



**HACKNEY CARRIAGE VEHICLE AND PRIVATE
HIRE LICENSING POLICY**

April 2021

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PART A

HACKNEY CARRIAGE VEHICLE AND PRIVATE HIRE VEHICLE LICENSING

1. Introduction

1.1 Powers and Duties

1.1.1 East Lindsey District (the Licensing Authority) is responsible for the licensing of hackney carriage vehicles (taxis) and hackney carriage drivers, and private hire vehicles, private hire drivers and private hire vehicle operators.

1.1.2 The licensing of hackney carriages dates back to 1847 and for private hire vehicles (outside London) to 1976. The Council has adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976, as amended – this Council’s adoption of Part 2 of the 1976 Act came into force on 01 November 1977. This legislation, together with the provisions of The Town Police Clauses Act 1847, places on East Lindsey District Council, as the Licensing Authority, a specific duty to carry out the hackney carriage and private hire vehicle licensing functions.

1.1.3 This document sets out the policy that this Licensing Authority will apply when making decisions about new vehicle licence applications and vehicle licences currently in force. It provides prospective licence applicants with clarity and a consistency of approach in the decision making process.

1.1.4 A modern, effective policy document will ensure that the trade and the public have a document that fully explains the licensing process. It will also ensure consistency of approach by the Council and Officers thereby ensuring fairness to the hackney carriage and private hire vehicle trade. Guidance will also be made available to assist licence applicants and licence holders; the aforementioned guidance does not form part of this policy.

1.1.5. It should be noted that this policy will not override the right of any person to make a licence application, as each case will be considered on its own merits and according to the statutory requirements of the 1847 and 1976 Acts and other associated legislation.

1.1.6 The purpose of regulation is to give passengers confidence when using a hackney carriage or private hire vehicle that they are dealing with a regulated, professional business with honest drivers and safe vehicles. Regulation makes our society more secure – it both protects customers and employees, as well as protecting businesses and the environment. Better regulation means maintaining and improving customer protection and at the same time providing the right environment for business to thrive. This Council recognises that regulation should be undertaken in a way that is effective, does not create unnecessary burdens, and is consistent, transparent, proportionate, accountable and fair.

1.1.7 The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the District’s residents, visitors and business community. This policy aims to strike a balance that will be of benefit to the trade, the public and the Licensing Authority. The policy aims to ensure that high standards are offered by the hackney carriage and private hire vehicle trade.

1.1.8 Whistleblowing - This Council has adopted a Whistleblowing Policy and has internal procedures in place for licensing staff to raise concerns if they feel that licensing policies and requirements are not being correctly applied and implemented. The Whistleblowing Policy is available on the Council's internal Intranet and applies to all employees and Officers of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors are also encouraged to use the policy. This Authority recognises that if a worker is aware of, and has access to, effective internal procedures for raising concerns then whistleblowing is unlikely to be needed.

1.1.9 Multi-Agency Safeguarding Hub - This Authority has adopted a Safeguarding Policy and Procedures. The policy and procedures are available on the Council's internal Intranet and it applies to all employees and Officers of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors are also encouraged to use it. In addition, the Council has an adopted a procedure for making safeguarding referrals to the Lincolnshire Safeguarding Children Partnership and the Lincolnshire Safeguarding Adults Board.

1.1.10 Staying Safe: Guidance for Passengers - This Authority will provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. Such guidance will be available in the licensing area of the Council's website: www.e-lindsey.gov.uk

1.2 Planning Permission

1.2.1 The Licensing Authority will only take into account relevant matters relating to hackney and private hire vehicle licensing. The existence (or not) of a planning permission or building regulation approval for a site associated with hackney carriage or private hire vehicles will not be taken into account by the Licensing Authority in determining a licence application. Similarly, the existence of a licence will not prejudice (or influence) the consideration of any planning or building regulation application related to a hackney carriage or private hire vehicle operating site.

1.2.2 There is no legal basis for the Licensing Authority to refuse a licence application because the site does not have planning permission. However, applicants must be aware that planning and licensing requirements must both be satisfied prior to the commencement of operations, and if this is not the case then the applicant will be liable to enforcement action for breaches of the relevant legislation.

1.3 Delegation of Functions

1.3.1 The Council has delegated to its Officers the authority to consider and determine applications for licences, subject to the criteria set out in this policy document. The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a licence should be granted, then that licence application should be forwarded to the Council's Licensing Committee (consisting of Councillors) for determination. Please note that Officers can refer an application to the Licensing Committee at any time for determination. An applicant will be given an opportunity to make representations, either in writing or orally at a meeting of the Council's Licensing Committee. Any representations will be given full consideration prior to a decision being made in respect of the application.

1.4 Licensing Objectives

1.4.1 Hackney carriage and private hire vehicles play a vital and integral part in an integrated transport system. They also provide services in situations where other forms of transport are either not available (rural areas and late evenings) or for persons with mobility difficulties.

1.4.2 When undertaking the licensing function, this Authority will seek to promote the following objectives:

- The protection of the public;
- The establishment of professional and respected hackney carriage and private hire trades;
- Access to an efficient and effective public transport service;
- The protection of the environment;
- Improved disability access and awareness.

1.4.3 The Authority aims to regulate the service in order to promote the above objectives. It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.

1.4.4 Hackney carriages and private hire vehicles are an essential mode of transport for many disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travelling needs of people with disabilities.

1.4.5 This Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. The Authority considers it important that people with disabilities have access to all forms of public transportation.

1.4.6 With this in mind this Authority will encourage the provision of wheelchair and disabled accessible vehicles wherever possible. Accessibility for people with disabilities (including, but not only people, who need to travel in a wheelchair) will be an important consideration for the Authority in relation to vehicles licensed as hackney carriages or private hire vehicles.

1.4.7 When considering each of the matters detailed in this policy document, regard has been given to the Code of Practice for Regulators in order to ensure that each requirement is properly justified by the risk it seeks to address, as well as balancing the cost of the requirement against the benefit to the public.

1.4.8 In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance issued by the Department for Transport in March 2010 and the Statutory Taxi and Private Hire Vehicle Standards (published 21 July 2020) have assisted the Licensing Authority together with local circumstances and operational requirements.

1.5 General Matters and Licensing Profile

1.5.1 East Lindsey District Council is situated in the County of Lincolnshire, which contains 7 District Councils in total. The East Lindsey District Council area has a population of 136,400 (Census 2011). In terms of area it is the largest in the County, covering 700 square miles. Furthermore, the Council is the third largest district (in terms of area) in the country. The district covers virtually the entire Lincolnshire coastline, including the seaside resorts of Skegness, Ingoldmells, Chapel St Leonards,

Sutton on Sea and Mablethorpe. In the heart of the district lies the Lincolnshire Wolds, a designated Area of Outstanding Natural Beauty (AONB). The main industries are agriculture and tourism. Skegness is the fifth largest seaside resort in England and the population along the coast increases from 60,000 to 240,000 during the summer tourist season.

1.5.2 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at taxis ranks or be hailed in the street by members of the public. Private hire vehicles too must have no more than 8 passenger seats, but they must be booked in advance by customers through an operator and may not ply for hire in the street.

1.5.3 Operators and drivers are reminded that if the vehicle is wheelchair accessible then the wheelchair space counts as a passenger space – see paragraph 2.2.10 of this policy for further clarification.

1.5.4 This Authority is responsible for the following number of licences:

Number of Hackney Carriage & Private Hire Licences – September 2019	
Hackney Carriage Vehicle Licences	139
Private Hire Vehicle Licences	124
Private Hire Vehicle Operator Licences	64
Dual Licensed Hackney Carriage and Private Hire Vehicle Drivers	323

Of the total 139 hackney carriage vehicles 43 of the vehicles were wheelchair accessible vehicles.

Of the total 124 private hire vehicles 1 of the vehicles was a wheelchair accessible vehicle.

Within the private hire vehicle fleet, in September 2019, there were no stretched limousine type vehicles or novelty type vehicles licensed with this Authority.

Approximately 38% of the licensed drivers have been licensed with the Authority for more than 10 years.

2. Hackney Carriage and Private Hire Vehicles

2.1 Limitation of Vehicle Numbers

2.1.1 No powers exist for Licensing Authorities to limit the number of private hire vehicles that they licence.

2.1.2 In line with the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, this Authority does not impose a quantity restriction on the licences that are issued in respect of hackney carriage vehicles.

2.1.3 However, until 2004 this Council did limit hackney carriage vehicle licence numbers - that limit on vehicle licence numbers was removed on 14 September 2004. The limit was lifted with the proviso that all new hackney carriage vehicle licences, granted above the previous quantity control policy, would be for purpose-built wheelchair / disabled access vehicles. The vehicle specification laid down for these new hackney carriage vehicle licences can be found at **Appendix A** of Part A of this Policy document.

2.1.4 The pre-2004 hackney carriage vehicle licences have retained grandfather rights to use saloon style vehicles. However, the vehicles may be of the wheelchair accessible type if the vehicle proprietor wishes to make use of such a vehicle. The vehicle specification laid down for these pre-2004 hackney carriage vehicle licences can be found at **Appendix B** of Part A of this Policy document. The pre-2004 grandfather rights will continue for the period of this policy, allowing such operators of saloon type hackney carriages to replace their vehicles on a similar like for like basis (with the exception of such matters (e.g. tinted windows) detailed in this policy document).

