whilst in the vehicle.

Smoking in the Vehicle

3.116 Private Hire vehicles and Hackney Carriages are smoke free vehicles at all times under the Health Act 2006. It is a criminal offence to smoke in a licensed vehicle at any time (section 7) or to allow a person to smoke in a licensed vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the Code of Conduct.

3.117 You must not vape or use e-cigarettes in a licensed vehicle at any time, or allow passengers to vape or use an e-cigarette in a licensed vehicle at any time.

Vehicle Checks

3.118 It is your responsibility to ensure that the correct policy of insurance is in force for any Hackney Carriage or Private Hire vehicle that you are driving.

3.119 Before using a Hackney Carriage or Private Hire vehicle for the first time each day, you must undertake a "walk around check" (Inc. standard form for recording info on web). which Include plates and livery. This requires that you ensure that the vehicle is roadworthy and fit for use as a Hackney Carriage or Private Hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact, ensuring all fluids

are correctly topped up, the windscreen wipers are functioning correctly and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers. Records of these checks must be kept for 6 months and must be available for inspection by an authorised officer.

3.120 Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.

3.121 If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that the notice is correctly placed on the nearside of the front windscreen.

Lost Property

3.122 After every hiring, you must search the vehicle for any misplaced or lost property.

3.123 If any property is found or handed to you, you must make reasonable efforts to find the owner and make arrangements to return it to them. If you are a Private Hire driver you can take it your operators' office. If you are unable to identify the owner please refer to Cumbria Constabulary's website.

Taximeters in Private Hire Vehicles [taximeter use in Hackney Carriages is governed by the byelaws]

3.124 You may use a taximeter in the Private Hire vehicle only if it is constructed, attached and maintained in compliance with the Private Hire Vehicle Licence Conditions.

3.125 Unless the fare is agreed in advance, you must switch the taximeter on at the point the hirer's journey commences and keep the taximeter working until the termination of the hiring.

3.126 You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).

3.127 You must ensure that the fare charged does not exceed the fare displayed on the taximeter at the end of the journey.

3.128 You must ensure that when the vehicle is not hired the taximeter must show no fare at any time.

3.129 You must ensure that the taximeter is sufficiently illuminated when in use and is visible to passengers.

3.130 You must not (nor may you allow anyone else) to tamper with the taximeter or any seal on the taximeter without lawful excuse, or alter any taximeter with the intent to mislead.

Plying for hire when driving a Private Hire vehicle (does not apply when driving a Hackney Carriage)

3.131 You must not pick up passengers who have not pre-booked with your operator.

3.132 You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.

3.133 You must not park or wait on or near any Hackney Carriage Rank, or drop passengers off on a Hackney Carriage Rank.

Fares when a Hackney Carriage is used for pre-booked work

3.134 A Hackney Carriage can be used for pre-booked work both within the District of Westmorland and Furness and elsewhere. When the journey is wholly within the zone/District, or commences or ends in Westmorland and Furness, the fare charged cannot be greater than that displayed on the taximeter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside Westmorland and Furness the table of fares and the taximeter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

Legal Requirements (contained in national legislation) when driving a Hackney Carriage

Your taxi Driver Licence and Badge

3.135 At all times when driving a Hackney Carriage you must wear one copy of your badge in the issued armband, on your left upper arm outside clothing, and you commit a criminal offence if you do not do so, for which you might be prosecuted (Hackney Carriage Byelaw)

Disability Discrimination

3.136 When driving a Hackney Carriage you must carry an assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act 2010).

3.137 When you are driving a Hackney Carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010 unless you have a certificate of exemption issued by the Council. Such a certificate exempts you from providing mobility assistance: it does not allow you not to carry a disabled passenger.

3.138 The duties are:

- a. To carry the passenger while in the wheelchair;
- b. If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- c. If the passenger has with them any mobility aids, to carry the mobility aids;
- d. To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- e. To give the passenger such mobility assistance as is reasonably required;
- f. Not to make or propose to make any additional charge.

3.139 And mobility assistance is assistance:

- a. To enable the passenger to get into or out of the vehicle;
- b. If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c. To load the passenger's luggage or mobility aids into or out of the vehicle;
- d. If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

3.140 When you are driving any Hackney Carriage, you must comply with the duties to carry and provide mobility assistance to any disabled passenger (remember that not all disabilities can be easily seen) as detailed in section 164A of the Equality Act 2010 unless you have a certificate of exemption issued by the Council. Such a certificate exempts you from providing mobility assistance: it does not allow you not to carry a disabled passenger.

4.141 The duties are:

- a. To carry the passenger;
- b. If the passenger is in or has with them a wheelchair, to carry the wheelchair;
- c. If the passenger has with them any mobility aids, to carry the mobility aids (any item apart from a wheelchair the passenger uses to assist with their mobility);
- d. To take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
- e. To give the passenger such mobility assistance as is reasonably required;
- f. Not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

3.142 And mobility assistance is assistance:

- a. To enable the passenger to get into or out of the vehicle;
- b. To load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

3.143 In vehicles equipped with a taximeter, the taximeter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. The same applies for any disabled passenger, and the taximeter must not be activated until any mobility equipment has been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the taximeter must be stopped before any unloading activity commences.

Conduct

3.144 You must not drive a Hackney Carriage at any time if you do not hold a taxi drivers licence, or if your licence has been suspended (section 47 Town Police Clauses Act 1847).

3.145 You must not lend your taxi drivers licence to anybody else (section 47 Town Police Clauses Act 1847)

3.146 When driving a Hackney Carriage you must accept a hiring from a Hackney Carriage Rank (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 Town Police Clauses Act 1847)

3.147 When driving a Hackney Carriage if you agree to charge a fare lower than that shown on the taximeter for a journey in a Hackney Carriage then you cannot charge more than that agreed fare (section 54 Town Police Clauses Act 1847)

3.148 When driving a Hackney Carriage you must not agree to any payment over the fare shown on the taximeter for a journey wholly within the Council's area, irrespective of how the journey was arranged. You cannot charge any booking fee, however that was generated (e.g. by an operator or an app) (s55 1847 Act)

3.149 When driving a Hackney Carriage, if you accept a hiring to travel a distance for a specified amount of money, you must travel until that amount is shown on the taximeter. If the destination is reached before that, you must refund the difference to the passenger (section 56 Town Police Clauses Act 1847)

3.150 When driving a Hackney Carriage if you have been hired and are asked to wait, and either a deposit has been paid or the taximeter is running, you must wait until that hirer returns to your Hackney Carriage (section 57 Town Police Clauses Act 1847).

3.151 When driving a Hackney Carriage you must not charge more than the fare shown on the taximeter for a journey within the District (section 58 Town Police Clauses Act 1847).

3.152 When driving a Hackney Carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 Town Police Clauses Act 1847).

3.153 You must not drive any Hackney Carriage without the consent of the Hackney Carriage proprietor (section 60 Town Police Clauses Act 1847)

3.154 You must not leave a Hackney Carriage unattended at a Hackney Carriage Rank (section 62 Town Police Clauses Act 1847)

3.155 You must not prevent any other driver of a Hackney Carriage from taking a fare, or obstruct them in picking up or setting down passengers (section 64 Town Police Clauses Act 1847)

3.156 When driving a Hackney Carriage you must produce your taxi drivers licence if requested to do so by an Authorised Officer of the Council (or another council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).

3.157 You must return your driver's licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A (9) Local Government (Miscellaneous Provisions) Act 1976).

3.158 You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57 (3) Local Government (Miscellaneous Provisions) Act 1976).

3.159 You must return your licence, drivers badge(s) and armband to the Council immediately when notified by the Council of any suspension, revocation or refusal to renew your licence (s61(2a&b) Local Government (Miscellaneous Provisions) Act 1976).

3.160 When driving a Hackney Carriage you must not charge more than the fare shown on the taximeter of a Hackney Carriage for a journey that ends outside the Council's area unless a different fare was agreed in advance (s66 Local Government (Miscellaneous Provisions) Act 1976)

3.161 When driving a Hackney Carriage you must not charge more than the fare shown on the taximeter for a pre-booked journey which is wholly within, or starts or finishes within the Council's area. (s66 Local Government (Miscellaneous Provisions) Act 1976)

3.162 You must use the shortest available reasonable route for all journeys by Hackney Carriage, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).

3.163 You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaw).

3.164 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an Authorised Officer of another council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).

3.165 When driving a Hackney Carriage you must not conceal or obscure the number of the Hackney Carriage whilst standing or plying for hire, or use any vehicle where any part of the plate is illegible (Hackney Carriage Byelaw)

3.166 When driving a Hackney Carriage you must not activate the taximeter when standing or plying for hire, but you must activate the taximeter before the journey commences but not until passengers are properly seated and secured. At the end of the journey you must stop the taximeter. This should be before passengers alight from the vehicle. (Hackney Carriage Byelaw).

3.167 When driving a Hackney Carriage and you are plying for hire you must proceed to a Hackney Carriage Stand and if that Stand is full, proceed to another Stand. When you arrive at a Stand that is not full you must position the vehicle behind the rearmost vehicle on the Stand and move forward as space becomes available (Hackney Carriage Byelaw).

3.168 You must not use the services of any other person to importune (encourage forcefully) anyone to hire your Hackney Carriage (Hackney Carriage Byelaw).

3.169 When driving a Hackney Carriage you must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the Hackney Carriage (Hackney Carriage Byelaw).

3.170 When driving a Hackney Carriage if you have been pre-booked you must attend at the appointed time and place (Hackney Carriage Byelaw).

3.171 When driving a Hackney Carriage you must not carry more passengers in the Hackney Carriage than the conditions attached to the vehicle licence permit (Hackney Carriage Byelaw).

3.172 When driving a Hackney Carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Byelaw).

3.173 When driving a Hackney Carriage you must search the vehicle for lost property after every hiring (Hackney Carriage Byelaw 16).

3.174 When driving a Hackney Carriage you must retain any lost property which has not been claimed and refer to the Cumbria Constabulary website. (modification of Hackney Carriage Byelaw).⁶

Legal Requirements (contained in national legislation) when driving a Private Hire vehicle

Your taxi Driver Licence and Badge

3.175 At all times when driving a Private Hire vehicle you must wear one copy of your badge in the issued armband on your upper left arm outside clothing and you commit a criminal offence if you do not do so, for which you might be prosecuted (s54 Local Government (Miscellaneous Provisions) Act 1976)

⁶This may be specified in the authority's byelaws. If that is the case then the earlier reference in the code of conduct to taking lost property to a police station will need to be modified.

Disability Discrimination

3.176 When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 170 Equality Act 2010).

3.177 When you are driving a Private Hire vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010 unless you have a certificate of exemption issued by the Council. Such a certificate exempts you from providing mobility assistance: it does not allow you not to carry a disabled passenger.

3.178 The duties are:

- a. To carry the passenger while in the wheelchair;
- b. If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- c. If the passenger has with them any mobility aids, to carry the mobility aids;
- d. To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- e. To give the passenger such mobility assistance as is reasonably required;
- f. Not to make or propose to make any additional charge.

3.179 And mobility assistance is assistance:

- a. To enable the passenger to get into or out of the vehicle;
- b. If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c. To load the passenger's luggage or mobility aids into or out of the vehicle;
- d. If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

3.180 When you are driving any private hire vehicle, you must comply with the duties to carry and provide mobility assistance to any disabled passenger (remember that not all disabilities can be easily seen) as detailed in section 164A of the Equality Act 2010 unless you have a certificate of exemption issued by the Council. Such a certificate exempts you from providing mobility assistance: it does not allow you not to carry a disabled passenger.

3.181 The duties are:

- a. To carry the passenger;
- b. If the passenger is in or has with them a wheelchair, to carry the wheelchair;
- c. If the passenger has with them any mobility aids, to carry the mobility aids (any item apart from a wheelchair the passenger uses to assist with their mobility);
- d. To take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;

- e. To give the passenger such mobility assistance as is reasonably required;
- f. Not to make or propose to make any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

3.182 And mobility assistance is assistance:

- a. To enable the passenger to get into or out of the vehicle;
- b. To load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

3.183 In vehicles equipped with a taximeter, the taximeter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. The same applies for any disabled passenger, and the taximeter must not be activated until any mobility equipment has been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the taximeter must be stopped before any unloading activity commences.

3.184 You must not drive a Private Hire vehicle at any time when your taxi drivers' licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).

3.185 When driving a Private Hire vehicle you must produce your taxi drivers licence if requested to do so by an Authorised Officer of the Council (or another council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).

3.186 You must return your driver's licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A (9) Local Government (Miscellaneous Provisions) Act 1976).

3.187 You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57 (3) Local Government (Miscellaneous Provisions) Act 1976).

3.188 You must return your licence, drivers badge(s) and armband to the Council immediately when notified by the Council of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).

3.189 When driving a Private Hire vehicle you must use the shortest available reasonable route for all journeys by Private Hire vehicle, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).

3.190 You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976)

3.191 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).

3.192 You must not drive any private hire vehicle with any roof sign. At no time can the word "taxi" or "cab" or "for hire" or any word or words of similar meaning or appearances, whether alone or as part of another word, be displayed on or in any private hire vehicle which you are driving (section 64 Transport Act 1980).

Section 4: Hackney Carriage Proprietors (Vehicle) Licences

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

This document contains the policy, byelaws, conditions and legislation relating to your hackney carriage proprietors (vehicle) licence. The legislation refers to hackney carriage proprietors' licences, but as these are often referred to as hackney carriage vehicle licences, for the avoidance of doubt the term "hackney carriage proprietor (vehicle)" will be used throughout this policy.

As hackney carriage proprietors (vehicle) licences can be held by limited companies and partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "proprietor" is taken to mean the proprietor of the hackney carriage.

The Council has the power to make byelaws relating to hackney carriages under the legislation, and it is in the process of doing so. These will relate to the whole of the area of Westmorland and Furness Council, and there will be no hackney carriage zones.

There is also a power to attach conditions to hackney carriage proprietors (vehicle) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.

There is also a list of the main law and byelaws that apply to hackney carriage proprietors

Introduction

4.1 The purpose of licensing hackney carriage vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.

4.2 It is a privilege to hold a hackney carriage proprietors (vehicle) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The council has been satisfied that when you applied for your licence your vehicle was suitable and safe for use as a hackney carriage and that you were a fit and proper person to have that licence granted (please see Section 2 for the Councils' Convictions and Acceptable Behaviour Policy). In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.

4.3 As a vehicle proprietor this assessment of your character not only includes times when you are working within the hackney carriage trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the council that you are a fit and proper person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the hackney carriage trade. You should appreciate that under the Convictions and Acceptable Behaviour Policy (available at Section 2), if the unacceptable or criminal behaviour took place whilst you were working within the hackney carriage trade, that will be viewed as an aggravating feature by the Council.