2.1.5 The method of limit removal in September 2004 has resulted in the East Lindsey District having a healthy mixed hackney carriage fleet of wheelchair accessible vehicles and saloon type vehicles.

2.2 Vehicle Specifications and Licence Conditions

2.2.1 Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage or private hire vehicles.

2.2.2 Government guidance suggests that they should adopt the principle of specifying as many different types of vehicle as possible and are encouraged to make use of the type approval rules within any vehicle specifications they adopt.

2.2.3 This Authority accepts that there are a wide range of vehicles available that are suitable for use as a hackney carriage or private hire vehicles. In accordance with Central Government's guidance, all vehicles, therefore, shall have an appropriate type approval which is either a:

- European Whole Vehicle Type Approval;
- British National Type approval; or in certain limited circumstances,
- An Individual Vehicle Approval (IVA).

As a guide, most large volume production vehicles produced in the UK and EU States after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate IVA approval and such documentation must be submitted with an application.

2.2.4 The Individual Vehicle Approval (IVA) scheme is an inspection for special purpose and/or converted vehicles which have not been type-approved to British or European standards. The main purpose of the IVA scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads. This involves a physical inspection of each individual vehicle at an inspection facility of the DVSA.

2.2.5 This Authority has adopted vehicle specifications for hackney carriage and private hire vehicles. The vehicle specification laid down by this Authority for private hire vehicle licences can be found at **Appendix C** of Part A of this Policy document. The relevant specifications for hackney carriage vehicles can be found at **Appendices A** and **B** of Part A of this policy document. The purpose of the individual specifications are to ensure that vehicles are safe, suitable and provide adequate comfort for the role that they perform. The specifications cover a range of issues including:

- All vehicles with a capacity of 2 – 8 passengers must be right-hand drive and fitted with four doors (except special event private hire vehicles, which will only be licensed if shown to be

subject to the minimum of IVA Certification or greater. Such approval must certify the seating capacity as no more than 8 passengers plus the driver).

- No vehicle will be licensed as a hackney carriage if passengers have to clamber over a seat or fold a seat in order to exit or enter the vehicle.
- All vehicles must be constructed to carry at least one and not more than eight passengers, in addition to the driver, in safety and comfort. The seat width requirement is 16” (approximately 40 cm) per person. Bench type seating (e.g. wooden slated type seating) is not permitted.

2.2.6 Vehicle Licence Conditions: The Council may attach conditions to a vehicle licence as are believed to be reasonable and necessary. This power is subject to a right of appeal by any applicant aggrieved by one or more of the conditions so attached.

2.2.7 The Authority will impose such conditions as it considers reasonably necessary on hackney carriage and private hire vehicle licences. These vehicles provide a service to the public, so it is appropriate to set criteria for the standard of the external and internal condition of the vehicle, provided that these are not unreasonably onerous. The Authority considers that the conditions of licence as set out in **Appendix D** of Part A of this policy document are reasonable, necessary and appropriate for all hackney carriage vehicles and similarly the conditions set out at **Appendix E** of Part A this policy document are appropriate for private hire vehicles.

2.2.8 The attachment of these standard conditions does not prevent the Council from attaching any other necessary condition(s) to the licence, in response to specific issues that have been considered as part of the application process. This power may also be used to substitute or go beyond any of the standard conditions with requirements that are more or less stringent, as the case may be

2.2.9 Wheelchair Accessible Vehicles: In accordance with the Equality Act 2010 the Council maintains a published list of vehicles designated to carry a passenger seated in a wheelchair. For this purpose, a wheelchair is the standard reference wheelchair defined in the Public Service Vehicle Accessibility Regulations 2000 which is 1300mm in length, 750mm wide and 1500mm in height.

2.2.10 Wheelchair Space: Vehicles shall be licensed for the carriage of not more than 8 passengers. Where the vehicle is a wheelchair accessible vehicle then the space provided for the accommodation of the wheelchair will be counted as a space for one person when addressing the number of passengers the vehicle is licensed to carry.

2.2.11 Maximum Capacity of 3 Passengers or Less: All applications for a vehicle licence in relation to vehicles that have a maximum capacity of 3 passengers (or less) will be referred to the Council’s Licensing Committee for consideration – such licence applications will not be determined by Council Officers acting under delegated powers. Applicants are advised that the Council will not normally licence vehicles that have a maximum capacity of 3 passengers or less, unless there are exceptional and compelling reasons to do so.

2.2.12 Seating Arrangements in Hackney Carriage Vehicles: The Council’s hackney carriage vehicle specification states the following:

Seating Arrangements: The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed.

The above section of the specification is made on comfort and access grounds. Unlike private hire vehicles, hackney carriage vehicles are available for immediate hiring – hackney carriages can be flagged down in the street and approached by prospective customers when waiting on a taxi rank. In most cases customers approaching a hackney carriage vehicle will not have the opportunity of deciding which type and model of vehicle they wish to use. In adopting a hackney carriage vehicle specification this Authority takes the view that vehicles, which are available for immediate hiring, should be able to provide straightforward and immediate access for all customers, without the need to move a seat or climb over a seat. This is particularly the case for parties including elderly and ambulant disabled people.

2.2.13 As well as being a seaside tourist area this District has a high number of people who moved to the area in order to retire. For this reason, the Authority has felt the need to address the issue of access for the elderly and ambulant disabled as a particularly high priority. In making this decision the Authority has noted the following:

- 29.5% of residents of the East Lindsey District are aged 65 years and over.
- 26% of the East Lindsey District population are reported to have a limiting long-term illness or disability.
- 68% of East Lindsey adults are overweight – the highest proportion in Lincolnshire.
- 27% of East Lindsey adults engage in less than 30 minutes of physical activity per week and are considered physically inactive.

2.2.14 Private hire vehicles by contrast can only be booked in advance. If a prospective customer does not want to hire a particular type of vehicle then he /she is able to advise the private hire operator of the particular type and model of vehicle they require or do not require at the time of the booking. If they do not wish to hire a vehicle that includes a folding or tip up or obstructed access seating arrangement, then they can advise the proprietor in advance; this opportunity is not available when vehicles are plying for hire. For this reason, the above section of the hackney carriage vehicle specification is not duplicated in the Council's private hire vehicle specification. The specification recognises the different types of work undertaken by and availability for hiring of hackney carriage and private hire vehicles.

2.2.15 In relation to both hackney carriage and private hire vehicles this Authority will at all times seek to avoid licensing vehicles where the passenger space is considered unsuitable and/or uncomfortable – for example, where the passenger space is considered to be constricted, cramped and lacking in suitable leg room and/or inaccessible to all but the smallest and slightest of framed people.

2.2.16 **Hackney Carriage Vehicles – Wheelchair Access:** The Council's hackney carriage vehicle specification for wheelchair accessible vehicles states the following:

Wheelchair Access: A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable.

The Council's policy in relation to wheelchair arrangements and hackney carriages is made on comfort, access and safety grounds. The specification recognises the different types of work undertaken by and availability for hiring of hackney carriage and private hire vehicles.

2.2.17 In adopting the hackney carriage vehicle specification the Authority has taken the view that wheelchair accessible vehicles, which are available for immediate hiring, should be able to provide safe and immediate access. Such access should be by a nearside door. The specification recognises the different types of work undertaken by and availability for hiring of hackney carriage and private hire vehicles. There is a wide range of side loading accessible taxis available in the marketplace offering significant choice in makes and models to prospective proprietors.

2.2.18 The Authority takes the view that the risk of rear loading hackney carriage vehicles for disabled passengers are:

- The dangerous situation of a wheelchair passenger being loaded into the vehicle from the gutter, not the pavement. This Authority has taken the view that it is safer to keep wheelchair users on the pavement than to put them in the road, particularly facing away from on coming traffic, which is necessary for rear loading vehicles.
- The safety from other road users (and taxi rank users) whilst the passenger and driver are in the road (instead of being on the pavement) during the loading and unloading process. There are visibility problems with other drivers not seeing the wheelchair user hidden behind the taxi.
- Rear loading will require the lowering of a wheelchair over a kerb (in the situations where there is no lowered pavement); this will present dangers to the passenger. Passengers using electric wheelchairs may find it impossible to go down over a kerb.
- Some rear loading taxis leave the wheelchair passenger right at the back of the vehicle in the rear impact zone.
- It is important that wheelchair passengers have an alternative exit in the event of an accident. A side loading vehicle will offer the passenger the opportunity to exit the vehicle from the other side in the event of an emergency. In the case of a rear loading vehicle, where the rear doors or tailgate are damaged, this would be difficult.

2.2.19 There is also the practical issue for taxi drivers on a taxi rank ensuring that there is sufficient space behind a rear loading hackney carriage vehicle when a wheelchair passenger wishes to hire the vehicle. There must be space behind the vehicle for the extended ramps plus space to manoeuvre the wheelchair. This and the other issues detailed above will be exacerbated in a taxi rank situation where vehicles awaiting hiring are parked close together with limited space for manoeuvre.

2.2.20 The current licensing policy has resulted in a meaningful service to disabled people with 30% of the East Lindsey taxi fleet being side loading wheelchair accessible vehicles. As previously stated, this Authority is of the view that rear loading wheelchair accessible vehicles are only suitable for use where the users will be entering or leaving the vehicle in a predominately off-road environment. Hackney carriages are licensed to be used on-road responding to immediate hirings and for this reason since 2004 this Authority's policy has not supported the licensing of rear loading vehicles.