4.4 In many cases a hackney carriage is the first vehicle that a visitor to Westmorland and Furness will encounter following arrival at a railway station or bus station. As a consequence, the appearance of hackney carriages can affect a person for their entire visit. Hackney carriage proprietors should be aware of this and ensure that their vehicle is maintained to the highest standard at all times.

4.5 Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.

4.6 The Council has decided to attach conditions to Hackney Carriage Licences that it considers reasonably necessary under the powers contained in section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976. The conditions are in addition to the statutory requirements of the legislation. Section 47(3) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within twenty-one days of receipt of the licence.

4.7 You must understand and comply with the legal requirements relating to the Hackney Carriage licensed in your name, a limited company in which you are a director or secretary, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your hackney carriage proprietors (vehicle) licence being suspended or revoked.

4.8 The Council office for hackney carriage and private hire licensing purposes is Westmorland and Furness Council:

Eden Area Admin.Licensing@westmorlandandfurness.gov.uk

Barrow and South Lakes Area taxis@westmorlandandfurness.gov.uk

Telephone: **0300 373 3300**

4.9 This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Hackney Carriage Proprietors (Vehicle) licence

4.10 Where a proprietor breaches any Legislation, Byelaw or Condition of the licence, they may be referred to the Regulatory Committee, sub-committee or an officer authorised to act on behalf the Committee.

4.11 Whenever, and in what circumstances a proprietor is brought before the Regulatory Committee, sub-committee or an officer, the decision maker will decide each matter on its merits, after hearing the facts.

4.12 The Committee, sub-committee or an officer may also suspend or revoke the hackney carriage proprietors (vehicle) licence (see below)

Power to take action against a hackney carriage proprietors (vehicle) licence

4.13 Under section 60 Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend, revoke or refuse to renew a hackney carriage proprietors (vehicle) licence on the following grounds:

- That the hackney carriage vehicle is unfit for use as a hackney carriage;
- Any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
- Any other reasonable cause.

4.15 An authorised officer of the Council, an authorised officer of another Council where there is a reciprocal arrangement, or a police constable can immediately suspend a hackney carriage proprietors (vehicle) licence under S68 Local Government (Miscellaneous Provisions) Act 1976 on the grounds of

- a. The vehicle is unfit
- b. The taximeter is inaccurate

4.16 Failure to comply with any hackney carriage legislation (including byelaws), or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your hackney carriage proprietors (vehicle) licence being suspended revoked or the renewal refused.

4.17 Failure to comply with the Council's conditions may result in your Hackney Carriage Licence being suspended, revoked or the renewal refused.

4.18 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence is likely to be revoked, and you may also be prosecuted under s57(3) Local Government (Miscellaneous Provisions) Act 1976.

4.19 The hackney carriage proprietors (vehicle) licence remains the property of the Council.

4.20 In the event that you lose your proprietors licence, hackney carriage proprietors (vehicle) licence plates or additional signage, or if they are damaged or defaced, you must notify the Council immediately (or as soon as the loss is discovered) by email and then obtain a replacement licence or plates on payment of a fee determined by the Council at the earliest opportunity. You cannot use the hackney carriage until such replacements are obtained and fitted.

4.21 It must be understood that a decision to grant a hackney carriage proprietors (vehicle) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

Policy

General

Applicants

4.22 Hackney carriage proprietor (vehicle) licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation may be required. This can include, but is not limited to:

- Receipt for the purchase of the vehicle
- Lease/hire contract
- Partnership agreement between 2 or more individuals

Character of the applicant

4.23 The licensee of a hackney carriage can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the council that they are a suitable person to hold a hackney carriage proprietor (vehicle) licence.

4.24 All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company.

4.25 Applicants who are foreign nationals and who have not been continuously resident in the UK for more than 5 years since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

4.26 UK citizens who have lived outside the UK for more than 3 months at a time since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

4.27 Where it is not possible for an applicant to obtain certificates of good conduct (e.g. in the case of refugees who do not want to reveal their whereabouts, or where there is no functioning system within that particular country) a licence will not be granted until that person has resided in the United Kingdom for 10 years. After that time, an Enhanced DBS certificate will be acceptable.

4.28 The application will then be considered in the light of the Council's Convictions and Acceptable Behaviour policy (see Section 2).

4.29 In addition, the council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The council does not regard licensees whose vehicle fails 3 consecutive MOT and/or compliance tests and/or spot checks under s68 of the 1976 Act as being a fit and proper person to have responsibility for hackney carriages. **All vehicles must be maintained to a satisfactory standard all times and should pass any test at any point. Any MOT advisories and manufacturers recalls, must be actioned within 28 days and proof provided to the Licensing Team.**

4.30 To enable the council to make a decision as to whether or not an applicant is a suitable person to be granted or continue to hold a hackney carriage proprietor (vehicle) licence the following test will be used:

"Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?"

Convictions

4.31 If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of ANY criminal offence or subject to ANY order or notice be it criminal court, civil court or Police imposed. You must report it to the Council's Licensing Team by email within 48 hours, including weekends and bank holidays.

Vehicles

4.32 It is the applicant's responsibility to ensure that any vehicle presented for licensing as a hackney carriage meets the council's criteria which are detailed below. The council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

Limits on the Numbers of Hackney Carriages

4.33 There are no limits on the number of Hackney carriages that are licensed.

Licensed Vehicle Emissions Policy

4.34 Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age and use.

4.35 In order to reduce emissions and meet the Council's Climate aims (available at; <https://www.westmorlandandfurness.gov.uk/your-environment/climate-change-and-natural-environment>), it is important to set standards that are common to all within the hackney carriage fleet. This will ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the hackney carriage fleet, the following standards will apply

4.36 From the date this policy is adopted, new licences will not be granted in respect of any vehicle that does not meet the following requirements:

- ULEV (Ultra Low Emission Vehicle <75 g/km and 10 KM zero emission capability);
- Petrol hybrid vehicles Euro 5+;
- Petrol vehicles Euro 6+;
- Diesel vehicles Euro 6+ (all these categories include vehicles adapted with a retrofit to a recognised approved standard).

4.37 Three years from the date of adoption of this policy, licences will not be renewed in respect of any vehicle that does not meet or exceed the following requirements:

- ULEV (Ultra Low Emission Vehicle <75 g/km and 10 KM zero emission capability);
- Petrol hybrid vehicles Euro 5+; (both these categories include vehicles adapted with a retrofit to a recognised approved standard);
- Petrol vehicles Euro 6+;
- Diesel vehicles Euro 6+ (all these categories include vehicles adapted with a retrofit to a recognised approved standard).

Low Emission Vehicles

4.38 The Council aims to encourage the uptake of low emission vehicles in the district, and will examine the feasibility of introducing differential licensing fees for electric, hybrid and ultra-low emission vehicles

4.39 In accordance with the Council's Climate Aims (available at <https://www.westmorlandandfurness.gov.uk/your-environment/climate-change-and-natural-environment>) it is anticipated that more Electric Vehicle rapid re-charging points for use by the public will be available at locations in Westmorland and Furness in due course.

Vehicle specification

4.40 Any vehicle submitted to be licensed as a Hackney Carriage vehicle must be of Category M1 (as shown on the registration document) unless either of the following apply:

- Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test and there is evidence to show that no modification to be made to that vehicle since the date of that test.

4.41 There are 2 different types of vehicle that can be licensed as hackney carriages: those which are Wheelchair Accessible Vehicles (WAV) and those which are not.

4.42 At present, Westmorland and Furness Council does not require all hackney carriages to be WAV but this policy may be reviewed in the future.

4.43 The Council maintains a list of all WAV (both hackney carriages and private hire vehicles). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers. Drivers of non-WAV hackney carriage vehicles must also provide mobility assistance to any disabled passenger.

4.44 The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all hackney carriages.

Non-Wheelchair accessible vehicles

4.45 If the vehicle is to be licensed as a Non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair) it must be approved by the Council and comply with the following specification:

- a. Be a right-hand drive vehicle
- b. Must have a fixed roof (convertible vehicles will not be licensed as hackney carriages)
- c. Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers
- d. Have a minimum seating capacity for at least four adult passengers based on a width of not less than 410 mm per person across the rear seat
- e. Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then (e). below will apply
- f. Roof racks, towbars and trailers will be permitted. Any vehicle using a roof rack must be fitted with a second roof sign, with one sign in front of the roof rack, and one behind, allowing the signs to be seen in the same way as a vehicle without a roof rack. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative, subject to the additional signage as detailed above

- g. Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions
- h. Any trailer that is used must be tested by the Council (the charge to be paid by the licensee) and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the hackney carriage. The trailer can only be used on the specified Hackney carriage. Trailers must comply with the following standards:
 - i. Unbraked trailers must be less than 750kgs gross weight.
 - ii. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels.
 - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
 - iv. A suitable waterproof lid, cover or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use.
 - v. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling.
 - vi. The width of the trailer must not be greater than width of the towing vehicle, subject to no trailer being wider than 2.3m.
 - vii. The maximum length for braked twin axle trailers is 5.54m.
 - viii. The trailer must at all times comply with all Road Traffic legislation requirements.
 - ix. The vehicle insurance must cover towing a trailer.
 - x. Trailers must not be left unattended anywhere on the highway.
 - xi. The speed restrictions applicable to trailers must be observed at all times.
 - xii. The registration number plate of the hackney carriage and the Council issued "trailer plate" must be attached to the rear of the trailer.
 - xiii. The trailer must be inspected annually and must be considered to be satisfactory by the Licensing Authority.

A waterproof cover must be used to protect any luggage carried in the trailer from the elements.

- i. Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division between the drivers and passenger compartments. Any communication device provided to communicate between driver and passenger(s) must include a privacy button.

Additional requirements for minibus and MPV type vehicles

4.46 In order to be licensed as a hackney carriage, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:

- a. one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle

OR

- b. two side loading doors that can be opened from the inside

All doors must be capable of being secured in an open position.

Wheelchair Accessible Vehicles (WAV)

4.47 The vehicle must be a purpose built Hackney Carriage capable of carrying a wheelchair bound passenger which complies with the current Transport for London "Conditions of Fitness" or it meets the following specification.

4.48 Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have European Community Whole Vehicle Type Approval (ECWVTA) or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.

- a. The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself.
- b. The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry)
- c. The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user
- d. The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.
- e. The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
- f. The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.
- g. The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council and be compliant with The Lifting Operations Lifting Equipment Regulation 1998.
- h. Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement
- i. At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers.
- j. All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.

All vehicles

4.49 The following are the minimum requirements for all hackney carriages, irrespective of their type:

- a. The vehicle must be wind and water-tight
- b. The vehicle must have a floor properly covered with carpet or other suitable covering
- c. The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely
- d. The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust.
- e. The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers).
- f. The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturers specification when the vehicle was new did not include a spare wheel, the manufacturers alternative will be acceptable.

- g. The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating.
- h. The vehicle must be fitted with nearside and offside door or wing mounted mirrors capable of showing the driver the view behind the vehicle.
- i. The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed
- j. All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council
- k. The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted, reflective, or clear) can be affixed to any part of the glass without the approval of the council.
- l. The vehicle must carry a first aid kit for the personal use of the driver in a suitable container, with the licence number painted on it.
- m. The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council
- n. The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats.
- o. The minimum unobstructed distance between the seat back and the footwell bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.
- p. The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any armrests).
- q. Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.

In addition, in all types of hackney carriage the following requirements must be met.

Seating

4.50 In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to scrutiny by the Council.

Documents

4.51 A vehicle licence will only be issued where the vehicle has evidence of:

- a. A valid vehicle insurance certificate specifically stating that the vehicle is to be used for public hire/hackney carriage use.
- b. An MOT and compliance certificate issued by a garage approved by the Council which is less than 28 days old.
- c. A V5 vehicle registration document. In case of a new vehicle the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 28 days of the licence being issued.

4.52 Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.

4.53 All documentation must be originals.

Engine/Chassis Numbers

4.54 The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed hackney carriage, the Council must be notified within 72 hours of that change and the updated V5 must be produced within 28 days.

Maintenance and servicing

4.55 Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle may be inspected at first application and on every renewal of the licence

Vehicle tests

4.56 A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.

4.57 Vehicles will be MOT and Compliance tested before the licence is initially granted, then annually or after 20,000 miles have been travelled since the last test (+ or - 1,000 miles) whichever is the sooner for vehicles up to 3 years old, every 6 months or after 10,000 miles have been travelled since the last test (+ or - 1,000 miles) for vehicles over 3 years old and under 8 years old, and every 4 months or after 7,000 miles have been travelled since the last test (+ or - 1,000 miles) for vehicles over 8 years old

4.58 Tests in relation to new applications, renewals and Licensed Vehicle Inspections are carried out at a garage approved by the Council. All fees and charges for MOTs and Licensed Vehicle Inspections must be paid directly to the garage.

4.59 The vehicle must have an MOT certificate and compliance certificate from one of the Council approved garages (a list is available from the Licensing Section) which is less than 28 days old at the date of application for grant or renewal.

4.60 The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged.

4.61 If the consequence of missing the test means that the licence cannot be renewed before expiry then the application will be treated as a 'new application'. This will require compliance with all the requirements for a new licence (including the vehicle emissions. The vehicle cannot be used as a hackney carriage until the new licence is granted, potentially leading to loss of income for the proprietor.

“Dual Plating”

4.62 Once a vehicle has been licensed as a hackney carriage by Westmorland and Furness Council, it cannot be licensed as a hackney carriage (or private hire vehicle) by any other local authority or Transport for London during the duration of the Westmorland and Furness licence.

4.63 The council will not licence a vehicle that is licensed as a hackney carriage or private hire vehicle by another local authority or Transport for London.

Insurance “write-offs”

4.64 The council will not licence any vehicle as a hackney carriage that has been written off by an insurance company.

Vehicle Use

4.65 You must maintain a policy of insurance for your licensed vehicle in accordance with Section 143 of the Road Traffic Act 1988.

4.66 If your vehicle is involved in an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council, in writing on the accident report form (available on the Council website) immediately or in any event within 72 hours (including weekends and bank holidays).

4.67 You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require.

4.68 Any person driving a Hackney Carriage Vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a Hackney Carriage under Section 46 Town Police Clauses Act 1847, even if the vehicle is not being used for hackney carriage or pre-booked purposes. Any person driving a hackney carriage without the required Hackney carriage driver's licence will be committing an offence under section 47 of the Town Police Clauses Act 1847. The only exceptions to this are when the vehicle is being tested by the Council or a mechanic in connection with vehicle maintenance, and driving the vehicle to and from any such test.

4.69 If any hackney carriage proprietor permits a person who does not hold a hackney carriage drivers licence to drive the vehicle at any time (other than in accordance with the exceptions detailed above) the proprietor commits an offence and the council will consider this a serious matter. Action is likely to be taken against the hackney carriage proprietors (vehicle) licence (whether or not a criminal prosecution or conviction ensued).