2.2.21 Private hire vehicles by contrast can only be booked in advance. If a prospective wheelchair customer does not want to hire a particular type of vehicle then he/she is able to advise the private hire operator of the particular type of vehicle they require or do not require at the time of the booking. If they do not wish to hire a vehicle that includes a rear loading wheelchair arrangement, then they can advise the proprietor in advance; this opportunity is not available when vehicles are plying for hire. In addition, a large number of private hire wheelchair bookings will be for situations

where the wheelchair is loaded in an off-road environment. For these reasons the requirement for nearside loading is not duplicated in the Council's private hire vehicle specification.

2.2.22 The Council may move away from the current hackney carriage vehicle specification, in a particular case, if there is sufficient reason to do so. The General Licensing Committee also has the option of placing specific licence conditions on a particular vehicle licence if it is minded to do so. Exemptions, to the rear loading requirement for hackney carriage vehicles, will not be granted as a matter of course. The case for exemption will have to be made by the operator / proprietor of the vehicle. Exemptions will be the exception rather than the norm.

2.2.23 Hackney Carriage and Private Hire Vehicles - Vehicle Wheelchair Lifts: The Lifting Operations and Lifting Equipment Regulations (LOLER) make it a legal requirement for anyone operating lifting equipment for lifting persons to have the equipment thoroughly examined by a competent person on a minimum frequency of once every 6 months or as directed by the competent person. This legal requirement affects all hackney carriage and private hire vehicles fitted with a vehicle wheelchair lift.

2.2.24 On application to licence a vehicle fitted with a wheelchair lift, operators will be required to present a LOLER certificate to show that the lift has been thoroughly examined by someone accredited to do so. In addition, a valid and current certificate must be presented to the Council's Licensing Team every time such a vehicle is presented for licence renewal. The Licensing Authority also reserves the right to require presentation of a valid certificate during the currency of a licence if in the opinion of the Authority it is appropriate and reasonable to do so.

2.2.25 The inspection of certificates by the Licensing Authority will ensure that operators are operating within the law in respect of wheelchair lifts by having them checked every six months and that the operator is also regularly servicing the lift.

2.2.26 Operators are also reminded that the wheelchair access equipment must be fitted so that it terminates at the interior floor level of the vehicle in order to allow smooth entry/exit of the wheelchair.

2.2.27 There is an Approved Code of Practice and Guidance issued by the Health and Safety Executive (HSE), which has been produced in relation to LOLER and the use of lifting equipment. Further information in relation to the following Code of Practice booklet can be found on the HSE website.

2.2.28 Tinted Windows and Hackney Carriage Vehicles: This Authority is of the view that there should be all round clear visibility into a hackney carriage vehicle. The Road Vehicles (Construction & Use) Regulations specify the minimum levels of light that can pass through the windscreen and front side windows of vehicles:

- Light transmitted through the windscreen must be at least 75%.
- The front side windows must allow at least 70% of light to be transmitted through them.

However, at the time of the adoption of this policy document there were no regulations relating to rear passenger windows or rear windscreens (i.e. all windows to the rear of the front driver/passenger seats).

2.2.29 This Authority is of the view that the reasons for having clear visibility into the rear of a hackney carriage vehicle are as follows:

- Without clear visibility activities taking place in the hackney carriage vehicle cannot be viewed from the outside posing both a risk to both passengers and driver.
- Vulnerable passengers such as lone females and young persons will feel safer in a vehicle where they can be seen.
- To ensure public safety and wellbeing of the passengers and drivers.

With this in mind, this Authority has adopted the following requirement in relation to all hackney carriages presented for their first vehicle licence:

- Windscreens and windows to the side / rear of the driver must have a visual transmission of light not less than 60%.

In addition, no new or existing hackney carriage vehicle can be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

2.2.30 The purpose of this tinted window policy for hackney carriage vehicles is to provide satisfactory safety measures for the travelling public.

2.2.31 In adopting the above 60% visual light transmission (VLT) requirement this Authority acknowledged, and took in consideration the UK industry standard, which requires side windows next to driver to have at least 70% VLT.

3. Maximum Age of Vehicles and Environmental Considerations

3.1 Whilst it has the power to do so, this Authority does not set a maximum age limit for hackney carriage or private hire vehicles.

3.2 Hackney carriages and private hire vehicles are an essential form of transport in the East Lindsey area. Many people depend on hackney carriages and private hire vehicles for trips when other forms of transport are unsuitable. It is, however, clearly important that emissions from licensed vehicles are reduced as far as possible.

3.3 The Authority recognises that the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance asks Licensing Authorities to “support any local environmental policies that the Local Authority may have adopted”. This would include any local vehicle emission standard.

3.4 This Authority also recognises that newer vehicles have improved fuel efficiency and will emit fewer pollutants (if they are properly maintained) than older vehicles. Vehicles manufactured prior to 1994 did not have to meet tough emission limits (Euro1 Technology).

3.5 Whilst taking the above into consideration, at present this Authority does not intend to introduce any specific licensing conditions designed to promote cleaner fuels or improve the efficiency of hackney carriage and private hire vehicles in the emission of pollutants. However, the Authority reserves the right to review this position (following appropriate consultations) at any time in the future.

3.6. Given that it will help to reduce the levels of CO2 emitted in the District, liquid petroleum gas (LPG) conversions of vehicles are acceptable. Any conversion to LPG must be undertaken by an approved converter and the conversion certificate produced to the Authority for inspection.

3.7. Given that it will help to reduce the levels of CO2 emitted in the District, electric vehicles are acceptable, and this Authority would encourage proprietors to consider the use of such vehicles.

3.8 Emissions from licensed vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. It is proposed that this aspect of emissions reduction be tackled through education and promotion.

4. Hackney Carriage and Private Hire Vehicle Testing

4.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so. In addition, it must also aim to ensure that vehicles are comfortable, are of the appropriate appearance and also suitable for use as a hackney carriage or private hire vehicle in the East Lindsey District.

4.2 The Council appoints MOT garages in order to undertake the compliance testing of hackney carriage and private hire vehicles on its behalf. The compliance test consists of the normal MOT test plus additional items, which the Council considers necessary to safeguard the best interests of the travelling public.

4.3 Hackney carriage and private hire vehicles are normally granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle must be examined and tested at a vehicle testing station approved by the Authority. Once licensed the vehicle must undergo a further full examination and test at a vehicle testing station approved by the Licensing Authority at 6 monthly intervals.

4.4 In relation to paragraph 4.3 it should be noted that the Authority has waived the necessity for a vehicle to be mechanically tested if it is not more than six months old at the date of the application for a licence. In such a case, the first vehicle test will be due once the vehicle achieved six months of age.

4.5 Certificate of Compliance: The Council is authorised by the Vehicle Certification Agency (VCA) to test vehicles under a compliance testing scheme in accordance with the Motor Vehicles (Test) Regulations 1981 (as amended). The use of this compliance scheme means that, in addition to the standard MOT test, the Council can specify additional items, which it considers necessary to safeguard the best interests of the travelling public.

4.6 In line with the Certificate of Compliance scheme vehicles licensed by East Lindsey District Council are exempt from the requirement to possess an MOT certificate. If licence holders are requested to produce an MOT Certificate by the Police, etc. the vehicle licence and this Authority's Certificate of Compliance should be produced instead. Once the Council vehicle licence has expired, is suspended, revoked or cancelled, the vehicle reverts to the status of an ordinary private car and the normal traffic laws relating to vehicle excise licences and the holding of an MOT Certificate apply.

4.7 The Council's approved compliance testing stations will be strategically positioned within the East Lindsey District. The Authority has agreed a cap of 20 on the total number of approved testing

stations. The purpose of the cap is to allow effective quality control inspection by the Authority. A list of the current approved testing stations is available by contacting the Council's Licensing Team. The total cost of the combined MOT and compliance test will be determined by the provider (the approved compliance testing station).

4.8 The minimum standard required, at the twice-yearly vehicle test, will be at least that of the current Department for Transport MOT test, in force as of the date of testing, plus the items listed in this Authority's testing manual. The additional items, listed in the Council's testing manual, include the checking of upholstery, roof lining and bodywork to ensure the vehicle is of the required standard. The additional items to the MOT test will include the following:

- The vehicle's bodywork must be in good order, free from significant dents and surface damage. All paintwork must be in good condition and there must be no significant mismatch of colour.
- Three-point seat belts must be fitted to all passenger seats. Lap belts will be acceptable in certain circumstances (e.g. specialist hire vehicles).

A copy of the current testing manual is available by contacting the Council's Licensing Team.

4.9 The physical condition of a licensed vehicle is an important criteria used when assessing the suitability of a vehicle. In exceptional circumstances a licence may not be renewed if the physical condition of the vehicle is not of a suitable standard despite having passed a MOT test.

4.10 Licensed vehicles that fail an authorised examination and test, and, are deemed unsafe as a passenger vehicle by the vehicle examiner, may result in the vehicle proprietor being issued with a suspension notice by the Licensing Authority in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Licensing Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence will be revoked by the Licensing Authority.

5. Vehicle Signage and Advertising

5.1 It is important that the public should be able to identify the difference between a hackney carriage and a private hire vehicle.