4.70 Once a vehicle has been licensed as a hackney carriage by Westmorland and Furness Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a hackney carriage driver licensed by Westmorland and Furness Council (see above) the proprietor must ensure that it all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.

4.71 If the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 Local Government (Miscellaneous Provisions) Act 1976) this requirement must be complied with immediately.

4.72 If you refuse to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements Replacement must be purchased from the Council if and when the suspension is lifted.

4.73 If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of Westmorland and Furness Council or its authorised officers or testers renders the vehicle unfit for hackney carriage use (which includes pre-booked work), then Westmorland and Furness Council will not licence that vehicle.

4.74 Westmorland and Furness Council is not liable for any expense incurred in preparing or testing a vehicle, which cannot be licensed for whatever reason.

4.75 Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

The taximeter and table of fares

4.76 The vehicle must be fitted with a sealed taximeter that has been approved by the Council. The specifications for the meter are detailed on the Council's website. It must be calibrated to the current table of fares and a certificate demonstrating that it has been correctly calibrated must be presented to the Council before the vehicle is used as a Hackney Carriage. The meter must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.

4.77 The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.

4.78 The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a device that, will operate the meter and display the word "HIRED". This device must be capable of locking the meter so it does not work and no fare is recorded on it.

4.79 When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Council's Hackney Carriage Table of Fares.

4.80 The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.

4.81 A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

4.82 If the proprietor wishes to set the meter to a continually lower rate than that set by the Council's Table of Fares, they may do so, but a second notice showing the discounted rates must also be displayed inside the vehicle in a position where any passengers can easily read it.

Card Payments

4.83 All hackney carriages must be capable of taking payment by debit or credit card as well as cash.

Duration and renewal of the licence

4.84 The licence expires 12 months from the date of issue. Any application for renewal must be made, together with all supporting documents, at least 10 working days before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a Hackney carriage. If the renewal application is not received before the expiry of the current Hackney Carriage proprietor (vehicle) licence, it will be treated as a new application rather than a renewal. This will require compliance with all the requirements for a new licence (including the vehicle emissions. The vehicle cannot be used as a hackney carriage until the new licence is granted, leading to loss of income for the proprietor.

4.85 Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle does not meet the emissions policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company or partners in a limited liability partnership) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour, the renewal application may need to be considered further. This will be done by either the Regulatory Sub-Committee, or Senior officers using delegated powers on behalf of the Regulatory Committee.

4.86 The licence is issued to you but it can be transferred to another individual, partnership, limited company or limited liability partnership . Notification of any transfer must be made in writing and indicate the consent of all interested parties. The council will then issue a revised licence identifying the new licensee(s).

4.87 Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

Plates and Additional Signage

4.88 The licence plates and other additional signage provided to you by the Council must be displayed on the vehicle at all times in accordance with the instructions you are provided with on receiving your vehicle licence. Diagrams are also available on the Council's website

4.89 If you lose or damage the plates or additional signage, replacements must be purchased from the Council.

4.90 The Council has an online facility where a customer may make complaints, comments, and compliments with regard to the service received whilst using a licensed vehicle. The notice referring to this must be displayed in the vehicle, as instructed, where it can be clearly seen by all passengers.

Vehicle substitution/transfer of ownership

4.91 If you wish to substitute/transfer the vehicle that is licensed the following procedures must be followed:

- a. You must complete an application form for the “replacement” vehicle which must meet the requirements for a ‘new’ vehicle including the Council’s emission standards.
- b. You must surrender the original licence. The licence for the replacement vehicle will expire at the same time as the original licence.
- c. Written proof of consent to the change of vehicle or transfer of ownership must be provided from all interested parties (joint proprietors).
- d. You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used as a Hackney Carriage. All such policies must be in the name of the licensee of the vehicle.

Letting/leasing of vehicles

4.92 You must not lease or let or hire a licensed Hackney Carriage to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.

4.93 You must notify the Council in writing (including email) of anyone no longer having an interest in the vehicle as soon as practicable and in any case within 48 hours of the event.

Navigational devices

4.94 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device and must not obstruct the view of the driver in any way.

Radios and other equipment

4.95 Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.

4.96 Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.

4.97 Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

Signs and Advertisements

4.98 No sign or advertisement other than the operators business name is permitted on the vehicle unless required by law, or has been agreed by the Council in writing. Any advertisements will be assessed against the following criteria:

- They must be lawful and comply with the Advertising Standards Authority (ASA) Code of Practice
- Their location does not distract from council vehicle signs
- They must not obscure the vision of the driver

4.99 The vehicle must be fitted with a sign with the word “TAXI” (minimum size 35 cm wide and 10 cm high) on its roof. It may also display the operating name of a Company, proprietor or business and telephone number. The roof sign must be illuminated when plying for hire and must be extinguished once the taximeter is set to the “hired” or “stopped” mode. It must stay extinguished until the completion of the journey, when the taximeter is reset to “for hire” mode. No other switch or device for the lighting or extinguishing of the roof sign will be permitted.

4.100 You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated.

CCTV

4.101 This Policy does not place a mandatory requirement on the licensed operators of Hackney Carriages to install CCTV systems in their vehicles. If you install CCTV in your hackney carriage then you will be responsible for the equipment and the images captured by that equipment. In relation to the personal data that will be processed, you will be a “data controller”. Data protection law defines a “data controller” as the person or body who, under the UK data protection legislation, determines the purposes and means of the processing of personal data. For the purposes of the installation and use of CCTV systems in hackney carriages installed and operated in accordance with this policy, the “data controller” will be the holder of the hackney carriage proprietors (vehicle) and not the driver.

4.102 Data recorded by any CCTV system must be handled in accordance with The Data Protection Act and UK GDPR. The Information Commissioner’s Office (ICO) is the UK regulator for all matters relating to the use of personal data

4.103 Therefore, as data controller you will be responsible for ensuring you comply with:

- i. UK data protection legislation; such as the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)
- ii. Information Commissioner’s CCTV Code of Practice; and
- iii. This Policy.

4.104 As data controller you will be responsible for the use of all images obtained through CCTV, any breaches of UK data protection legislation and any fines imposed for breaches of UK data protection legislation.

4.105 For the purposes of this Policy, a CCTV system will include any electronic recording device attached to the inside of a hackney carriage having the technical capability to capture and retain visual images from inside or external to the vehicle.

4.106 If the CCTV is being used in a way which the Council considers to be in breach of data protection legislation, it may refer the matter to the Information Commissioner.

4.107 General requirements for equipment installed in a vehicle:

- a. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations 1978 as amended;
- b. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear. In particular, any camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users;
- c. All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician;
- d. The equipment must not weaken the structure or any component part of the vehicle or interfere with the integrity of the vehicle manufacturer's original equipment;
- e. All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
- f. All equipment must be protected from the elements and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle;
- g. Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
- h. All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed;
- i. The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the taxi or private hire car driver and passengers, and not for any other purpose;
- j. All equipment must be checked regularly and maintained to operational standards, including any repairs after damage;
- k. CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, must meet with requirements specified in the United Nations Economic Commission for Europe ("UNECE");
- l. The signage requirements set out below must be adhered to;
- m. Where CCTV equipment is capable of audio recording, the audio recording should be disabled by default and only activated in the event of an incident occurring causing a threat to driver or passenger safety. Where the audio recording facility is utilised, a reset function must be installed which automatically disables the audio recording and returns the system to normal default operation.
- n. CCTV equipment should have appropriate conformity marking to current legislative requirements.
- o. The licensee is responsible for compliance with data protection laws, as set out in the Information Commissioner's CCTV Code of Practice including responding to requests for CCTV under a subject access request.

- p. All hackney carriages with CCTV must display signage within the vehicle to indicate that CCTV is in operation and display the privacy statement as required by UK data protection laws. The licence holder must ensure that any driver of the licensed vehicle must also verbally bring to the attention of the passengers that CCTV equipment is in operation
- q. The signage and privacy statement must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.
- r. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.
- s. The name and the contact telephone number of the licence holder, as data controller must be included on the sign and privacy statement.
- t. Whilst the Data Controller of the system must ensure that the appropriate data control and privacy laws and guidance are followed, the Council expects that Data will be handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.
- u. it is the responsibility of the Data Controller to consider the lawfulness of requests to share information in line with UK Data Protection Law. The uploading of footage to social media does not have a lawful basis. Unlawful sharing is a breach of UK Data Protection law and is considered a breach of policy.

4.108 A vehicle licence may be refused, suspended or revoked where the CCTV system does not comply with this policy, or on any other reasonable grounds, such as a breach of data protections in such a way as to cause distress.

Seating Arrangements

4.109 Any seating arrangement other than the manufacturers original specification, or as approved by the Council will result in the suspension of the licence until such time as either the original or approved arrangement is restored, or the new arrangement is approved by the Council.

4.110 In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to assessment by the Council.

Incident logs

4.111 The proprietor (and driver if they are not the same person) must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). The record can be combined with the daily check of the vehicle, but does not have to be. This must be used to record all incidents affecting the use of the hackney carriage including, but not limited to:

- a. Collisions or accidents;
- b. Damage to the vehicle;
- c. Problems with the meter;
- d. Refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal);
- e. Any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger or passengers is involved in or is a victim of child sexual exploitation or any other abuse, modern slavery or trafficking of people, abuse or supply of drugs, involvement in terrorism or any other criminal activity.

4.112 Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.

4.113 This log must be available for inspection by an authorised officer of the council or a police constable at all times on request.

Smoke free vehicles

All Hackney Carriages are smoke free vehicles and must display at least 3 “No smoking” signs where they are clearly visible to front and rear seat passengers.

Conditions

4.114 The following Conditions are attached to your Hackney Carriage Vehicle Licence and must be complied with at all times. Failure to comply with conditions may lead to suspension, revocation or refusal to renew the hackney carriage proprietors (vehicle) licence.

4.115 You must notify the Council by email within 48 hours of any change of address of the proprietor or any joint proprietors.

4.116 You must return your licence, plates and any additional signage to the Council immediately:

- a. If the licence expires, or is suspended or revoked;
- b. If you wish to surrender your Hackney Carriage Licence;
- c. When required to do so by an Authorised Officer of the Council.

4.117 You must notify the Council within 48 hours (including weekends and bank holidays) of the event if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that you receive or have to attend.

4.118 If your vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council, in writing on the accident report form immediately or in any event within 72 hours (including weekends and bank holidays).

Drivers

4.119 You must notify the Council of the details (name, address and taxi drivers licence number) of any person who is permitted by you to drive your hackney carriage for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made by email or via the Council's website immediately and in any event within 72 hours of that permission being given. If you no longer permit any particular person to drive your hackney carriage you must notify the Licensing Section by email or via the Council's website immediately, and in any event within 72 hours.

4.120 Before you allow anyone to drive your Hackney Carriage you must ask that person for their Dual Driver Licence and keep it in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law and byelaws that regulate their conduct and the conditions attached to the vehicle licence. Note- Unless the vehicle is being tested, no person may drive a Hackney Carriage, unless they hold a Dual Driver Licence issued by Westmorland and Furness Council. Anyone found driving a Hackney Carriage without a Dual Driver Licence, may be prosecuted.

Insurance

4.121 You must ensure that at all times for the duration of the licence a valid policy of motor insurance for hackney carriage work/public hire is in place for the vehicle and covers anyone who drives your Hackney Carriage.

Production of Documents

4.122 You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require.

4.123 If an Authorised Officer of the Council (or another Council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce:

- a. Your licence
- b. The Dual Driver Licence of any person authorised to drive your Hackney Carriage
- c. The vehicle registration document
- d. A valid certificate of insurance

within 7 days of the request being made.

Licence Plates

4.124 The licence plates and additional signage remain the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a Hackney Carriage.

4.125 You must secure and display the exterior licence plates permanently to the outmost front and rear part of the vehicle. The method of fixing must prevent the plates being removed without the need for tools. Both plates must at all times must be displayed so that it can be clearly read by pedestrians and road users. The licence plates must not be displayed in any window of the vehicle.

4.126 You must display the additional signage on the near side and offside front doors in accordance with the instructions you receive when you are issued with your licence. A diagram is also available on the Council's website. The internal signs issued by the Council must be positioned inside the vehicle so that they are visible to front and rear passengers at all times.

4.127 You must display the notice referring to the complaints procedure in the vehicle where it can be clearly seen by all passengers, and copies of the complaints procedure leaflet must be available in the vehicle.

4.128 You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the police and present this to the council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.

4.129 You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.

4.130 You must return the licence plates and additional signage to the council If the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed.

Vehicle inspection

4.131 You must allow an Authorised Officer of the Council, or Police Officer, to inspect your vehicle at any reasonable time.

4.132 You must ensure the vehicle is presented for any test or Licensed Vehicle Inspection in accordance with instructions from the Council

4.133 You must produce the vehicle registration document, most recent MOT and compliance certificate, and certificate of insurance to the Council Officer at any inspection.

Specification for a Hackney Carriage

4.134 No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.

4.135 The vehicle must fully comply with all relevant Road Traffic legislation and in addition:

- a. All doors must function correctly and be capable of being opened from outside and within the vehicle.
- b. All opening windows must function correctly and be capable of being opened from within the vehicle.
- c. All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot.
- d. If a roof rack (or roof box) is being used it must be securely fitted to the roof in accordance with the manufacturer's instructions. A roof sign must be correctly fitted to the front and rear of the roof rack (or roof box). All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.
- e. If a trailer is being used the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage.
- f. Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division which may be fitted between the drivers and passenger compartments.
- g. The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service.
- h. The floor covering must not be torn or frayed.
- i. The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.
- j. The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust.
- k. The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturer's specification when new did not include a spare wheel, in which case the manufacturer's alternative will be acceptable.
- l. The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating..
- m. The vehicle must be fitted with nearside and offside door or wing mounted mirrors capable of showing the driver the view behind the vehicle which must be maintained in a serviceable condition

- n. The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass
- o. In the case of a replacement engine, the Council must be notified immediately or any event within 72 hours of the fitting by email or via the Council's website, and the revised V5 must be presented to the council within 28 days.
- p. At all times the vehicle must carry a first aid kit for the personal use of the driver in a suitable container, with the licence number painted on it.
- q. The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.

Additional Conditions for wheelchair accessible Hackney Carriages :

4.136 At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.

4.137 The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely onto the pavement

4.138 The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.

4.139 All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

4.140 Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver at all times when the vehicle is in motion and carrying passengers.

Lost property

4.141 The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not the driver must use reasonable efforts to return the property to its owner. . If the driver is unable to identify the owner please refer to Cumbria Constabulary's website.

The meter / table of fares

4.142 The vehicle must be fitted with a sealed taximeter that has been approved by the Council. It must be calibrated to the current table of fares and a certificate demonstrating that it has been correctly calibrated must be presented to the Council before the vehicle is used as a Hackney Carriage. The meter must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.

4.143 The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.

4.144 The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a device that, will operate the meter and display the word "HIRED". This device must be capable of locking the meter so it does not work and no fare is recorded on it.

4.145 When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Council's Hackney Carriage Table of Fares.

4.146 The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.

4.147 The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.

4.148 If the meter fails or does not comply with the conditions, you must ensure the vehicle is not used as a hackney carriage.

4.149 A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

4.150 If the proprietor uses a meter set to a continually lower rate than that set by the Council's Table of Fares a second notice showing the discounted rates must also be displayed inside the vehicle in a position where any passengers can easily read it.

Card payment

4.151 The vehicle or driver must be equipped with equipment capable of taking payment by credit card or debit card as well as cash.

Navigational devices

4.152 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device and must not obstruct the view of the driver in any way.

Signs and advertisements

4.153 No sign or advertisement, other than the operators business name, can be displayed on the vehicle unless it is required by law, or has been agreed by the Council in writing.

4.154 The vehicle must at all times be fitted with a sign with the word "TAXI" (minimum size 35 cm wide and 10 cm high) on its roof. It may also display the operating name of a Company, proprietor or business and telephone number. The roof sign must be illuminated when plying for hire and must be extinguished once the taximeter is set to the "hired" or "stopped" mode. It must stay extinguished until the completion of the journey, when the taximeter is reset to "for hire" mode. No other switch or device for the lighting or extinguishing of the roof sign will be permitted.

CCTV

If the vehicle is fitted with CCTV, the system and operation must be in accordance with the following conditions.

4.155 Data recorded by any CCTV system must be handled in accordance with The Data Protection Act and UK GDPR. The Information Commissioner's Office (ICO) is the UK regulator for all matters relating to the use of personal data. The vehicle proprietor is the data controller.

4.156 The data controller is responsible for ensuring compliance with:

- a. UK data protection legislation; such as the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)
- b. Information Commissioner's CCTV Code of Practice; and
- c. The Council's Policy and these conditions.

4.157 As data controller you will be responsible for the use of all images obtained through CCTV, any breaches of UK data protection legislation and any fines imposed for breaches of UK data protection legislation.

4.158 For the purposes of this Policy, a CCTV system will include any electronic recording device attached to the inside of a hackney carriage having the technical capability to capture and retain visual images from inside or external to the vehicle.

4.159 If the CCTV is being used in a way which the Council considers to be in breach of data protection legislation, it may refer the matter to the Information Commissioner.

4.160 General requirements for equipment installed in a vehicle:

- a. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations 1978 as amended;
- b. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear. In particular, any camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users;
- c. All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician;
- d. The equipment must not weaken the structure or any component part of the vehicle or interfere with the integrity of the vehicle manufacturer's original equipment;
- e. All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
- f. All equipment must be protected from the elements and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle;
- g. Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
- h. All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed;
- i. The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the taxi or private hire car driver and passengers, and not for any other purpose;
- j. All equipment must be checked regularly and maintained to operational standards, including any repairs after damage;

- k. CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, must meet with requirements specified in the United Nations Economic Commission for Europe ("UNECE");
- l. The signage requirements set out below must be adhered to;
- m. Where CCTV equipment is capable of audio recording, the audio recording should be disabled by default and only activated in the event of an incident occurring causing a threat to driver or passenger safety. Where the audio recording facility is utilised, a reset function must be installed which automatically disables the audio recording and returns the system to normal default operation.
- n. CCTV equipment should have appropriate conformity marking to current legislative requirements.
- o. The licensee is responsible for compliance with data protection laws, as set out in the Information Commissioner's CCTV Code of Practice including responding to requests for CCTV under a subject access request.
- p. All hackney carriages with CCTV must display signage within the vehicle to indicate that CCTV is in operation and display the privacy statement as required by UK data protection laws. The licence holder must ensure that any driver of the licensed vehicle must also verbally bring to the attention of the passengers that CCTV equipment is in operation
- q. The signage and privacy statement must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.
- r. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.
- s. The name and the contact telephone number of the licence holder, as data controller must be included on the sign and privacy statement.
- t. Whilst the Data Controller of the system must ensure that the appropriate data control and privacy laws and guidance are followed, the Council expects that Data will be handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.
- u. It is the responsibility of the Data Controller to consider the lawfulness of requests to share information in line with UK Data Protection Law. The uploading of footage to social media does not have a lawful basis. Unlawful sharing is a breach of UK Data Protection law and is considered a breach of policy.

Incident logs

4.161 You (as proprietor and any drivers who may use your vehicle) must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This can be combined with the daily check of the vehicle, but does not have to be. You must record all incidents affecting the use of the hackney carriage including, but not limited to:

- a. Collisions or accidents;
- b. Damage to the vehicle;
- c. Problems with the meter;
- d. Refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal);

- e. Any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger or passengers is involved in or is a victim of child sexual exploitation or any other abuse, modern slavery or trafficking of people, abuse or supply of drugs, involvement in terrorism or any other criminal activity.

4.162 Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.

4.163 This log must be available for inspection by an authorised officer of the council or a police constable at all times on request.

No Smoking

4.164 The vehicle must have at least 3 “no smoking” signs displayed inside the vehicle clearly visible to passengers.

Byelaws

4.165 Insert a copy of the relevant byelaws

Legal Requirements (contained in national legislation) relating to a Hackney carriage

4.166 It is an offence to provide false information when applying for hackney carriage proprietors licence (s40 Town Police Clauses Act 1847).

4.167 You must notify the Council of any change of address of yourself or any other hackney carriage proprietor (s44 Town Police Clauses Act 1847).

4.168 The proprietor of a hackney carriage commits an offence if the vehicle is used to ply or stand for hire other than in the zone or district in which it is licensed (s45 Town Police Clauses Act 1847).

4.169 You must not employ an unlicensed driver (s47 Town Police Clauses Act 1847).

4.170 You must hold the drivers licence of those driving the vehicle, and produce it if requested to do so by a magistrates court (s48 Town Police Clauses Act 1847).

4.171 You must ensure that all times the vehicle displays the hackney carriage plate (s52 Town Police Clauses Act 1847).

4.172 You must notify any transfer of the vehicle licence to another proprietor within 14 days (s49 Local Government (Miscellaneous Provisions) Act 1976).

4.173 You must present the hackney carriage for inspection as required by the Council (s50(1) Local Government (Miscellaneous Provisions) Act 1976).

4.174 You must inform the council where the hackney carriage is stored if requested to do so (s50(1) Local Government (Miscellaneous Provisions) Act 1976).

4.175 You must report any collision that has caused damage to the safety performance or appearance of the vehicle to the council within 72 hours (s50(3) Local Government (Miscellaneous Provisions) Act 1976).

4.176 You must produce the vehicle licence and insurance if requested to do so by the Council (s50(4) Local Government (Miscellaneous Provisions) Act 1976).

4.177 You must return the plate to the Council once you receive notice to do so after expiry revocation or suspension of the proprietors licence (s58(2) Local Government (Miscellaneous Provisions) Act 1976).

4.178 It is an offence to interfere with a taximeter (s71 Local Government (Miscellaneous Provisions) Act 1976).

4.179 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).

4.180 You must not conceal obscure the number of the hackney carriage whilst standing or plying for hire, or use the vehicle with a defaced or damaged plate (Hackney Carriage Bylaw 2??).

4.181 You must provide a means of communication between passengers and drivers (Hackney Carriage Bylaw 3??).

4.182 You must ensure that the vehicle is watertight (Hackney Carriage Bylaw 3??).

4.183 You must ensure that the windows open and close (Hackney Carriage Bylaw 3??).

4.184 You must ensure that the seats are properly covered (Hackney Carriage Bylaw 3??).

4.185 You must ensure that the floor is properly covered (Hackney Carriage Bylaw 3??).

4.186 You must ensure that the vehicle is clean well maintained and fit for public service (Hackney Carriage Bylaw 3??).

4.187 You must ensure that there is a means for securing luggage if required (Hackney Carriage Bylaw 3??).

4.188 You must ensure that the fire extinguisher is a readily available location (Hackney Carriage Bylaw 3??).

4.189 You must ensure that the taximeter is plainly visible to passengers and illuminated (Hackney Carriage Bylaw 4??).

4.190 You must not tamper with the taximeter (Hackney Carriage Bylaw 6??).

4.191 You must display the table of fares and not conceal it or render it illegible (Hackney Carriage Bylaw 15??).

4.192 You must search the vehicle after every hiring (usually the responsibility of the driver, but also applies to the proprietor) (Hackney Carriage Bylaw 16??).

4.193 You must deliver any lost property to the Council or the police station within 48 hours of finding it (Hackney Carriage Bylaw 17??).

Section 5: Private Hire Vehicle (Proprietor) Licences

Local Government (Miscellaneous Provisions) Act 1976

This document contains the policy, conditions and legislation relating to your Private Hire Vehicle (proprietor) licence. The legislation uses both of the terms “vehicle” and “proprietor” in relation to private hire vehicle licences, but as these are often referred to as private hire vehicle licences, for the avoidance of doubt the term “Private Hire Vehicle (proprietor)” will be used throughout this policy.

As Private Hire Vehicle (proprietor) licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a “person”, “you”, “licensee” or “proprietor” is taken to mean the proprietor of the private hire vehicle.

There is a power to attach conditions to Private Hire Vehicle (proprietor) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.

There is also a list of the main legislation that applies to Private Hire Vehicle proprietors.

Introduction

5.1 The purpose of licensing private hire vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.

5.2 It is a privilege to hold a private hire proprietors (vehicle) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The council has been satisfied that when you applied for your licence your vehicle was suitable and safe for use as a private hire and that you were a fit and proper person to have that licence granted (please see Section 2 for the Councils' Convictions and Acceptable Behaviour Policy). In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.

5.3 As a vehicle proprietor this assessment of your character not only includes times when you are working within the private hire trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the council that you are a fit and proper person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the private hire trade. You should appreciate that under the Convictions and Acceptable Behaviour Policy (available at Section 2), if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade, that will be viewed as an aggravating feature by the Council.

5.4 In many cases a private hire vehicle is the first vehicle that a visitor to Westmorland and Furness will encounter following arrival at a railway station or bus station. As a consequence, the appearance of private hire vehicles can affect a person for their entire visit. Private hire vehicle proprietors should be aware of this and ensure that their vehicle is maintained to the highest standard at all times.

5.5 Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.

5.6 The Council has decided to attach conditions to Private Hire Vehicle (proprietor) licences that it considers reasonably necessary under the powers contained in section 48(2) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 48(7) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within twenty-one days of receipt of the licence.

5.7 You must understand and comply with the legal requirements relating to the private hire vehicle licensed in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Vehicle (proprietor) licence being suspended or revoked.

5.8 The Council office for private hire licensing purposes

Westmorland and Furness Council,

Eden Area **Admin.Licensing@westmorlandandfurness.gov.uk**

Barrow and South Lakes Area **taxis@westmorlandandfurness.gov.uk**

Telephone: **0300 373 3300**

This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Private Hire Vehicle (proprietor) licence

5.9 Where a proprietor breaches any legislation or condition of the licence, they may be referred to the Regulatory Committee, sub-committee or an officer authorised to act on behalf of the Regulatory Committee.

5.10 Whenever, and in what circumstances a proprietor is brought before the Regulatory Committee, sub-committee or an officer, the decision maker will decide each matter on its merits, after hearing the facts.

5.11 The Committee, sub-committee or an officer may also suspend or revoke the Private Hire Vehicle (proprietor) licence (see below).

Power to take action against a Private Hire Vehicle (proprietor) licence

5.12 Under section 60 Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend, revoke or refuse to renew a Private Hire Vehicle (proprietors) licence on the following grounds:

- That the private hire vehicle is unfit for use as a private hire vehicle;
- Any offence under, or non-compliance with, this Part of this Act by the operator or driver; or
- Any other reasonable cause.

5.13 An Authorised Officer of the Council, an authorised officer of another council where there is a reciprocal arrangement, or a police constable can immediately suspend a Private Hire Vehicle (proprietor) licence under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of:

- The vehicle is unfit
- The taximeter is inaccurate

5.14 Failure to comply with any private hire vehicle legislation or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Vehicle (proprietor) licence being suspended revoked or the renewal refused.

5.15 Failure to comply with the Council's conditions may result in your Private Hire Vehicle (proprietor) licence being suspended, revoked or the renewal refused.

5.16 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence is likely to be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.

5.17 The Private Hire Vehicle (proprietor) licence remains the property of the Council.

5.18 In the event that you lose your vehicle (proprietor) licence, licence plates or additional signage, or if they are damaged or defaced, you must notify the Council immediately (or as soon as the loss is discovered) by email and then obtain a replacement licence or plates on payment of a fee determined by the Council at the earliest opportunity, and you cannot use the private hire vehicle until such replacements are obtained and fitted.

5.19 It must be understood that a decision to grant a Private Hire Vehicle (proprietor) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

Policy

General

Applicants

5.20 Private Hire Vehicle (proprietor) licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation may be required. This can include, but is not limited to:

- Receipt for the purchase of the vehicle
- Lease/hire contract
- Partnership agreement between 2 or more individuals

Character of the applicant

5.21 The licensee of a private hire vehicle can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a Private Hire Vehicle (proprietor) licence.

All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company.

5.22 Applicants who are foreign nationals and who have not been continuously resident in the UK for more than 5 years since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

5.23 UK citizens who have lived outside the UK for more than 3 months at a time since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

5.24 Where it is not possible for an applicant to obtain certificates of good conduct (e.g. in the case of refugees who do not want to reveal their whereabouts, or where there is no functioning system within that particular country) a licence will not be granted until that person has resided in the United Kingdom for 10 years. After that time, an Enhanced DBS certificate will be acceptable.

5.25 The application will then be considered in the light of the Council's Convictions and Acceptable Behaviour policy (see Section 2).

5.26 In addition, the council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The council does not regard licensees whose vehicle fail 3 consecutive MOT and/or Licensed Vehicle Inspection tests and/or spot checks under s68 of the 1976 Act as being a fit and proper person to have responsibility for private hire vehicles. **All vehicles must be maintained to a satisfactory standard all times and should pass any test at any point. Any MOT advisories and manufacturers recalls, must be actioned within 28 days and proof provided to the Licensing Team.**

5.27 To enable the council to make a decision as to whether or not an applicant is a suitable person to be granted or continue to hold a private hire vehicle (proprietor) licence the following test will be used:

"Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?"

Convictions

5.28 If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of ANY criminal offence or subject to ANY order or notice be it criminal court, civil court or Police imposed, you must report it to the Council's Licensing Team by email within 72 hours, including weekends and bank holidays.

Vehicles

5.29 It is the applicant's responsibility to ensure that any vehicle presented for licensing as a private hire vehicle meets the Council's criteria which are detailed below. The Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

Licensed Vehicle Emissions Policy

5.30 Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age and use.