5.2 Private hire vehicles will not be permitted to display roof-mounted signs. In addition, private hire vehicles will not be permitted to display any signs that include the words "taxi(s)" or "cab" "hackney carriage" or "for hire" or any other similar wording.

5.3 Taxi roof signs must be fitted to hackney carriage vehicles. The roof must be illuminated at all times when the vehicle is available for hire. The roof sign must prominently display the word "TAXI" or "TAXIS" to the front of the vehicle.

5.4 Both hackney carriages and private hire vehicles, licensed with this Authority, are required to permanently and clearly display licence plates externally on the rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. The plate details East Lindsey District Council as the Licensing Authority, the vehicle make, model, colour and registration mark, the number of passengers the vehicle can carry and the expiry date of the licence.

5.5 The vehicle licence identification plate must be securely fixed to the rear exterior of the hackney carriage or private hire vehicle in such a position as the vehicle registration plate is not obscured. The vehicle licence identification plate must facing outwards in such a manner and place that the plate, and the details on the plate, are clearly visible.

5.6 Under certain circumstances a private hire vehicle operator may make a plate exemption application. This is normally made by operators involved in chauffeur work or work of an exclusive/prestige nature. If granted this absolves the operator from the requirement to display the external licence plate. In these circumstances a plate will still be issued and should be secured within the boot of vehicle – a notice of exemption, issued by this Authority, must also be carried within the vehicle. For further information regarding the plate exemption policy for prestige vehicles can be found in this Authority's plate exemption policy document.

5.7 Third party advertising will be permitted on any hackney carriage or private hire vehicle. This Authority has adopted licence conditions related to this matter and the conditions can be found at **Appendices D and E** of Part A of this policy document.

5.8 Advertisements and signage displayed in or on the vehicle must not be, racist or sexist; and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials or alcohol products unless as part of a health education or similar campaign. Furthermore, any advertisement or signage should not contain anything of a religious or political nature.

6 CCTV and Driver Safety

6.1. The hackney carriage and private hire trade provides a valuable service, particularly late at night when other forms of public transport are not available. Security for both drivers and passengers is of paramount importance to this Authority. Licensed drivers deal with strangers, often in isolated places and carry cash and may be at risk of violence and other offences such as non-payment of fares, verbal and racist abuse.

6.2 There are a number of ways to reduce the risks such as driver screens, CCTV surveillance systems and radio link schemes. With this in mind, and where appropriate, the hackney carriage and private hire trades are encouraged to consider the installation of relevant CCTV systems in their vehicles on a voluntary basis.

6.3 CCTV security systems for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

6.4 For information and guidance on data protection licence holders should visit the Information Commissioners Office (ICO) website: www.ico.gov.uk

6.5 In any licensed vehicle where a CCTV security system is fitted, the proprietor must ensure that the system is properly maintained and serviced to ensure clear images are recorded. A minimum of two warning signs should be displayed prominently inside vehicles so as to be easily seen by passengers.

6.6 The Government has produced a short guidance document for drivers which describe various precautionary measures that drivers can take to prevent violence as well as offering practical advice on what can be done in the event of a threat or violent incident. This document can be found on this Authority's website: www.e-lindsey.gov.uk

6.7 The hackney carriage and private hire trade are also encouraged to build good links with Lincolnshire Police, including participation in any Crime and Disorder Reduction Partnerships.

7. Vehicle Licence Application Procedures

7.1 The application procedures for a hackney carriage or private hire vehicle licence are not prescribed in law, but shall be made on the specified application forms produced by East Lindsey District Council. Detailed information on the application procedure is available by contacting the Council's Licensing Team.

7.2 Applicants are reminded that original documents should be submitted with a licence application to the Licensing Authority. Faxes, emailed copies and photocopies of vehicle test certificates and vehicle logbooks are not normally acceptable.

7.3 The Authority will consider all licence applications on their own merits once it is satisfied that the appropriate licence application criteria have been met and the licence application form and supporting documents are complete.

7.4 Existing vehicle licence holders will normally be reminded prior to their expiry date that their licences are due to be renewed. Please be advised that it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry. Reminder letters are sent as a matter of courtesy and non-receipt of a reminder letter will not be an excuse for failing to apply for licence renewal.

8. Miscellaneous Matters

8.1 **Smoke Free Signage:** All public transport vehicles, which include hackney carriage and private hire vehicles, are required to be smoke free at all times. As part of its inspection and compliance regime this Authority will check that licensed vehicles are displaying the correct smoke free signage.

8.2 **Vehicle Road Tax:** All vehicles must comply with the requirement to hold appropriate vehicle road tax. Failure to hold road tax may result in suspension of the vehicle licence until the vehicle is appropriately taxed.

8.3 **Omnibus (Horse Drawn Carriage) Vehicle Licence:** Any horse drawn omnibus vehicles (carriages) are required by law to be licensed by this Authority to stand or ply for hire along permitted routes. Specific details of the omnibus licensing procedures are available from the Council's Licensing Team and an omnibus licensing policy will be made available as an addendum to this hackney carriage and private hire licensing policy.

8.4 **Stretched Limousines:** Stretched limousines are elongated saloon cars that have been increasingly used for executive and specialist private hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing over previous years. Their private hire use generally includes special occasions such as days at the races, stag and hen parties, school proms and children's birthday parties. This Authority has adopted a specific

licensing policy and vehicle specification with regard to the licensing of such vehicles and operators. A copy of the policy and specific vehicle conditions can be found at Part F of this policy document.

8.5 Alcohol Licensing and Stretched Limousines & Executive Hire Vehicles: It is an offence under the Licensing Act 2003 to provide facilities for the 'sale of alcohol' within a limousine or any other vehicle (i.e. payment for alcohol is taken within the vehicle). If the limousine is to be provided whereby part of the booking fee includes the provision of alcohol in the vehicle, then the premises which accepts the booking and supplies the alcohol within the vehicle will need a premises licence (and named Designated Premises Supervisor holding a personal licence) under the Licensing Act 2003, otherwise a criminal offence would be committed. Further information on the subject of alcohol licensing can be found on the Council's website (www.e-lindsey.gov.uk) and on the GOV.UK website.

8.6 Novelty (Speciality) Vehicles: There is currently no specific provision in this policy to licence other categories of specialised private hire vehicles (i.e. fire engines, tanks, classic cars, etc.). However, this will not preclude the option of licensing novelty /speciality vehicles should an application be received. All applications for Novelty (Speciality) Vehicles will be considered by the Council's Licensing Committee and will not be considered by Officers acting under delegated powers. Each such application for licensing will be considered on its own merits.

8.7 Hackney Carriage Vehicle Intended Use Policy: This Authority has adopted a specific Hackney Carriage Vehicle Intended Use Policy with regard to the use of hackney carriage vehicles to undertake private hire vehicle work. A copy of the policy document can be found at Part D of this policy document.

8.8 Disability Awareness - Proprietors with Wheelchair Accessible Vehicles (WAVs): At present there is no specific requirement for drivers and vehicle proprietors to undergo a wheelchair passenger assessment prior to gaining a licence with this Authority, However, this Authority recommends that operators with Wheelchair Accessible Vehicles (WAVs) arrange for their drivers to successfully undergo disability awareness training and a wheelchair loading assessment before driving a wheelchair accessible vehicle.

8.9 Dual Authority Plating: This Authority does not normally allow dual authority plating (licensing) of East Lindsey District Council licensed vehicles due to the difficulty and problems in enforcing such practices and the confusion it can cause to the public. Any application for dual plating will be forwarded to the Council's Licensing Committee for determination, rather than being determined by Council Officers acting under delegated powers.

8.10 Hackney Carriage Byelaws: This Authority has adopted byelaws in relation to the control of hackney carriage vehicles and hackney carriage drivers. Drivers and proprietors must at all times comply with the byelaws. A copy of the byelaws is available by contacting the Council's Licensing Team.

8.11 Period of Licence: Hackney carriage and private hire vehicles are normally granted licences for a maximum period of 12 months, but the Licensing Authority may issue licences for a shorter period where it is appropriate to do so. Accident replacement / temporary replacement vehicles, supplied to proprietors for a short term by insurers in order for a damaged licensed vehicle to undergo repairs, will normally be granted a vehicle licence by this Authority for a maximum period of three months. Where a vehicle licence is transferred by a proprietor to another vehicle (not a temporary

replacement) then the proprietor will normally be given the option of the licence remaining in force until its original expiry date.

9. Exemptions

9.1. The Council may consider requests from certain proprietors in niche sectors for their businesses to be exempted from one or more of the requirements imposed under licences. In all cases vehicle licences will still be required, but the Council may agree to waive one or more of the licence conditions or licensing pre-requisites – where the proprietor can demonstrate a genuine need for this. However, exemptions will be the exception rather than the norm.

9.2. Exemptions will only ever be granted sparingly, and before a request is considered a significant amount of supporting material will be required. Exemptions will only be considered for specialist businesses – for example, those providing novelty vehicles, or executive chauffeur businesses.