5.31 In order to reduce emissions and meet the Council's Climate aims (available at <https://www.westmorlandandfurness.gov.uk/your-environment/climate-change-and-natural-environment>), it is important to set standards that are common to all within the private hire vehicle fleet. This will ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the private hire vehicle fleet, the following standards will apply

5.32 From the date this policy is adopted, new licences will not be granted in respect of any vehicle that does not meet the following requirements:

- ULEV (Ultra Low Emission Vehicle <75 g/km and 10 KM zero emission capability);
- Petrol hybrid vehicles Euro 5+;
- Petrol vehicles Euro 6+;
- Diesel vehicles Euro 6+ (all these categories include vehicles adapted with a retrofit to a recognised approved standard).

5.33 Three years from the date of adoption of this policy, licences will not be renewed in respect of any vehicle that does not meet or exceed the following requirements:

- ULEV (Ultra Low Emission Vehicle <75 g/km and 10 KM zero emission capability);
- Petrol hybrid vehicles Euro 5+; (both these categories include vehicles adapted with a retrofit to a recognised approved standard).
- Petrol vehicles Euro 6+;
- Diesel vehicles Euro 6+ (all these categories include vehicles adapted with a retrofit to a recognised approved standard).

Low Emission Vehicles

5.44 The Council aims to encourage the uptake of low emission vehicles in the district, and will examine the feasibility of introducing differential licensing fees for electric, hybrid and ultra-low emission vehicles

5.45 In accordance with the Council's Climate Aims (available at <https://www.westmorlandandfurness.gov.uk/your-environment/climate-change-and-natural-environment>) it is anticipated that more Electric Vehicle rapid re-charging points for use by the public will be available at locations in Westmorland and Furness in due course.

Vehicle specification

5.46 Any vehicle submitted to be licensed as a private hire vehicle must be of Category M1 (as shown on the registration document) unless either of the following apply:

- Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test and there is evidence to show that no modification to be made to that vehicle since the date of that test.

5.47 There are 3 different types of vehicle that can be licensed as private hire vehicles: those which are Wheelchair Accessible Vehicles (WAV), those which are not and stretched limousines.

5.48 The Council maintains a list of all WAV (both private hire vehicles and hackney carriages). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers. Drivers of non-WAV private hire vehicles must also provide mobility assistance to any disabled passenger.

5.49 The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all private hire vehicles.

Non-Wheelchair accessible vehicles

5.50 If the vehicle is to be licensed as a Non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair excluding stretched limousines) it must be approved by the Council and comply with the following specification:

- a. Be a right-hand drive vehicle.
- b. Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers.
- c. Have a minimum seating capacity for one adult passenger, and vehicles that seat more passengers must provide at least four adult passengers based on a width of not less than 410 mm per person across the rear seat.
- d. Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then (e). below will apply
- e. Roof racks, towbars and trailers will be permitted. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative.
- f. Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions.
- g. Any trailer that is used must be tested by the Council (the charge to be paid by the licensee) and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the private hire. The trailer can only be used on the specified private hire vehicle. Trailers must comply with the following standards:
 - i. Unbraked trailers must be less than 750kgs gross weight.
 - ii. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels.
 - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
 - iv. A suitable waterproof lid, cover or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use.
 - v. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling.
 - vi. The width of the trailer must not be greater than width of the towing vehicle, subject to no trailer being wider than 2.3m.
 - vii. The maximum length for braked twin axle trailers is 5.54m.
 - viii. The trailer must at all times comply with all Road Traffic legislation requirements.
 - ix. The vehicle insurance must cover towing a trailer.
 - x. Trailers must not be left unattended anywhere on the highway.
 - xi. The speed restrictions applicable to trailers must be observed at all times.
 - xii. A waterproof cover must be used to protect any luggage carried in the trailer from the elements.

5.51 Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division between the drivers and passenger compartments. Any communication device provided to communicate between driver and passenger(s) must include a privacy button.

5.52 Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger.

Additional requirements for minibus and MPV type vehicles

5.53 In order to be licensed as a private hire vehicle, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:

- One other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle; or
- Two side loading doors that can be opened from the inside.

All doors must be capable of being secured in an open position.

Wheelchair Accessible Vehicles (WAV)

5.54 The vehicle must be capable of carrying a wheelchair bound passenger which meets the following specification. It cannot look like a hackney carriage.

5.55 Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.

5.56 The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself.

5.57 The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry).

5.58 The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user.

5.59 The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.

5.60 The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked.

5.61 The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.

5.62 The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council and be compliant with The Lifting Operations Lifting Equipment Regulation 1998.

5.63 Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement.

5.64 At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers.

5.65 All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.

Stretched Limousines

5.66 The term “stretched limousine” in this policy will be taken to mean any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.

5.67 Any vehicle, before it can be considered to be licensed as a stretched limousine, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.

5.68 Stretched limousines will only be licensed to carry a maximum of 8 passengers.

5.69 All passenger seats must be equipped with a 3 point seat belt.

All vehicles

5.70 The following are the minimum requirements for all Private Hire Vehicles, irrespective of their type:

- a. The vehicle must be wind and water-tight (with the roof raised and properly secured and fastened in the case of a convertible vehicle).
- b. The vehicle must have a floor properly covered with carpet or other suitable covering.
- c. The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely.
- d. The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust.
- e. The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers).
- f. The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the vehicle was new did not include a spare wheel, the manufacturer's alternative will be acceptable.
- g. The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating.
- h. The vehicle must be fitted with nearside and offside door or wing mounted mirrors capable of showing the driver the view behind the vehicle.
- i. The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed.
- j. All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council.
- k. The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition, the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the council.

- l. The vehicle must carry a first aid kit for the personal use of the driver in a suitable container, with the licence number painted on it.
- m. The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.
- n. The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats.
- o. The minimum unobstructed distance between the seat back and the footwell bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.
- p. The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any arm rests).
- q. Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.

5.71 In addition, in all types of Private Hire Vehicle the following requirements must be met.

Seating

5.72 In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to assessment by the Council.

Documents

5.73 A vehicle licence will only be issued where the vehicle has evidence of:

- i. A valid vehicle insurance certificate specifically stating that the vehicle is to be used for private hire use.
- ii. An MOT and Compliance Certificate issued by a garage approved by the Council which is less than 28 days old.
- iii. A V5 vehicle registration document.

5.74 In case of a new vehicle, the sales invoice, which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 28 days of the licence being issued.

5.75 Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.

5.76 All documentation must be originals.

Engine/Chassis Numbers

5.77 The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed private hire vehicle, the Council must be notified within 72 hours of that change and the updated V5 must be produced within 28 days.

Maintenance and servicing

5.78 Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle may be inspected at first application and on every renewal of the licence.

Vehicle tests

5.79 A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.

5.80 Vehicles will be MOT and Compliance tested before the licence is initially granted, then annually or after 20,000 miles have been travelled since the last test (+ or - 1,000 miles) whichever is the sooner for vehicles up to 3 years old, every 6 months or after 10,000 miles have been travelled since the last test (+ or - 1,000 miles) for vehicles over 3 years old and under 8 years old, and every 4 months or after 7,000 miles have been travelled since the last test (+ or - 1,000 miles) for vehicles over 8 years old.

5.81 Tests in relation to new applications, renewals and Licensed Vehicle Inspections are carried out at a garage approved by the Council. All fees and charges for MOTs and Compliance tests must be paid directly to the garage.

5.82 The vehicle must have an MOT certificate and compliance certificate from one of the Council approved garages (a list is available from the Licensing Section) which is less than 28 days old at the date of application for grant or renewal.

5.83 The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged.

5.84 If the consequence of missing the test means that the licence cannot be renewed before expiry then the application will be treated as a 'new application'. This will require compliance with all the requirements for a new licence (including the vehicle emissions. The vehicle cannot be used for Private Hire operations until the new licence is granted, leading to possible loss of income for the proprietor.

Dual Plating

5.85 Once a vehicle has been licensed as a private hire vehicle by Westmorland and Furness Council, it cannot be licensed as a private hire vehicle (or hackney carriage) by any other local authority or Transport for London during the duration of the Westmorland and Furness licence.

5.86 The council will not licence a vehicle that is licensed as a private hire vehicle or hackney carriage by another local authority or Transport for London.

Insurance “write-offs”

5.87 The Council will not licence any vehicle as a private hire vehicle that has been written off by an insurance company.

Vehicle Use

5.88 You must maintain a policy of insurance for your licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.

5.89 If your vehicle is involved in an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council, in writing on the accident report form (available on the Council's website) immediately or in any event within 72 hours (including weekends and bank holidays).

5.90 You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require.

5.91 Any person driving a private hire vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a private hire vehicle (Section 51) Local Government (Miscellaneous Provisions) Act 1976, even if the vehicle is not being used for private hire purposes. Any person driving a private hire vehicle without the required private hire driver's licence will be committing an offence under section 46(1)(b) Local Government (Miscellaneous Provisions) Act 1976. There are no exceptions to this even in relation to testing the vehicle.

5.92 If any private hire vehicle proprietor permits a person who does not hold a Dual Licence or RPHDL to drive the vehicle for any hiring the proprietor commits an offence under s46(1)(c) Local Government (Miscellaneous Provisions) Act 1976 and the Council will consider this a serious matter. Action is likely to be taken against the Private Hire Vehicle (proprietor) licence (whether or not a criminal prosecution or conviction ensued).

5.93 Once a vehicle has been licensed as a private hire vehicle by Westmorland and Furness Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a private hire driver licensed by Westmorland and Furness Council (see above) the proprietor must ensure that at all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.

5.94 If the Private Hire Vehicle (proprietor) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the Council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 Local Government (Miscellaneous Provisions) Act 1976) this requirement must be complied with immediately.

5.95 If the proprietor refuses to surrender the vehicle plates and additional signage, tamperproof “Vehicle Licence Suspended” stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from the Council if and when the suspension is lifted.

5.96 If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of Westmorland and Furness Council or its authorised officers or testers, renders the vehicle unfit for use as a private hire vehicle then Westmorland and Furness Council will not licence that vehicle.

5.97 Westmorland and Furness Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.

5.98 Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

Taximeters

5.99 There is no requirement for a private hire vehicle to be fitted with a taximeter. As there is equally no prohibition on taximeters being fitted to private hire vehicles, any taximeter that is fitted must be approved and tested by the Council.

5.100 If a taximeter is fitted to the private hire vehicle, it must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the taximeter and display the word “HIRED”. This key or device must be capable of locking the taximeter so it does not work and no fare is recorded on it.

5.101 When the taximeter is in use, the fare must be clearly legible on the face of the taximeter. This fare must be unambiguous.

5.102 The word “FARE” must be clearly printed on the taximeter so it clearly indicates the fare displayed.

Card Payments

5.103 All private hire vehicles must be capable of taking payment by debit or credit card as well as cash unless the vehicle is being operated by an operator who uses an entirely app-based non-cash system.

Duration and renewal of the licence

5.104 The licence expires 12 months from the date of issue. Any application for renewal must be made, together with all supporting documents, at least 10 working days before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a private hire vehicle. If the renewal application is not received before the expiry of the current Private Hire Vehicle (proprietor) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application. This will require compliance with all the requirements for a new licence (including the vehicle emissions). The vehicle cannot be used for Private Hire until the new licence is granted, leading to potential loss of income for the proprietor.

5.105 Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle does not meet the emissions policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company or partners in a limited liability partnership) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by either the Regulatory Sub-Committee or Senior Officers authorised to act on behalf of the Regulatory Committee.

5.106 The licence is issued to you but it can be transferred to another individual, partnership, limited company or limited liability partnership. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).

5.107 Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

Plates and Additional Signage

5.108 The licence plates and other additional signage required by the Council must be displayed on the vehicle at all times in accordance instructions given at the time the licence was issued. Diagrams are also available on the Council's website.

5.109 If you lose or damage the plates or additional signage, replacements must be purchased from the Council.

5.110 The Council has an online facility where a customer may make complaints, comments, and compliments with regard to the service received whilst using a licensed vehicle. The notice referring to this must be displayed in the vehicle, as instructed, where it can be clearly seen by all passengers.

Vehicle substitution

5.111 If you wish to substitute/transfer the vehicle that is licensed the following procedures must be followed:

- a. You must complete an application form for the "replacement" vehicle which must meet the requirements for a new vehicle as well as meeting the Council's emission standards.
- b. You must surrender the original licence. The licence for the replacement vehicle will expire at the same time as the original licence.
- c. Written proof of consent to the change of vehicle or transfer of ownership must be provided from all interested parties (joint proprietors).
- d. You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used as a private hire vehicle. All such policies must be in the name of the licensee of the vehicle.

Letting/leasing of vehicles

5.112 You must not lease or let or hire a licensed private hire vehicle to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.

5.113 You must notify the Council in writing (including email) of anyone no longer having an interest in the vehicle as soon as practicable and in any case within 72 hours of the event.

Navigational devices

5.114 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device and must not obstruct the view of the driver in any way.

Radios and other equipment

5.115 Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.

5.116 Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.

5.117 Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

Signs and Advertisements

5.118 No sign or advertisement, other than the operator's business name, is permitted on the vehicle, unless required by law, or has been agreed by the Council in writing. Any advertisements will be assessed against the following criteria:

- They must be lawful and comply with the Advertising Standards Authority (ASA) Code of Practice
- Their location does not distract from council vehicle signs
- They must not obscure the vision of the driver

5.119 The vehicle must not be fitted with any sign on the roof of the vehicle.

5.120 You must display the additional signage on the near side and offside front doors in accordance with the instructions you receive when you are issued with your licence. A diagram is also available on the Council's website. The internal signs issued by the Council must be positioned inside the vehicle so that they are visible to front and rear passengers at all times.

5.121 You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated.

CCTV

5.122 This Policy does not place a mandatory requirement on the proprietors of Private Hire Vehicles to install CCTV systems in their vehicles. If you install CCTV in your Private Hire Vehicle then you will be responsible for the equipment and the images captured by that equipment. In relation to the personal data that will be processed, you will be a "data controller". Data protection law defines a "data controller" as the person or body who, under the UK data protection legislation, determines the purposes and means of the processing of personal data. For the purposes of the installation and use of CCTV systems in Private Hire Vehicles installed and operated in accordance with this policy, the "data controller" will be the holder of the Private Hire Vehicle (proprietors) and not the driver.

5.123 Data recorded by any CCTV system must be handled in accordance with The Data Protection Act and UK GDPR. The Information Commissioner's Office (ICO) is the UK regulator for all matters relating to the use of personal data

5.124 Therefore, as data controller you will be responsible for ensuring you comply with:

- i. UK data protection legislation; such as the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)
- ii. Information Commissioner's CCTV Code of Practice; and
- iii. This Policy.