9.3. The Council's position on exemptions is that the requirements imposed under its licences are reasonable and necessary to fulfil our main duty of ensuring public safety, and we will expect to apply them in every case. However, in certain exceptional circumstances we will consider requests from proprietors for exemption from one or more of our requirements, on a whole-business level only. Exemptions will only be granted if we are satisfied that there is an exceptional need for this to be so. It will not be enough to simply state that being exempted will assist the business – we will need to see demonstrable evidence that the business would not be viable if the requirement were applied rigidly, that there are no suitable ways in which the requirement could be satisfied through alternate means and that our duty to maintain public safety will not be adversely affected by the grant of the exemption.

9.4. In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.

9.5. Exemptions will not be granted as a matter of course. The case for exemption will have to be made by the operator / proprietor of the business.

9.6. Where exemptions are granted, the Council reserves the right to impose substitute conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternate. All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Council can no longer be satisfied that the exemption is necessary, or if there is evidence that the exemption has been abused.

9.7. This Authority will not normally consider exemptions regarding the licensing pre-requisites for hackney carriage and private hire drivers.

9.8. All applications for exemption will be considered by the Council's Licensing Committee and will not be considered by Officers acting under delegated powers.

10. Enforcement and Compliance Measures

10.1 The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers, and the environment when tackling non-compliance by businesses.

10.2 It is recognised that a risk-based approach to enforcement by the Licensing Authority benefits not only the public, but also the responsible members of the hackney carriage and private hire trades.

10.3 In pursuance of its objective to encourage responsible hackney carriage and private hire businesses, the Authority will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in Paragraph 1.4.2 of this policy document. Where defects or infringements are such that vehicles need to be immediately prohibited or drivers licences immediately suspended, livelihood interference is inevitable.

10.4 A copy of the Council's Enforcement Policy is available on the Council's website. The Policy will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

11. Suspension or Revocation of Vehicle Licences

11.1 Licensed vehicles shall be kept at all times in an efficient, safe, tidy, comfortable and clean condition. Compliance with the vehicle specifications and conditions of licence is essential and will be enforced by periodic, random vehicle inspections by the Licensing Authority. Where it is found that any vehicle is not being properly maintained a Vehicle Defect Notice (VDN) will be served on the vehicle proprietor setting out the defect(s) that need to be rectified, and arrangements for the vehicle to be further inspected to check compliance. This notice will be used by Council Authorised Officers where the defects are not deemed sufficient to warrant immediate suspension. Failure to comply with the requirements of the notice may result in the vehicle licence being suspended automatically.

11.2 Where public safety is likely to be put at risk by the vehicle defect(s) an Immediate Suspension Notice will be served on the vehicle proprietor who must have the vehicle repaired. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Licensing Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence will be revoked by this Authority.

11.3 Where a licence holder has been referred to the Council's Licensing Committee, the Committee may order the revocation or suspension of the licence. Alternatively, the Committee may issue a warning about future conduct or take no action where it considers it appropriate to do so.

11.4 As an alternative to licence revocation, the Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

12. Complaints and Compliments Regarding Licence Holders

12.1 To ensure that passengers know who to complain to, this Authority will produce guidance for passengers on making complaints directly to the Licensing Authority, and this guidance will be made available in the licensing area of the Council's website: www.e-lindsey.gov.uk

12.2 This Authority will also require that the way to make complaints to the Licensing Authority is clearly displayed in all licensed vehicles. All vehicle licences, granted by this Authority, will be subject to the following licence condition:

- The licence holder shall cause to be clearly displayed inside the vehicle a notice, issued by the Council, indicating How to Make a Complaint to the Licensing Authority. The notice to be prominently displayed and maintained in such a position so as to be clearly visible to the hirer of the vehicle.

12.3 This policy, regarding complaints, does not cover licence holders from any other Licensing Authority area. However, should any such complaints be received, the details will be forwarded to the appropriate Licensing Authority for any action they deem necessary.

13. Policy Review

13.1. The Policy Statement will remain in existence for a period of 3 years and will be subject to review and further consultation before the end of 2023. However, following consultation, the Council may make revisions to it as deemed necessary.

This Policy was adopted on 09 December 2019 and was subject to review and amendment on 29 March 2021.

APPENDIX A - Dimensions and ability of vehicles to be licensed as Hackney Carriage Vehicles (HCVs)

HCV licences granted after the removal of the Council's previous limit on hackney carriage vehicle numbers (HCV licence numbers 250 and above)

On 14th September 2004 the Council resolved that the restriction on hackney carriage vehicle numbers be removed and that all hackney carriage vehicle licences granted above the previous quantity control policy be for wheelchair and disabled access vehicles. Any licences granted above the previous quantity control policy will be for vehicles, which meet the vehicle specification shown below.

The specification requires vehicles to have been tested in the converted (wheelchair/disabled access) state to one of the following standards:

- European Community Whole Vehicle Type Approval
- UK Low Volume National Type Approval

NOTE: Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence. When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

The specification will be reviewed from time to time.

Steering: The steering wheel must be on the offside (right-hand side)

Doors: All doors must be capable of being opened from the inside. There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.

Seating Arrangements: The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed. Bench type seating will not be permitted. Seats must not be sideways to the direction of travel.

Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways.

Three-point inertia seat belts must be fitted to each seat within the vehicle.

Seat Width: The size requirement is 16" (approximately 40 cm) per person, measured between the closest points or arm rest(s).

Where seats are facing each other, there must be a minimum space of 17" (approximately 43 cm) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 26" (66 cm) in front of every part of each seat squab (padded back). Further to this a clear space of 7" (approximately 18cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.

Wheelchair Access: A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 29" (75 cm). The minimum angle of the door when opened must be 90 degrees (The minimum angle will not be relevant in the case of a sliding door). The clear height of the doorway must be not less than 47" (approximately 120 cm).

There should be sufficient space within the vehicle for the wheelchair to turn. The area required for the wheelchair must be at least 27" (approximately 70 cm) x 47" (approximately 120 cm). The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 51" (approximately 130 cm).

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps. Anchorages must be provided for the wheelchair and chair bound passenger. Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

NOTE: Whilst operating, if a vehicle is not being used to carry a passenger in a wheelchair, only an occasional (fold away) seat may be used to substitute for the wheelchair space. Any seats replacing the wheelchair space, which have to be bolted or locked into place will not be accepted since these present problems of storage.

Luggage: The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.

Miscellaneous: The flooring of the passenger compartment must be covered with a non-slip material, which can be easily cleaned.

Grab handles must be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.

All entrances and exits must be sufficiently illuminated at night.

The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface. In the case of vehicles with a high floor height, a step will be required.

Tinted Windows and Privacy Glass: Heavily tinted windows and privacy glass are not permitted in hackney carriage vehicles licensed by this Authority. The following requirement applies to all hackney carriages presented for their first vehicle licence with this Authority

- Windscreens and windows to the side/ rear of the driver must have a visual transmission of light not less than 60%.

In addition, no new or existing hackney carriage vehicle can be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

Any enquiries concerning these vehicle specifications should be made to the Taxi Licensing Section, East Lindsey District Council, The Hub, Mareham Road, Horncastle, Lincolnshire, LN9 6PH (Telephone (01507) 601111).

APPENDIX B - Dimensions and ability of vehicles to be licensed as Hackney Carriage Vehicles (HCVs)

HCV licences granted before the removal of the Council's previous quantity control policy (HCV licences 249 and below).

NOTE: Until 14th September 2004 East Lindsey District Council maintained a quantity control policy regarding hackney carriage vehicle licences. That policy, which limited the number of hackney carriage vehicles in the district, was removed on 14th September 2004. The policy was removed however with the proviso that any licences granted above the previous quantity control policy would be for wheelchair/disabled access vehicles, which meet a specific detailed criteria. The aforementioned criteria is available from the Council's Licensing Team and is also printed in this booklet. All other hackney carriage vehicles (that is those licences granted before the removal of the previous quantity control policy) are subject to the detailed specification shown below.

HCV licences 249 and below - As from 1st January 2007 any vehicles presented for their first hackney carriage vehicle licence with East Lindsey District Council must meet the vehicle specification shown below.

Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

The specification will be reviewed from time to time.

The specification requires vehicles to have been tested to one of the following standards:

- European Community Whole Vehicle Type Approval
- UK Low Volume National Type Approval
- Single Vehicle Type Approval

Any wheelchair/disabled access vehicles or converted vehicles must have been tested in the converted (wheelchair/disabled access) state to one of the above Type Approval standards

Steering: The steering wheel must be on the offside (right-hand side)

Doors: All doors must be capable of being opened from the inside.

There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.

Seating Arrangements: The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed. Bench type seating will not be permitted. Seats must not be sideways to the direction of travel.

Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways.

Seat belts must be fitted for use by every passenger capable of being carried.

Seat Width: The size requirement is 16" (approximately 40 cm) per person, measured between the closest points or arm rest(s).

Where seats are facing each other, there must be a minimum space of 17" (approximately 43 cm) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 26" (66 cm) in front of every part of each seat squab (padded back). Further to this a clear space of 7" (approximately 18cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.

Luggage: The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.

Vehicle Licence Requirements: Where there are standard conditions annexed to vehicle licences relating to the condition and fitness or appearance of a licensed vehicle the vehicle must comply with these conditions.

NOTE: The Council are aware that some hackney carriage operators/proprietors may not wish to licence wheelchair/ disabled accessible vehicles. Nothing in this specification will require a vehicle to be wheelchair/disabled accessible. However, any vehicle, which is wheelchair/disabled accessible must achieve the following standard.