5.125 As data controller you will be responsible for the use of all images obtained through CCTV, any breaches of UK data protection legislation and any fines imposed for breaches of UK data protection legislation.

5.126 For the purposes of this Policy, a CCTV system will include any electronic recording device attached to the inside of a private hire vehicle having the technical capability to capture and retain visual images from inside or external to the vehicle.

5.127 If the CCTV is being used in a way which the Council considers to be in breach of data protection legislation, it may refer the matter to the Information Commissioner.

5.128 General requirements for equipment installed in a vehicle:

- a. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations 1978 as amended;
- b. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear. In particular, any camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users;
- c. All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician;
- d. The equipment must not weaken the structure or any component part of the vehicle or interfere with the integrity of the vehicle manufacturer's original equipment;
- e. All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
- f. All equipment must be protected from the elements and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle;
- g. Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
- h. All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed;
- i. The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the taxi or private hire car driver and passengers, and not for any other purpose;

- j. All equipment must be checked regularly and maintained to operational standards, including any repairs after damage;
- k. CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, must meet with requirements specified in the United Nations Economic Commission for Europe ("UNECE");
- l. The signage requirements set out below must be adhered to;
- m. Where CCTV equipment is capable of audio recording, the audio recording should be disabled by default and only activated in the event of an incident occurring causing a threat to driver or passenger safety. Where the audio recording facility is utilised, a reset function must be installed which automatically disables the audio recording and returns the system to normal default operation.
- n. CCTV equipment should have appropriate conformity marking to current legislative requirements.
- o. The licensee is responsible for compliance with data protection laws, as set out in the Information Commissioner's CCTV Code of Practice including responding to requests for CCTV under a subject access request.
- p. All Private Hire Vehicles fitted with CCTV must display signage within the vehicle to indicate that CCTV is in operation and display the privacy statement as required by UK data protection laws. The licence holder must ensure that any driver of the licensed vehicle must also verbally bring to the attention of the passengers that CCTV equipment is in operation
- q. The signage and privacy statement must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.
- r. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.
- s. The name and the contact telephone number of the licence holder, as data controller must be included on the sign and privacy statement.
- t. Whilst the Data Controller of the system must ensure that the appropriate data control and privacy laws and guidance are followed, the Council expects that Data will be handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.
- u. It is the responsibility of the Data Controller to consider the lawfulness of requests to share information in line with UK Data Protection Law. The uploading of footage to social media does not have a lawful basis. Unlawful sharing is a breach of UK Data Protection law and is considered a breach of policy.

5.129 A vehicle licence may be refused, suspended or revoked where the CCTV system does not comply with this policy, or on any other reasonable grounds, such as a breach of data protections in such a way as to cause distress.

Seating Arrangements

5.130 Any seating arrangement other than the manufacturers original specification, or as approved by the Council will result in the suspension of the licence until such time as either the original or approved arrangement is restored, or the new arrangement is approved by the Council.

5.131 In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to assessment by the Council.

Incident logs

5.132 The proprietor (and driver if they are not the same person) must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). The record can be combined with the daily check of the vehicle, but does not have to be. This must be used to record all incidents affecting the use of the Private Hire Vehicle including, but not limited to:

- a. Collisions or accidents.
- b. Damage to the vehicle.
- c. Problems with the meter.
- d. Refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal).
- e. Any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.

5.133 Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.

5.134 This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

Smoke free vehicles

5.135 All Private Hire vehicles are smoke free and must display at least 3 "No smoking" signs where they are clearly visible to front and rear seat passengers.

Conditions

5.136 The following Conditions are attached to your Private Hire Vehicle (Proprietor) licence and must be complied with at all times. Failure to comply with conditions may lead to suspension, revocation or refusal to renew the Private Hire Vehicle (Proprietor) licence.

5.137 You must notify the Council by email within 72 hours of any change of address of the proprietor or any joint proprietors.

5.138 You must return your licence, plates, and additional signage to the Council immediately if:

- i. If the licence expires, or is suspended or revoked;
- ii. You wish to surrender your licence; Or
- iii. When required to do so by an Authorised Officer of the Council.

5.139 You must notify the Council within 72 hours of the event (including weekends and bank holidays) if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that you receive or have to attend.

5.140 If your vehicle has an accident which results in damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers, you must report this to the Council, in writing on the accident report form immediately or in any event within 72 hours (including weekends and bank holidays).

Drivers

5.141 You must notify the Council of the details (name, address and taxi driver licence number) of any person who is permitted by you to drive your private hire vehicle for any purpose. This notification must be made by email or via the Council's website immediately and in any event within 72 hours of that permission being given. If you no longer permit any particular person to drive your private hire vehicle you must notify the Licensing Section by email or via the Council's website, within 72 hours.

5.142 Before you allow anyone to drive your private hire vehicle you must ask that person for their Dual driver licence (or Restricted Private Hire Drivers' Licence – RPHDL - if undertaking school or Social Service transport activity only) and keep it in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law, conditions and Code of Conduct that regulate their conduct and the conditions attached to the vehicle licence.

5.143 Note - No person may drive a private hire vehicle, unless they hold a Dual driver or RPHDL licence issued by Westmorland and Furness Council. Anyone found driving a private hire vehicle without a Dual driver or RPHDL licence, may be prosecuted.

Insurance

5.144 You must ensure that at all times for the duration of the licence a valid policy of insurance for private hire work is in place for the vehicle and covers anyone who drives your private hire vehicle.

Production of Documents

5.145 You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.

5.146 If an Authorised Officer of the Council (or another council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce:

- a. Your licence
- b. The Dual driver or RPHDL licence of any person authorised to drive your private hire vehicle
- c. The vehicle registration document
- d. A valid certificate of insurance

Within 7 days of the request being made.

Licence Plates

5.147 The licence plates and additional signage remain the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a private hire vehicle.

5.148 You must secure and display the exterior licence plates permanently to the outmost front and rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plates being removed without the need for tools. Both plates must at all times must be displayed so that it can be clearly read by pedestrians and road users. The licence plates must not be displayed in any window of the vehicle.

5.149 You must display the additional signage on the near side and off side front doors in accordance with the instructions given when you receive your licence. A diagram is also available on the Council's website. The internal signs issued by the Council must be located inside the vehicle so that they are visible to front and rear passengers at all times.

5.150 You must display the notice referring to the complaints procedure in the vehicle where it can be clearly seen by all passengers, and copies of the complaints procedure leaflet must be available in the vehicle.

5.151 You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.

5.152 You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.

5.153 You must return the licence plates and additional signage to the Council If the Private Hire Vehicle (Proprietor) licence is suspended, revoked or not renewed.

Vehicle inspection

5.154 You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.

5.155 You must ensure the vehicle is presented for any test or Licensed Vehicle Inspection in accordance with instructions from the Council.

5.156 You must produce the vehicle registration document, most recent MOT and compliance certificate, and certificate of insurance to the Council Officer at any inspection.

Specification to be maintained during the currency of a licence for a Private Hire Vehicle

5.157 No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.

5.158 The vehicle must fully comply with all relevant road traffic legislation and in addition:

- a. All doors must function correctly and be capable of being opened from the outside and within the vehicle.
- b. All opening windows must function correctly and be capable of being opened from within the vehicle.

- c. All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot.
- d. If a roof rack (or roof box) is being used it must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.
- e. If a trailer is being used the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage.
- f. Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division which may be fitted between the drivers and passenger compartments.
- g. If the vehicle is a convertible, the driver must close the roof and raise the side windows if requested to do so by any passenger.
- h. The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service.
- i. The floor covering must not be torn or frayed.
- j. The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.
- k. The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust.
- l. The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturer's specification when new did not include a spare wheel, in which case the manufacturer's alternative will be acceptable.
- m. The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating.
- n. The vehicle must be fitted with nearside and offside door or wing mounted mirrors capable of showing the driver the view behind the vehicle which must be maintained in a serviceable condition
- o. The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass
- p. In the case of a replacement engine, the Council must be notified of that immediately or any case within 72 hours of the fitting by email or via the Council's website
- q. And the revised V5 must be presented to the Council within 28 days.
- r. At all times the vehicle must carry a first aid kit for the personal use of the driver in a suitable container, with the licence number painted on it.
- s. The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.

Additional Conditions for wheelchair accessible Private Hire Vehicles

5.159 At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.

5.160 The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely onto the pavement.

5.161 The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.

5.162 All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

5.163 Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver at all times when the vehicle is in motion and carrying passengers.

Lost property

5.164 The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not the driver must take the property to the Private Hire Operator.

The Taximeter

5.165 Any taximeter that is fitted to the vehicle must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.

5.166 The taximeter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the taximeter and display the word "HIRED". This device must be capable of locking the taximeter so it does not work and no fare is recorded on it.

5.167 When the taximeter is in use, the fare must be clearly legible on the face of the taximeter. This fare must be unambiguous and the word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.

5.168 If this is the arrangement for charging for a private hire journey (as agreed between the operator and the hirer), the taximeter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts their journey.

5.169 If the taximeter fails or does not comply with the conditions, the taximeter must be removed from the vehicle before it is used as a private hire vehicle.

Card Payments

5.170 All private hire vehicles or drivers must be equipped with equipment capable of taking payment by debit or credit card as well as cash unless the vehicle is being operated by an operator who uses an entirely app-based non-cash system.

Navigational devices

5.171 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device and must not obstruct the view of the driver in any way.

Signs and advertisements

5.172 No sign or advertisement, other than the operators business name, can be displayed on the vehicle unless it is required by law, or has been agreed by the Council in writing.

5.173 No sign can be displayed on or above the roof of the vehicle.

CCTV

If the vehicle is fitted with CCTV, the system and operation must be in accordance with the following conditions.

5.174 Data recorded by any CCTV system must be handled in accordance with The Data Protection Act and UK GDPR. The Information Commissioner's Office (ICO) is the UK regulator for all matters relating to the use of personal data. The vehicle proprietor is the data controller.

5.175 The data controller is responsible for ensuring compliance with:

- i. UK data protection legislation; such as the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)
- ii. Information Commissioner's CCTV Code of Practice; and
- iii. The Council's Policy and these conditions.

5.176 As data controller you will be responsible for the use of all images obtained through CCTV, any breaches of UK data protection legislation and any fines imposed for breaches of UK data protection legislation.

5.177 For the purposes of this Policy, a CCTV system will include any electronic recording device attached to the inside of a private hire vehicle having the technical capability to capture and retain visual images from inside or external to the vehicle.

5.178 If the CCTV is being used in a way which the Council considers to be in breach of data protection legislation, it may refer the matter to the Information Commissioner.

5.179 General requirements for equipment installed in a vehicle:

- a. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations 1978 as amended;
- b. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear. In particular, any camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users;
- c. All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician;
- d. The equipment must not weaken the structure or any component part of the vehicle or interfere with the integrity of the vehicle manufacturer's original equipment;

- e. All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
- f. All equipment must be protected from the elements and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle;
- g. Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
- h. All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed;
- i. The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the taxi or private hire car driver and passengers, and not for any other purpose;
- j. All equipment must be checked regularly and maintained to operational standards, including any repairs after damage;
- k. CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, must meet with requirements specified in the United Nations Economic Commission for Europe ("UNECE");
- l. The signage requirements set out below must be adhered to;
- m. Where CCTV equipment is capable of audio recording, the audio recording should be disabled by default and only activated in the event of an incident occurring causing a threat to driver or passenger safety. Where the audio recording facility is utilised, a reset function must be installed which automatically disables the audio recording and returns the system to normal default operation.
- n. CCTV equipment should have appropriate conformity marking to current legislative requirements.
- o. The licensee is responsible for compliance with data protection laws, as set out in the Information Commissioner's CCTV Code of Practice including responding to requests for CCTV under a subject access request.
- p. All private hire vehicles with CCTV must display signage within the vehicle to indicate that CCTV is in operation and display the privacy statement as required by UK data protection laws. The licence holder must ensure that any driver of the licensed vehicle must also verbally bring to the attention of the passengers that CCTV equipment is in operation
- q. The signage and privacy statement must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.
- r. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.
- s. The name and the contact telephone number of the licence holder, as data controller must be included on the sign and privacy statement.
- t. Whilst the Data Controller of the system must ensure that the appropriate data control and privacy laws and guidance are followed, the Council expects that Data will be handled securely in a way that 'ensures appropriate security', including protection against unauthorised or

unlawful processing and against accidental loss, destruction or damage.

- u. It is the responsibility of the Data Controller to consider the lawfulness of requests to share information in line with UK Data Protection Law. The uploading of footage to social media does not have a lawful basis. Unlawful sharing is a breach of UK Data Protection law and is considered a breach of policy.

Incident Log

5.180 You (as proprietor and any drivers who may use your vehicle) must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). In this you must record all incidents affecting the use of the private hire vehicle including, but not limited to:

- a. Collisions or accidents.
- b. Damage to the vehicle.
- c. Problems with the meter.
- d. Refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal).
- e. Any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger or passengers is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.

5.181 Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.

5.182 This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

No Smoking

5.183 The vehicle must have at least 3 “no smoking” signs displayed inside the vehicle clearly visible to passengers.

Legal Requirements (contained in national legislation) relating to a Private Hire Vehicle

5.184 The private hire vehicle proprietor must ensure that the vehicle is always displaying the plate in accordance with the conditions (section 48 (6) of the 1976 Act).

5.185 The private hire vehicle proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).

5.186 The private hire vehicle proprietor must present the private hire vehicle for inspection as required by the Council (section 50(1) of the 1976 Act).

5.187 The private hire vehicle proprietor must inform the Council where the private hire vehicle is stored if requested to do so (section 50(1) of the 1976 Act).

5.188 The Private Hire Vehicle proprietor must report any collision that has caused damage to the safety performance or appearance of the vehicle to the Council within 72 hours (section 50(3) Local Government (Miscellaneous Provisions) Act 1976).

5.189 The private hire vehicle proprietor must produce the vehicle licence and insurance if requested to do so by an Authorised Officer of the Council (section 50(4) of the 1976 Act).

5.190 The private hire vehicle proprietor must return the plate to the Council once you receive notice to do so after expiry revocation or suspension of the proprietors licence (section 58(2) of the 1976 Act).

5.191 The private hire vehicle proprietor must ensure that the vehicle is not permitted to stop or wait on any hackney carriage stand (section 64 of the 1976 Act).

5.192 It is an offence to interfere with a taximeter (section 71 of the 1976 Act).

5.193 The private hire vehicle proprietor must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).

Executive Hire

5.194 Whilst it is a mandatory requirement for private hire vehicles to display the plate(s) and additional signage at all times, it is possible for the council to grant an exemption from displaying some or all of the plates and signage. Such exemptions are often referred to as “executive hire”, which is the term used in this policy.