Wheelchair Access: A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 29" (75 cm). The minimum angle of the door when opened must be 90 degrees (The minimum angle will not be relevant in the case of a sliding door).

The clear height of the doorway must be not less than 47" (approximately 120 cm).

There should be sufficient space within the vehicle for the wheelchair to turn. The area required for the wheelchair must be at least 27" (approximately 70 cm) x 47" (approximately 120 cm). The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 51" (approximately 130 cm).

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps. Anchorages must be provided for the wheelchair and chair bound passenger. Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.

All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

NOTE: Whilst operating, if a vehicle is not being used to carry a passenger in a wheelchair, only an occasional (fold away) seat may be used to substitute for the wheelchair space. Any seats replacing the wheelchair space, which have to be bolted or locked into place will not be accepted since these present problems of storage.

Miscellaneous: The flooring of the passenger compartment must be covered with a non-slip material, which can be easily cleaned.

Grab handles must be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.

All entrances and exits must be sufficiently illuminated at night.

The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface. In the case of vehicles with a high floor height, a step will be required.

Tinted Windows and Privacy Glass: Heavily tinted windows and privacy glass are not permitted in hackney carriage vehicles licensed by this Authority. The following requirement applies to all hackney carriages presented for their first vehicle licence with this Authority

- Windscreens and windows to the side/ rear of the driver must have a visual transmission of light not less than 60%.

In addition, no new or existing hackney carriage vehicle can be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

Any enquiries concerning these vehicle specifications should be made to the Taxi Licensing Section, East Lindsey District Council, The Hub, Mareham Road, Horncastle, Lincolnshire, LN9 6PH (Telephone (01507) 601111).

APPENDIX C - Dimensions and Ability of Vehicles to Be Licensed As Private Hire Vehicles

Any vehicles presented for their first private hire vehicle licence with East Lindsey District Council must normally meet the vehicle specification shown below. However, there may be exceptions for certain specialist hire vehicles. Further advice regarding specialist hire vehicles is available from the Council's Licensing Team.

Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

The specification will be reviewed from time to time.

The specification requires vehicle types to have been tested to one of the following standards:

- European Community Whole
- Vehicle Type Approval
- UK Low Volume National Type Approval
- Single Vehicle Type Approval

Any wheelchair/disabled access vehicles must have been tested in the converted (wheelchair/disabled access) state to one of the above Type Approval standards.

Steering: The steering wheel should be on the offside (right-hand side).

Doors: All doors must be capable of being opened from the inside.

Saloon cars must have four doors, being two on each side of the vehicle, a rear hatch/door not being accepted as one of the four doors.

Minibuses/People Carriers/Converted van type vehicles without a nearside door are not acceptable. Furthermore, multi-seater vehicles must have at least four doors; if the rear door is to be used for access and egress then access to this must be direct and not be blocked by a line of seats.

Seat Width: The size requirement is 16" (approximately 40 cm) per person. The distance of 16" should be measured in a straight line lengthwise at the widest point of the front half of each seat. The distance for 3 persons of 48" (approximately 122 cm) should be taken between the arm rests as these can in some cases significantly reduce the width. Further to this a height of 34" (approximately 86 cm) between seat and roof and 7" (approximately 18 cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.

Seating Arrangements: The maximum number of passenger seats allowed is 8 and all should have direct access to a door without the need to climb over the rear of any seat. Tip-up seats or seats which require the back to be lowered will only be permitted when giving access to the side doors of multi-seater vehicles (seats of this type giving access within saloon and estate vehicles will not be permitted). Bench type seating will not be permitted. Seats must not be sideways to the direction of travel and all should comply with current seat belt regulations. The minimum number of passengers that a vehicle should be capable of carrying whilst complying with the above seat width provision is 4.

Luggage: The vehicle must be able to carry a reasonable amount of luggage (safe from

inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.

Vehicle Licence Requirements: Where there are standard conditions annexed to vehicle licences relating to the condition and fitness or appearance of a licensed vehicle the vehicle must comply with these conditions.

NOTE: The Council are aware that some private hire operators/proprietors may not wish to licence wheelchair/disabled accessible vehicles. Nothing in this specification will require a private hire vehicle to be wheelchair/disabled accessible. However, any private hire vehicle which is wheelchair/disabled accessible must achieve the following standard.

Wheelchair Access: A nearside or rear door must be used for wheelchair access. Vehicles which use an offside door for wheelchair access are not acceptable. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 29" (75 cm). The minimum angle of the door when opened must be 90 degrees (The minimum angle will not be relevant in the case of a sliding door).

The clear height of the doorway must be not less than 47" (approximately 120 cm).

There should be sufficient space within the vehicle for the wheelchair to turn. The area required for the wheelchair must be at least 27" (approximately 70 cm) x 47" (approximately 120 cm). The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 51" (approximately 130 cm).

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times while a wheelchair bound passenger hires the vehicle. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps. Anchorages must be provided for the wheelchair and chair bound passenger. Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

If the vehicle is to transport a folded wheelchair within the passenger compartment, anchorages must be provided for the safe storage of the wheelchair (whether folded or otherwise).

All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

NOTE: Any vehicles, which provide a wheelchair space by the removal of seating, will not be accepted unless the vehicle (including seating anchorage arrangements) has been tested in the converted (wheelchair/ disabled access) state to the Type Approval standards set out above. If the removed seats are to remain in the vehicle then they must be stored safely and not stored in such a way as to hinder access to a door.

Miscellaneous: The flooring of the passenger compartment must be covered with a non-slip material, which can be easily cleaned.

Grab handles should be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.

All entrances and exits must be sufficiently illuminated at night.

The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface.

Any enquiries concerning these vehicle specifications should be made to the Taxi and PHV Licensing Section, East Lindsey District Council, The Hub, Mareham Road, Horncastle, Lincolnshire, LN9 6PH (Telephone (01507) 601111).

APPENDIX D - Conditions Attached to the Issue of a Hackney Carriage Vehicle Licence

The following conditions will attach, pursuant to Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), to all hackney carriage vehicle licences issued by East Lindsey District Council, unless a specific exemption has been granted by the Authority. The attachment of these conditions does not affect the Council’s entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

1. The vehicle identity plate issued by the Council must be affixed to the rear of the vehicle in a conspicuous manner, to the satisfaction of the Council. The plate must be maintained in good condition and not be concealed from public view.
2. The vehicle the subject of this licence shall not be used unless a taximeter is fitted thereto and there is in force in respect of the vehicle:
 - a) A current mechanical inspection certificate from a garage approved by the Council (unless the vehicle is less than six months old).
 - b) Insurance cover to carry passengers for hire or reward.
 - c) A current certificate from a source approved by the Council as to the fitness of the taximeter fitted to the vehicle.
 - d) A current certificate from a source approved by the Council as to the safeness of the vehicle if it has been converted to run on LPG fuels.

An efficient fire extinguisher (minimum 1kg powder) must be carried in such a position in the inside of the vehicle as to be readily available for use. The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).

3. Apart from a “TAXI” roof sign and any signage provided by the Council, proprietors are not required to provide signs, etc., on the hackney carriage vehicle but if they are provided then the following will apply:
 - a) Advertisements and signage displayed in or on the vehicle must not be, racist or sexist; and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials, vaping materials or alcohol products unless as part of a health education or similar campaign. Furthermore, any advertisement or signage should not contain anything of a religious or political nature.
 - b) Advertisements and signage must be of a neat and consistent standard and be of such a form as not to become easily soiled. The proprietor shall ensure that any advertisement or signage carried on the vehicle is not disfigured or damaged and shall immediately remove any advertisement or signage that has become damaged or disfigured.
 - c) Advertisements or signage, which cover the whole or a considerable section of the vehicle’s rear window(s) will not be allowed.
 - d) All advertisements should comply with the British Code of Advertising issued by the Advertising Standards Agency (ASA).

4. The proprietor of the vehicle shall cause to be affixed to the roof of the vehicle, a roof sign which shall be capable of being illuminated and such sign shall be illuminated when the vehicle is plying or standing for hire, but not otherwise. The roof sign must prominently display the word "TAXI" or "TAXIS" to the front of the vehicle and the lettering must be at least one and a half inches (approximately 38mm) in size and be of a neat and consistent standard. The minimum size of lettering will not relate to those vehicles, which meet the Metropolitan Conditions of Fitness. The roof sign may also state the words "For Hire" or the proprietor's own taxi business name and/ or telephone number; no other information may be displayed on the roof sign.

5. Where this document relates to a hackney carriage vehicle licence granted after the removal of the Council's previous limit on hackney carriage vehicle numbers (that is hackney carriage vehicle licence numbers 250 and above) the vehicle must be a wheelchair / disabled access vehicle and comply at all times with the Council's vehicle specification for hackney carriage vehicle licences 250 and above. All other hackney carriage vehicles must comply at all times with the Council's vehicle specification for hackney carriage vehicle licence numbers 249 and below. Further information regarding vehicle specifications is available from the Licensing Team or in the Council's guidance booklet "A Guide for Hackney Carriage (Taxi) Drivers and Proprietors".

6. The licence holder shall cause to be clearly displayed inside the vehicle a notice, issued by the Council, indicating How to Make a Complaint to the Licensing Authority. The notice to be prominently displayed and maintained in such a position so as to be clearly visible to the hirer of the vehicle.

NOTES:

Applicants aggrieved by any of the conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with Sections 47 and 77 of the 1976 Act.

This Authority has adopted byelaws in relation to the control of hackney carriage vehicles and hackney carriage drivers. Drivers and proprietors must at all times comply with the byelaws. A copy of the byelaws is available by contacting the Council's Licensing Team.

APPENDIX E - Conditions Attached to the Issue of a Private Hire Vehicle Licence

The following conditions will attach, pursuant to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"), to all private hire vehicle licences issued by East Lindsey District Council, unless a specific exemption has been granted by the Authority. The attachment of these conditions does not affect the Council's entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

1. The vehicle identity plate issued by the Council must be affixed to the rear of the vehicle in a conspicuous manner, to the satisfaction of the Council. The plates must be maintained in good condition and not be concealed from public view (except during such period that the vehicle is used for carrying passengers in connection with a wedding ceremony).
2. The vehicle must not carry a greater number of passengers than that indicated on the vehicle identity plate issued by the Council.
3. An efficient fire extinguisher (minimum 1kg powder) must be securely fixed in the vehicle and carried in such a position in the inside of the vehicle as to be readily available for use. The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).
4. The vehicle including the carpets, seats, equipment and fittings therein shall be kept in a clean, safe and tidy condition, well maintained and efficient in every way and fit for public service.
5. Reasonable provision must be made for luggage to be carried and secured within the vehicle.
6. There must be no changes made to the physical condition or appearance of the vehicle without the prior consent of the Licensing Authority.
7. No identification sign is permitted on the roof of the vehicle.
8. Apart from any signage provided by the Council, proprietors are not required to provide signs, etc., on the private hire vehicle but if they are provided then the following will apply:
 - a) A Private Hire Vehicle shall not display any signs on or from the vehicle as to lead any person to believe that the vehicle is a Hackney Carriage. Signage which incorporates the terms "taxi(s)", "cab", "hackney carriage" is strictly prohibited.
 - b) When any form of signage (except for the vehicle identity plate issued by the Council) is displayed the vehicle must display the words "PRIVATE HIRE ONLY" on the metal panel of both front doors of the vehicle. The lettering must be at least 25mm in size and be of a neat and consistent standard.
 - c) Advertisements and signage displayed in or on the vehicle must not be, racist or sexist; and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials, vaping materials or alcohol products unless as part of a health education or similar campaign. Furthermore, any advertisement or signage should not contain anything of a religious or political nature.
 - d) Advertisements and signage must be of a neat and consistent standard and be of such a form as not to become easily soiled. The proprietor shall ensure that any advertisement or signage carried on the vehicle is not disfigured or damaged and shall immediately remove any advertisement or signage that has become damaged or disfigured.

- e) Advertisements or signage, which cover the whole or a considerable section of the vehicle's rear window(s) will not be allowed.
- f) All advertisements should comply with the British Code of Advertising issued by the Advertising Standards Agency (ASA).

9. The vehicle the subject of this licence shall not be used unless there is in force in respect of the vehicle:

- a) A current mechanical inspection certificate from a garage approved by the Council (unless the vehicle is less than six months old).
- b) Insurance cover to carry passengers for private hire use.
- c) A current certificate from a source approved by the Council as to the fitness of any taximeter fitted on the vehicle.
- d) A current certificate from a source approved by the Council as to the safeness of the vehicle if it has been converted to run on LPG fuels.

10. The operator may charge whatever fare has been agreed between him/herself and the hirer before the commencement of the journey. However, he/ she shall inform the Council in writing of the basic scale of fares intended to be charged. Any change in the scale of charges will be notified to the Licensing Authority within a reasonable period of time not exceeding 14 days.

11. The licence holder shall cause to be clearly displayed inside the vehicle a notice, issued by the Council, indicating How to Make a Complaint to the Licensing Authority. The notice to be prominently displayed and maintained in such a position so as to be clearly visible to the hirer of the vehicle.

NOTES:

Applicants aggrieved by any of the conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with Sections 48 and 77 of the 1976 Act.

PART B

PRIVATE HIRE VEHICLE OPERATOR LICENSING

1. Introduction

1.1. The licensing and control of private hire vehicle operators is an essential and important part of the private hire vehicle regulatory system contained within the Local Government (Miscellaneous Provisions) Act 1976. Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same Authority, and so the location of the operator's base will determine from which Authority all other licences must be obtained.

1.2. The term 'operate' is defined at Section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles. Various legal cases have examined this definition in detail, as a result of which a wide range of businesses will require licensing under these provisions – the meaning will extend greatly beyond the provision of local 'minicab' services, and will include executive, limousine and chauffeur services and novelty hire vehicles. This licensing requirement includes courtesy vehicles provided by pubs, restaurants and hotels for their customers and vehicles carrying out school and other contracts.

1.3. Private hire operators play a key role in ensuring that:

- the public are kept safe,
- that drivers are suitably trained, experienced and supported to deliver the best service possible, and,
- that vehicles are kept in a clean, safe and sound condition at all times.

Although operators may have less direct contact with the public than drivers, their other duties in ensuring the safety of the public mean that the Council must apply similar checks when considering applications for licences, as we must be satisfied that prospective operators are fit and proper persons to hold a licence.

1.4. This policy contains guidelines for consideration by the Council's Licensing Committee (consisting of Councillors), and by Council Officers, when determining applications for Operators licences. It has been approved by the Council's Licensing Committee and published, to provide guidance as to the Council's expectations of applicants and licence holders. However, nothing in this document will bind the Council to a particular course of action, and we will continue to consider each licence application on its merits. Similarly, this policy does not take precedence over any statutory provision or established case law.

1.5. It should be noted that it is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for an operator's licence.

2. Application Process

2.1. Applications for operator's licences must be made in writing using the application form provided by the Council. Every question on the application form must be completed fully and accurately, and the form must be signed by every applicant.

2.2. Where the application is being made by a single individual, the questions on the application form should be answered by that individual. Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants. Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors. This is particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Council must be satisfied as to the fitness and propriety of every applicant.

2.3. Completed application forms should be returned to the Council's offices. An application fee, which will be reviewed on a regular basis, and set by the Council, will also be payable with each application.

2.4. Applications must also be accompanied by a Basic Disclosure Certificate, issued by the Disclosure and Barring Service (DBS) for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the application was made.

2.5. The requirement to provide a Basic Disclosure certificate will not apply to any applicant (or director) who holds a current private hire or hackney carriage driver's licence issued by East Lindsey District Council. These individuals have already been assessed for their fitness and propriety during their application for that licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary. Applicants who are applying simultaneously for a driver's licence (and have made an application, not simply requested a driver licence application pack) will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.

2.6. Right to a Licence Check - In line with the requirements of the Immigration Act 2016 this Authority must check that all new operator licence applicants are permitted to work in the UK. The Authority will not be in a position to accept and process a licence application unless the applicant complies with the aforementioned requirements. The application must be made in person and the applicant must present the required Right to a Licence documentation.

2.7. If any issues arise during the processing of the licence application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

2.8. When all required documents and other information has been received, the application will be determined. The following sections of this document set out details of how we will consider certain aspects of the application.

2.9. In determining applications, the statutory test that we must apply is set out at Section 55 of the 1976 Act – namely, that the Council “shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence”. No definition of the meaning of the term ‘fit and proper’ is given, either in statute or in subsequent case law, and so the Council will exercise its discretion and consider a wide range of matters in reaching its decision.

2.10. The Council has delegated to its Officers the authority to consider and determine applications for licences, subject to the criteria set out in this policy document. The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a licence should be granted, then that licence application should be forwarded to the Council's Licensing Committee (consisting of Councillors) for determination. Please note that Officers can refer an application to the Licensing Committee at any time for determination. An applicant will be given an opportunity to make representations, either in writing or orally at a meeting of the Council's Licensing Committee. Any representations will be given full consideration prior to a decision being made in respect of the application.

2.11. If an application is granted by this Authority, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 5 years. However, the Council reserves the right to grant licences for a shorter duration, should this be considered necessary due to the circumstances of a particular application.

2.12. Operator licences are non-transferrable. In the event of control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply afresh for a licence.

2.13. Section 62 of the 1976 Act provides a power for the Council to suspend or revoke an operator's licence, on various grounds including:

- the commission of an offence or non-compliance with the 1976 Act,
- conduct on the part of the operator which appears to render him / her unfit,
- any material change in the operator's circumstances,
- or any other reasonable cause.

The Council may also prosecute an operator for various breaches, including failure to keep the prescribed records, or operation of unlicensed vehicles or drivers.

2.14. Where an application is refused, or a licence suspended or revoked, or if an operator is aggrieved by conditions added to his / her licence, a right of appeal to a Magistrates' Court will exist. Details of this right will be issued with any documentation sent at the relevant time.

3. Fitness and Propriety of Applicants

3.1. In the 1976 Act, no definition is offered as to the precise meaning and limitations of the term "fit and proper person", and it is, therefore, open to the Council to consider any and all information that may be of relevance in determining an application. This section of the policy does not attempt to form a definition of the term "fit and proper", but merely serves to highlight some of the matters that may routinely be examined as part of the determination of an application. It must, however, be noted at the outset that the provisions herein are not exhaustive, and if other relevant information is available the Council reserves the right to take it into account.

3.2. In accordance with the Interpretation Act, the term 'person' may apply to both individuals and bodies corporate and unincorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an

application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.