5.195 Where an exemption is granted, the vehicle will not have to display the plate(s) on the outside of the vehicle, but a plate must be fixed inside the boot lid (or tailgate) where it can be seen if requested by an authorised officer, a police constable or a passenger.

5.196 A council issued disc must be fixed to the bottom nearside windscreen and rear window of the vehicle.

5.197 Where an exemption is granted, the driver does not have to wear their armband and driver's badge, and the second badge does not have to be displayed in the vehicle where it is visible to passengers. The driver's badge must be carried by the driver and be available for inspection if requested by an authorised officer, a police constable or a passenger.

5.198 There are 2 elements to allow this exemption to operate.

5.199 A private hire operator can apply for a private hire operators' licence which will only allow executive hire; and application can be made by a vehicle proprietor in respect of a specific vehicle which can then be used for executive hire by any private hire operator.

5.200 To apply for an executive hire operators licence, the applicant must demonstrate that they have one or more contracts of 3 months or longer duration to provide transportation services to a specified company, sports club, entertainment venue or a specified individual (and then named staff).

5.201 To apply for an exemption for a specific vehicle, the vehicle proprietor must provide a large, luxury vehicle. In addition to the usual requirement that to be licensed a vehicle must have a minimum of 4 passenger doors, the following must be met to count as a “luxury” vehicle.

5.202 There must be sufficient space within the rear passenger compartment to enable a person who is 6 feet tall (1.83 m) to sit behind either front seat when the front seat is at the rearmost end of its travel, with space between their knees and the front seat backrest.

5.203 The vehicle must be capable of carrying one large suitcase (minimum Dimensions: Height: 76cm, Width: 50cm, Depth: 32cm) per passenger in the boot or luggage compartment.

5.204 The specification of the vehicle must be the highest level of trim available as original equipment from the manufacturer at the time the vehicle was manufactured.

5.205 If an exemption is granted to the private hire they cannot undertake “normal” private hire activity as long as the executive restriction remains a condition on the private hire licence. “Normal” private hire activity means any booking for a journey or series of journeys under contract for less than 3 months.

5.206 Once an exemption has been granted in respect of the vehicle, that vehicle can only be used for executive hire for bookings arranged via a private hire who holds an executive hire exemption. At all times exemption notice must be carried in the vehicle and available for inspection if requested by an authorised officer, a police constable or a passenger.

5.207 A condition will be attached to the vehicle licence to this effect.

Section 6: Private Hire Operator Licences

Local Government (Miscellaneous Provisions) Act 1976

This document contains the policy, conditions and legislation relating to your Private Hire Operator licence.

As Private Hire Operator licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a “person”, “you”, “licensee” or “operator” is taken to mean the Private Hire operator.

There is a power to attach conditions to Private Hire Operator licences, and Westmorland and Furness Council has standard conditions which are attached to these licences. These are contained within this document.

There is also a list of the main legislation that applies to Private Hire Operators.

Introduction

6.1 The purpose of licensing Private Hire Operators is to protect the public, ensuring that passengers are not exploited, abused or otherwise affected by unlicensed and potentially unscrupulous or dangerous booking agents.

6.2 It is a privilege to hold a Private Hire Operator licence and licensees have responsibilities to their passengers and customers, drivers, vehicle proprietors and the public generally. The Council has been satisfied that when you applied for your Private Hire Operator licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour.

6.3 As a private operator this assessment of your character not only includes times when you are working within the private hire trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the private hire trade. You should appreciate that under the Council's Convictions and Acceptable Behaviour Policy, if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade that will be viewed as an aggravating feature by the Council.

6.4 As a Private Hire Operator, you and your staff may be contacted by visitors to the Westmorland and Furness Council area. As a result, the experience of booking a private hire vehicle via the operator can affect a person for their entire visit. Private Hire Operators should be aware of this and ensure that their business is conducted to the highest standard at all times.

6.5 Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.

6.6 The Council has decided to attach conditions to Private Hire Operator licences that it considers reasonably necessary under the powers contained in section 55(3) of 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 55(4) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.

6.7 You must understand and comply with the legal requirements relating to the Private Hire Operator licence in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Operator licence being suspended or revoked.

6.8 The Council office for Private Hire and Hackney Carriage Licensing purposes is Westmorland and Furness Council:

Barrow Area and South Lakes Area Kendal (registered office): South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ Email: taxis@westmorlandandfurness.gov.uk

Eden Area Penrith: Voreda House, Portland Place, Penrith, Cumbria CA11 7BF

Email: Admin.Licensing@westmorlandandfurness.gov.uk

Telephone: **0300 373 3300**

All applications, notices, reports of incidents and any other communications with the Council must be sent to one of the above office addresses.

Sanctions against the Private Hire Operator Licence

6.9 Where a Private Hire Operator breaches any legislation or condition of the licence, they may be referred to the Regulatory Sub Committee or an officer authorised to act on behalf of the Regulatory Committee.

6.10 Whenever, and in what circumstances a Private Hire Operator is brought before the Regulatory Sub Committee or an officer, the Committee will decide each case on its merits, after hearing the facts.

6.11 The Committee may also suspend or revoke the Private Hire Operator licence (see below).

Power to take action against a Private Hire Operator licence

6.12 Under section 62 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Operator licence on the following grounds:

- a. Any offence under, or non-compliance with, the provisions of this Part of this Act;
- b. Any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
- c. Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;

- d. That the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- e. Any other reasonable cause.

6.13 Failure to comply with most Private Hire Operator legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Operator licence being suspended, revoked or the renewal refused.

6.14 Failure to comply with the Council's conditions may result in your Private Hire Operator licence being suspended, revoked or the renewal refused.

6.15 If any information given by you on the application form for a Private Hire Operator licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.

6.16 The Private Hire Operator licence remains the property of the Council.

6.17 It must be understood that a decision to grant a Private Hire Operator licence is made on the basis of the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your Private Hire Operator licence and therefore your livelihood.

Policy

General

Applicants

6.18 Private Hire Operator licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies.

Character of the applicant

6.19 A Private Hire Operator will receive personal information from those who book a Private Hire vehicle through that operator. That information may be sensitive or relate to people's movements or activities and as a consequence it is essential that a Private Hire Operator satisfies the Council that they are a fit and proper person to hold a Private Hire Operator licence.

6.20 All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process. The check must be dated within 1 month of the date of application. The same will be required of all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. If any new or replacement partner, director or secretary or is appointed or joins, you must notify the Council within 7 days, and that notification must be accompanied by a Basic DBS Certificate in relation to that person dated within 1 month of the date of notification.

6.21 The application will then be considered in the light of the Council's Convictions and Acceptable Behaviour Policy.

6.22 In addition, the Council will take into account the compliance history in relation to previous Private Hire and Hackney Carriage licences held by the applicant or any partners in a partnership, all directors and secretary of a limited company and any limited company itself.

6.23 Every year for the duration of your licence, you must provide a new Basic DBS certificate, not more than 1 month old, for yourself (if a sole operator) or all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company if the licence is held, by a limited liability or conventional partnership or limited company. The certificate must be provided to the Council within 10 working days of the anniversary of the grant of your licence. Failure to do so may lead to action being taken against your licence.

Certificate of Good Conduct

6.24 Applicants who are foreign nationals and who have not been continuously resident in the UK for more than 5 years since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

6.25 UK citizens who have lived outside the UK for more than 3 months at a time since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

6.26 Where it is not possible for an applicant to obtain certificates of good conduct (e.g. in the case of refugees who do not want to reveal their whereabouts, or where there is no functioning system within that particular country) a licence will not be granted until that person has resided in the United Kingdom for 10 years. After that time, an Enhanced DBS certificate will be acceptable.

6.27 To enable the council to make a decision as to whether or not an applicant is a suitable person to be granted or continued to hold a Private Hire Operators licence which can include your behaviour as a licensed driver or licensed vehicle proprietor and the behaviour of your staff, the following test will be used:

“Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person/business, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?”

6.28 Note - Nothing in this policy precludes a licence holder from being required to undergo a further DBS check at any time as directed by the Council.

Convictions

6.29 If you or any partner in a limited liability partnership or conventional partnership, or any director or secretary of a limited company is arrested in connection with, cautioned, charged with or convicted of ANY criminal offence or subject to ANY order or notice by a criminal court, civil court or Police imposed. You must report it to the Council immediately by email or via the Council's website and in any event within 72 hours, including weekends and bank holidays.

Maintenance of the Licence and Renewals

6.29 Once the licence has been granted, you (including all partners in any form of partnership and all directors and secretary of a limited company) will be required to provide a Basic Disclosure and Barring Service Certificate annually.

6.30 A valid application for the renewal of a licence, including all the required original documentation, must be made at least 10 working days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current Private Hire Operator licence, there will be a period of time during which you will be unlicensed and cannot make a provision for the invitation of bookings for Private Hire vehicles.

Where a Private Hire Operator licence is found to have been obtained using false or incomplete information enforcement action is likely to be taken.

Identity

6.31 All applications must be accompanied by two photographs of the applicant (including all partners in a partnership and all directors and secretary of a limited company), one of which must be endorsed and signed by one of the following; a solicitor, notary, a person holding a professional qualification or a person of standing in the community which includes a bank or building society official, a police officer, a civil servant or a minister of religion.

Immigration requirements

6.32 An applicant for a Private Hire Operator's must have the right to remain and work in the UK. This will be evidenced on application by the driver providing documentation which complies with the Home Office guidelines. At the time this policy was adopted those are detailed in Appendix 1 to the Home Office document "Guidance for Licensing Authorities to prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales"¹ (<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks/guidance-for-licensing-authorities-to-prevent-illegal-working-in-the-taxi-and-private-hire-sector-in-the-uk-21-june-2024-accessible-version>) . The list of acceptable documents is also detailed on the Council's website.

The original documents must be provided and brought to the Council offices by the applicant in person. They will then be inspected, verified and copied.

6.33 Where an applicant has an unqualified right to remain and work, that will be noted and this process will not be repeated on renewal.

6.34 However where there is a qualifications to either of the rights, the required documentation must be provided each time the licence is renewed. In those cases a licence for a shorter period than the usual 5 years may be granted.

6.35 If at any time during the licence period, the right to remain and work is lost, that licence will cease to have effect and the licensee must immediately notify the Council and return the licence.

Where a person has made a right to work or right to reside application and is awaiting a decision, a licence may be granted. In these situations, the Government Guidance will be applied.

¹ Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf

HMRC Compliance

6.36 The council will advise new applicants of the need to register with HMRC for tax and the applicant must sign an acknowledgement that they have received this information.

6.37 Existing licensees applying for the renewal of a licence must obtain their unique 9 character code from His Majesty's Revenue and Customs (HMRC) and provide this to the council. If this cannot be provided the application cannot proceed.

Use of the Licence

Operator's Base

6.38 If your Private Hire Operator licence relates to one or more addresses (bases) within the Council area, every address that is being used will be detailed on the Private Hire Operator licence. If a Private Hire Operator licence does not relate to the address or addresses being used, that licence is void. Continued use of that Private Hire Operator licence will be a criminal offence.

6.39 If you have more than one operating office or base within Westmorland and Furness that does not mean that you require a separate Private Hire Operator licence for each premises, but you must submit a list to the Council containing all the addresses from which you run your business, and all addresses will be detailed on the Private Hire Operator licence. You must inform the Council by email or via the Council's website within 72 hours of any change of any address (ceasing to use an address, moving to a new address or adding an additional address).

6.40 Planning permission or a Certificate of Lawful Existing Use or Development for the use or change of use of premises, whether home or commercial, is not required before an application can be made for a Private Hire Operator licence. However it may be unlawful to use those premises as an operator's base and advice should be sought from the Council's Planning Department if required.

6.41 Anyone who is making a provision for the invitation of bookings (evidenced by a Private Hire office or base) in more than one local authority area will be required to hold a Private Hire Operator licence with the local authority in each of those areas.

Your website, app or other advertising material must include details of your complaints procedure.

Manager

6.42 As a Private Hire Operator, you (unless you are an individual) must identify a person as the manager who has day-to-day responsibility for the Private Hire Operation. There must also be a nominated deputy to take responsibility in the absence of the manager. You will have to ensure that one individual is responsible at any particular time.

Drivers and Vehicles

6.43 As a Private Hire Operator, you must ensure that any Private Hire driver employed or used by you holds a current Dual driver licence (or Restricted Private Hire Drivers Licence if engaged on school transport activities only) and any Private Hire vehicle operated, employed or used by you holds a current Private Hire vehicle licence issued by Westmorland and Furness Council. You must hold the Private Hire Operator licence for the duration of the time that you operate that driver or vehicle.

6.44 If at any stage you propose dispatching a public service vehicle (PSV) to fulfil a booking, you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a Private Hire driver.

Staff

6.45 As a Private Hire Operator, you must maintain a record of all staff (employees, independent contractors and others engaged by or utilised by you as a Private Hire Operator).

6.46 You must create, maintain and apply a policy in relation to any previous convictions or unacceptable behaviour of your staff. This should be the same as the Council's Convictions and Acceptable Behaviour Policy. You should apply this policy to all staff who are involved in making bookings for or dispatching Private Hire vehicles, or who have access to your operator's records, and you should not engage any person in contravention of that policy. The reasons for such a decision must be recorded in your staff records.

All staff must produce to you a Basic DBS Certificate no older than one month before appointment, and must produce a new Basic DBS certificate within one month of each anniversary of that appointment. You must record each production.

6.47 You must require all staff to notify you within 72 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 72 hours of your decision and record that in the staff records.

6.48 All staff records must be available for inspection by an Authorised Officer of the Council or police constable at any reasonable time.

Booking Records

6.49 You must create and maintain records of all bookings received for Private Hire vehicles as detailed in the conditions of licence. These records must be maintained for 6 months and must be available for inspection by an Authorised Officer or Police Constable at any reasonable time. You must inform the Council of the method that you intend to use to record this information. Depending on the scale of your operation this could be handwritten records (in a bound book with sequentially numbered pages) or a computerised system. In either case the records must not be capable of being altered after they have been compiled.

Standards of service

6.50 You must provide a professional and reliable service to customers at all times.

Complaints

6.51 You must maintain and utilise a comprehensive complaints process.

6.52 Any private hire operator who receives a complaint concerning a driver's conduct or about a vehicle's fitness, appearance, safety or fare levied shall inform the licensing authority, in writing, immediately or in any event within 72 hours of the receipt of such a complaint.

Insurance

6.53 You must maintain public liability insurance for all premises that are open to the public.

Data Protection

You must be registered with the Information Commissioner for Data Protection Purposes

Conditions

6.54 In these conditions, which are imposed under the provisions of section 55(3) of the 1976 Act, unless otherwise indicated;

“the Council” means Westmorland and Furness Council

“You” means the operator as holder of Private Hire Operator licence issued by the Council under section 55 of the 1976 Act.

6.55 The following Conditions are attached to your Private Hire Operator licence and must be complied with at all times. Failure to comply with conditions may lead to suspension, revocation or refusal to renew the Private Hire Operator licence.

6.56 You must return your Private Hire Operator licence to the Council immediately if:

- a. You change your home or business address.
- b. You add or alter any addresses detailed on the Private Hire Operator licence.
- c. If the Private Hire Operator licence expires, or is suspended or revoked.
- d. When required to do so by an Authorised Officer of the Council.

6.57 If you or any partner in a limited liability partnership or conventional partnership, or any director or secretary of a limited company is arrested in connection with, cautioned, charged with or convicted of ANY criminal offence or subject to ANY order or notice be it criminal court, civil court or Police imposed. You must report it to the Council immediately by email or via the Council's website and in any event within 72 hours, including weekends and bank holidays.

General

6.58 As a Private Hire Operator, you (unless you are an individual) must identify a person as the manager who has day-to-day responsibility for the Private Hire operation. There must also be a nominated deputy to take responsibility in the absence of the manager. You will have to ensure that one individual is responsible at any particular time. The manager or their deputy will be the first point of contact between the Council and the Private Hire Operator.

DBS Checks

6.59 You (or where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit to the Council a Disclosure & Barring Service basic disclosure (dated within one month of the submission) on or before the anniversary of the granting of the Private Hire Operator licence. Failure to do so will result in the Private Hire Operator licence being suspended until such time as the DBS certificate is provided.

6.60 The cost of these checks will be covered by you.

6.61 Where you (or any partners or directors and secretary of the company where the operator is a partnership or limited company) hold a dual driver licence or RPHD licence you are not required to submit an annual basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a Dual driver's or RPHD licence.

Staff Policy

6.62 Where you employ or intend to employ persons involved in taking bookings or the dispatch of vehicles, you must produce and apply a policy on the employment of ex-offenders in those roles this policy must be based on the Council's Convictions and Acceptable Behaviour Policy. The policy must be available for inspection on request of an Authorised Officer of the Council. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's Convictions and Acceptable Behaviour Policy standards will lead to consideration by the Council as to whether you as an operator remain a fit and proper person.

6.63 The Private Hire Operator must require that all staff engaged in taking bookings or dispatching vehicles to report to them within 72 hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are engaged in this role.

6.64 A basic DBS certificate (dated within one month of the date of disclosure) of any staff that have access to booking records or the dispatching of vehicles must be produced before engagement and annually thereafter. A register must be maintained of all staff which must include a record of when each DBS check has been undertaken. This register must be available for inspection by an Authorised Officer of the Council upon request. The register should include the following:

- a. The date that person's employment in that role commenced.
- b. The date the Private Hire Operator checked the DBS certificate.
- c. The name of the person that checked the DBS certificate.
- d. The date the person ceased to perform that role.

6.65 The register must be retained for 6 months in line with the booking records.

6.66 Should an employee cease to be on the register and later re-enter the register, a new basic DBS certificate must be provided to the Private Hire Operator.

6.67 You must require all staff to notify you within 72 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 72 hours of your decision and record that in the staff records.

6.68 You must ensure that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. You must have obtained evidence of this from the outsourced firm/company before outsourcing these functions.

Vehicle and driver licences

6.69 You can only use Private Hire vehicles and Dual drivers licensed by Westmorland and Furness to fulfil bookings that you receive, unless that booking is subcontracted to an operator licensed by another local authority. In that case you remain responsible for that booking but it is discharged by a subcontractor.

6.70 All Private Hire vehicle licences and driver licences of vehicles and drivers operated, engaged or otherwise utilised by you must be inspected by you. Those licences must be stored securely and retained for as long as you operate the vehicle or driver. They must be returned to the vehicle proprietor or driver when you no longer operate them.

Records

6.71 It is a requirement to keep records of bookings received and journeys undertaken under section 56(2) of the 1976 Act (referred to hereafter as the “booking records”) and the following are the conditions relating to those records.

6.72 Booking records must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.

6.73 You must ensure that, the following details of every Private Hire booking that you invite or accept are recorded before the commencement of each journey:

- a. The name of the passenger or other identifying features; e.g. hotel room number
- b. The time of the request
- c. The time the vehicle is required
- d. The pick-up point
- e. The destination (if known at that time)
- f. The name of the driver
- g. The driver's licence number
- h. The vehicle registration number of the vehicle
- i. The vehicle licence number
- j. The name of any individual that responded to the booking request
- k. The name of any individual that dispatched the vehicle.

6.74 These records must be kept for a period of not less than 6 months from the date of the entry.

6.75 A record of all vehicles that you operate must be kept and details must include:

- a. Details of the proprietor(s)/licensee.
- b. Registration number.
- c. Any radio call sign used.
- d. Maintenance history of the vehicle.
- e. A copy of a valid insurance certificate

6.76 These records must be kept for a period of not less than 6 months from the date that you cease operating that vehicle.

6.77 A record must be kept of the names and addresses of all licensed drivers that you use. You must notify the Council of the following:

- a. When any driver begins working for, or being available to be operated by you.
- b. When any driver's activity above detailed ceases.
- c. Any change of address of any driver in service.
- d. If you become aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties.

6.78 If at any time you become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) you must immediately cease using that driver until such time as the driver can demonstrate that they can drive a Private Hire vehicle without risk to the public.

6.79 These records must be kept for a period of not less than 6 months from the date when you cease to be engaged or otherwise use the driver to drive Private Hire vehicles.

6.80 All records and retained licences must be available for inspection at any reasonable time by an Authorised Officer of the Council or a police constable.

Standards of Service

6.81 A prompt, efficient and reliable service to members of the public must be provided at all times.

6.82 In particular you must (but this is not an exhaustive list):

- a. Ensure that all Private Hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.
- b. Ensure the vehicle dispatched is a Council licensed Private Hire vehicle and the driver of the vehicle is a Council licensed Dual Hire driver (unless it is a School or Social Services Transport contract and you are using a RPHD licensed driver).
- c. Keep any premises which you control and which are open to the public clean, adequately heated, ventilated and lit.
- 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 the correct licences are in place for any radio equipment.
- f. Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats and luggage space.

Ride Sharing/Car-pooling

6.83 If you arrange ride sharing/carpooling journeys you must offer the option to hirers to only share with other passengers of the same gender. If hirers select this option, passengers of the opposite gender must not be added to the same booking.

6.84 If the journey is to be part of a ride sharing/carpooling journey, that must be made clear to the hirer before the booking is accepted, and you must ensure that individual hirers explicitly consent to that ride sharing/carpooling arrangement.

Public Service Vehicles

6.85 Public Service Vehicles (PSVs) may not be used to undertake a Private Hire vehicle booking, unless the informed consent of the hirer has been obtained. To obtain such informed consent you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore may not have been subjected to the same checks (criminal records and character) as a Dual Private Hire driver or RPH driver, or may have had a dual drivers' licence, Hackney carriage drivers' licence or private hire drivers' licence revoked or refused by Westmorland and Furness Council or any other local authority.

Complaints

6.86 The manager or their deputy must initiate an investigation into any complaint received from the public within 72 hours from receipt of the complaint.

6.87 A register must be maintained of complaints (digital or hard copy), which must include the following information:

- a. Complainant's name, address/email address
- b. Details of the complaint
- c. Time and date of the alleged incident
- d. Time and date the complaint was received by you or the manager

- e. How the complaint was received e.g. phone, email, etc.
- f. Name of person that received the complaint
- g. Name of the alleged perpetrator
- h. Date and time the complaint was referred to the Council – and by whom
- i. Details of the action taken to resolve the complaint and by whom
- j. Date the complaint was resolved.

6.88 A copy of the complaints register must be available for inspection upon request of an Authorised Officer of the Council. The records must be retained for a period of 6 months.

6.89 You must, on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Council.

6.90 You must ensure that details of how a customer can contact yourself as the Private Hire Operator in the event of any complaint relating to a booking or other contract, are displayed on your website, booking app and (in the absence of online booking platform), at any booking office.

6.91 Where a complaint is received by the Council, you must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an Authorised Officer or Police Constable in respect of the complaint.

6.92 You must notify the Council, by email or via the Council's website immediately if you receive a complaint about a driver operated by you when it has been identified that the complaint relates to any of the following:

- a. Allegations of sexual misconduct (including the use of sexualised language).
- b. Racist behaviour.
- c. Violence (including verbal aggression).
- d. Dishonesty including theft.
- e. Equality breaches.
- f. Any other serious misconduct (including motoring related e.g. dangerous driving or drink driving).

Change of Address

6.93 You must notify the Council in writing of any change of address (including any address or addresses from you operate or otherwise conduct your business as a Private Hire Operator) within 72 hours of such change taking place.

Convictions

6.94 You must notify the Council in writing if you have been convicted or cautioned for any offence, been arrested or are under investigation for any offence, received a fixed penalty notice, Community Protection Notice (CPN), Criminal Behaviour Order (CBO). The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding a Private Hire Operator licence. The same requirement applies to any manager or deputy manager.

Advertising

6.95 You must not display or permit to be displayed on or from your premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning unless you also take bookings for Hackney Carriages.

Insurance

6.96 Any premises that you control and are open to the public must be covered by Public Liability Insurance.

6.97 This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.

6.98 You must ensure that at all times there is in force a policy of insurance covering Private Hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988 for all Private Hire vehicles operated.

6.99 You must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. You must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any Authorised Officer of the Council.

Personal data

6.100 You must be registered with the Information Commissioner's Office as you will be holding personal data for customers and any staff that you engage.

6.101 You must report any loss of personal data, whether by theft or otherwise, to the Council in writing within 24 hours of the loss or discovery of the loss (whichever is sooner), and also immediately to the police in the event of suspected theft. You may also need to report any such incident to the Information Commissioner's Office, for more information see [here](#).

Working hours

6.102 You must take steps to ensure that drivers do not work excessively long hours. You must not permit drivers to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5½ hours. The driver must also have a break at the end of this period, unless it is the end of the working day.

Display of Conditions

6.103 You must display a copy of these conditions in any premises which you control and are open to the public. In addition, copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

Subcontracting

6.104 If you subcontract any booking to another Private Hire Operator licensed in England (including Greater London), Wales or Scotland, you, as the operator who initially accepted the booking, remain liable under the contract.

6.105 If you do subcontract any booking, you must inform the hirer of the subcontract before the hiring commences.

Information

6.106 You must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that whether by non-attendance by the vehicle, late attendance or any other shortfall in performance may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting you if such circumstances arise.

6.107 Failure to adhere to any of the conditions of this licence may result in enforcement action. Any enforcement action taken will be in accordance with the Council's enforcement policies.

Legal Requirements (contained in national legislation) relating to a Private Hire operator

6.108 A Private Hire Operator must only operate Private Hire vehicles and Dual Private Hire drivers or RPHD licensed by the same council as the operator (section 46(1) (e) of the 1976 Act).

6.109 A Private Hire Operator can subcontract a booking to another Private Hire Operator licensed in England (including Greater London but excluding Plymouth), Wales or Scotland but remains liable to the hirer under the contract (section 55A of the 1976 Act).

6.110 A Private Hire Operator who initially accepted a booking from a hirer remains liable under that contract even if they do not ultimately fulfil that contract as a result of a subcontract (section 56(1) of the 1976 Act).

6.111 A Private Hire Operator who accepted a booking must maintain records of that booking in accordance with the conditions attached to the Private Hire Operator's licence and must produce those records if requested to do so by an Authorised Officer of the Council or Police Constable (section 56(2) of the 1976 Act).

6.112 A Private Hire Operator must maintain a record of all vehicles operated by him and must produce those records if requested to do so by an Authorised Officer of the Council or Police Constable (section 56(3) of the 1976 Act).

6.113 A Private Hire Operator must produce their Private Hire Operator licence if requested to do so by an Authorised Officer of the Council or Police Constable (section 56(4) of the 1976 Act).

6.114 A Private Hire Operator must not refuse to accept a booking for a Private Hire vehicle because the passenger will be accompanied by an assistance dog and no additional charge can be made for any such booking (section 170 (1) & (2) of the Equality Act 2010).

Executive Hire

6.115 Whilst it is a mandatory requirement for private hire vehicles to display the plate(s) and additional signage at all times, it is possible for the council to grant an exemption from displaying some or all of the plates and signage. Such exemptions are often referred to as "executive hire", which is the term used in this policy.

6.116 Where an exemption is granted, the vehicle will not have to display the plate(s) on the outside of the vehicle, but a plate must be fixed inside the boot lid (or tailgate) where it can be seen if requested by an authorised officer, a police constable or a passenger.

6.117 A council issued disc must be fixed to the bottom nearside windscreen and rear window of the vehicle.

6.118 Where an exemption is granted, the driver does not have to wear their armband and driver's badge, and the second badge does not have to be displayed in the vehicle where it is visible to passengers. The driver's badge must be carried by the driver and be available for inspection if requested by an authorised officer, a police constable or a passenger.

6.119 There are 2 elements to allow this exemption to operate.

6.120 A private hire operator can apply for a private hire operators' licence which will only allow executive hire; and application can be made by a vehicle proprietor in respect of a specific vehicle which can then be used for executive hire by any private hire operator.

6.121 To apply for an executive hire operators licence, the applicant must demonstrate that they have one or more contracts of 3 months or longer duration to provide transportation services to a specified company, sports club, entertainment venue or a specified individual (and then named staff).

6.122 To apply for an exemption for a specific vehicle, the vehicle proprietor must provide a large, luxury vehicle. In addition to the usual requirement that to be licensed a vehicle must have a minimum of 4 passenger doors, the following must be met to count as a "luxury" vehicle.

6.123 There must be sufficient space within the rear passenger compartment to enable a person who is 6 feet tall (1.83 m) to sit behind either front seat when the front seat is at the rearmost end of its travel, with space between their knees and the front seat backrest.

6.124 The vehicle must be capable of carrying one large suitcase (minimum Dimensions: Height: 76cm, Width: 50cm, Depth: 32cm) per passenger in the boot or luggage compartment.

6.125 The specification of the vehicle must be the highest level of trim available as original equipment from the manufacturer at the time the vehicle was manufactured.

6.126 If an exemption is granted to the private hire they cannot undertake "normal" private hire activity as long as the executive restriction remains a condition on the private hire licence. "Normal" private hire activity means any booking for a journey or series of journeys under contract for less than 3 months.

6.127 Once an exemption has been granted in respect of the vehicle, that vehicle can only be used for executive hire for bookings arranged via a private hire who holds an executive hire exemption. At all times exemption notice must be carried in the vehicle and available for inspection if requested by an authorised officer, a police constable or a passenger.

6.128 A condition will be attached to the vehicle licence to this effect.





Translation Services

If you require this document in another format (e.g. CD, Braille or large type) or in another language, please telephone: **0300 373 3300**.

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