3.3. The Council will consider all applications on their individual merits. Although the following paragraphs set out some of the main considerations, any information which appears to the Council to question the applicant's suitability to hold a licence may be taken into account.

Convictions

3.4. Although operators will generally come into contact with the public less frequently than drivers, they play a critical role in ensuring the safety of public, through their employment/engagement of drivers and vehicles, the retention of personal data relating to customers and bookings, and in providing a transport service to vulnerable customers. For this reason, the Council will take into account any convictions or cautions for criminal offences, as well as relevant fixed penalty notices, when considering an applicant's fitness and propriety. The effect of any convictions or cautions, which are not considered to be 'spent' under the provisions of the Rehabilitation of Offenders Act 1974 (and associated regulations), will be considered, but offences relating to dishonesty, financial impropriety, violence, substance misuse, abuse of a person with a protected characteristic, safeguarding offences or misconduct under taxi and private hire legislation will be viewed with particular seriousness.

3.5. In view of the significant responsibility held by private hire vehicle operators in terms of setting standards for their company, recruiting drivers, and dealing with members of the public, the Council believes that the operator must be a person of impeccable character and should be an example to all those whom he/she employs. Therefore, the view of the Council is that applicants for a private hire operator's licence (and holders of a private hire operator's licence) must at least fulfil the same requirements as applicants for private hire drivers licences in terms of being free from serious convictions or a pattern of unlawful behaviour. A copy of this Authority's Guidelines Relating to the Relevance of Convictions for Drivers and Operators can be found on the licensing area of the Council's website.

3.6. Applicants must supply a criminal record certificate which details any unspent convictions (or have supplied a certificate in connection with an existing driver's licence). A declaration must also be made in respect of any unspent convictions or cautions, both within the jurisdiction of the British courts and overseas.

3.7. Applicants for an operator licence will be asked to declare whether within 5 years of the date of licence application they have at any time lived or worked outside the UK for a continuous period exceeding 3 months. Applicants who answer in the affirmative will be required to obtain a certificate of good conduct (or similar document) from the country (or representative of the appropriate jurisdiction) in which they resided. Any costs, involved in the translation of the aforementioned document, will be the sole responsibility of the licence applicant.

3.8. It shall be the applicant's responsibility to obtain the criminal record certificate(s) in good time, and to pay any fees or charges associated with them. An application will not normally be accepted for processing until all required documents have been presented.

3.9. Applicants are also required to declare whether they have been charged with any offences and are currently awaiting trial. If the individual is the subject of an outstanding charge or summons their

application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

3.10. Private hire operators are not identified as an exempt profession under the Rehabilitation of Offenders Act 1974, and, therefore, the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full. The Council will not take into consideration any conviction, caution or similar sanction that is deemed to be spent by virtue of a provision of the 1974 Act (and any associated regulations).

Financial Propriety

3.12. As operators will be responsible for the financial aspects associated with operating a business (which may including maintaining customer accounts, negotiating contracts, payments to employed/engaged drivers, and maintenance of accurate business accounts), the Council will consider evidence of previous financial impropriety or difficulties when assessing the fitness and propriety of applicants for licences. Although convictions for finance-related offences will be listed on the criminal record certificates referred to in the preceding paragraphs, there are a number of other sanctions which may be applied, which would not be shown on the certificate. The Council may carry out checks of applicants to ensure that these sanctions have not been applied.

3.13. In particular, where an applicant is currently subject to one or more of the following sanctions or proceedings, which is active at the time of application, an application for a licence will usually be refused:

- An undischarged bankruptcy order
- Other insolvency proceedings, including an Individual Voluntary Agreement (IVA)
- Disqualification from appointment as a company director

3.14. Where a limited company applicant has been liquidated or dissolved, an application for a licence will usually be refused. Where a company is currently in administration and is continuing to trade under the control of an administrator, the Council will usually seek further information and assurances from the administrator prior to determining a licence application. In these cases, the administrator must be named on the application, and should complete the application form on behalf of the company.

3.15. Where an existing private hire vehicle operator is subject of a bankruptcy order then this Authority will seriously consider revocation of the private hire vehicle operator's licence. In addition, the Authority is likely to advise that at least two years should elapse (after the automatic discharge of the bankruptcy) before this Authority would expect to receive any application for a private hire vehicle operator's licence from him/her.

Previous Licences

3.16. Any relevant licensing history relating to an applicant or operator may be considered during further applications. For example, if an applicant has previously had a licence revoked, whether by

this Authority or by any other Authority, this may indicate an underlying issue with the fitness or propriety of that person. Where appropriate to do so, further information may be sought from any other relevant authority, to the extent permitted by data protection laws.

3.17. Where an applicant has had a previous licence revoked, or an application for a licence refused within the preceding 5 years, any further application for a licence will usually be refused.

Penalty Point Scheme, Complaints, etc.

3.18. Where a number of previous complaints have been made against an operator, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by the Council during its determination of a licence application and the review of the status of an existing licence.

3.19. This Authority has adopted a Penalty Point Scheme in relation to the licensing of drivers, operators and proprietors. The aim of the penalty points scheme is to work in conjunction with other enforcement options that are available to the Authority. The scheme provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver and operator behaviour and conduct, so as to ascertain whether an individual is a fit and proper person to hold a licence. The scheme does not prejudice the Authority's ability to take other forms of compliance or enforcement action. A copy of this Authority's Penalty Point Scheme can be found on the licensing area of the Council's website.

4. Planning

4.1. Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc.) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice from the Council's Planning Service prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

4.2. Planning and licensing operate as separate regulatory regimes, and the absence of planning permission for a particular site will not serve to prohibit the Licensing Authority from granting a licence. However, applicants must be aware that planning and licensing requirements must both be satisfied prior to the commencement of operations, and if this is not the case then the applicant will be liable to enforcement action for breaches of the relevant legislation.

5. Insurance and Other Vehicle Related Matters

5.1. The Council strongly advises all operators to take out suitable liability insurance policies covering all aspects of their business, prior to the start of operations.

5.2. In particular, we recommend that operators hold policies in respect of public liability (to deal with any claims for damages arising from the activities of the business affecting customers and members of the public) and employer's liability (relating to any claims by persons employed or engaged by the operator, who are injured, become ill or otherwise suffer damages as a result of the business activities).

5.3. The Council cannot give advice as to which insurance policies or providers will be the most suitable – it is for operators to source their own advice in this regard.

5.4. It falls outside the remit of the Licensing Authority to stipulate a suitable level of insurance to be held, or to take action against businesses who fail to secure appropriate policies. However, in the absence of an insurance policy any legal claims made against the operator could result in the individual proprietors of the business being held liable for any damages or legal costs incurred during proceedings, which could run to very large sums.

5.5. Applicants and existing licence holders are advised that infringements of vehicle road tax, MOT, vehicle insurance and other legal requirements relating to vehicles are viewed particularly seriously by this Authority and may result in licence refusal, suspension or revocation.

6. Communications and Information Security

6.1. In the course of their business, operators will be required to process and store various pieces of data, some of which will be personal data. The processing and storage of this data will fall under the provisions of Data Protection law, which requires the operator to take measures to ensure the security of that data, and to prevent unauthorised breaches of the security, or usage of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).

6.2. Although the basic business activities of an operator are not likely to require registration with the Information Commissioner's Office (ICO) as a data controller, operators should be aware that if they go beyond the basic activities, they may well have to register. In particular, the operation of a CCTV system (either at publicly accessible premises or in cars provided by the operator) or similar recording of audio or video signals will require registration with the ICO.

6.3. For further advice on whether registration as a data controller is required, please see the website of the Information Commissioner's Office, at www.ico.org.uk

6.4. Where an operator maintains a radio network for use by his drivers, the range or frequency used by the system may require the operator to obtain a Business Radio Licence from OFCOM. Operators will be asked to confirm whether they have satisfied this requirement on making an operator licence application. For further advice on whether a licence is required, please see the OFCOM website at: www.ofcom.org.uk

7. Trading Names

7.1. Operators will be asked to declare their (proposed) trading name(s) within their licence application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the operator.

7.2. While trading names are a matter for an operator to determine, the Council will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used.

7.3. In particular, licence applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- An expletive, derogatory or offensive term

- A term associated with inequality or racism
- A term with political implications
- A registered trademark (unless the applicant can demonstrate a right to use that mark)
- The trading name of an existing Private Hire Operator licensed in the East Lindsey District.
- The trading name used by an East Lindsey hackney carriage proprietor, where the proprietor has previously notified the Council of the use of that name and the name has been used regularly since 16 September 2019.
- A name which implies official recognition or endorsement by the Council or another regulatory body
- A term in any language other than English which when translated would fall within any of the preceding categories.

7.4. Only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators. However, if the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising in respect of those hackney carriage vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

7.5. Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his/her application.

7.6. This section of the policy will not be retrospectively applied to any operator's trading name which has been continuously in use since before the 16 September 2019 (and where an operator's licence has been continually maintained in respect of this), but will apply to any new operator (including new applications made following the lapse of a previous licence) or new trading name applied by an existing operator.

8. Vehicle and Advertising

8.1. Under the Council's standard conditions applying to vehicle licences, vehicles must not display advertisements or signage, in or on the vehicle which are racist or sexist or would cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials, vaping materials or alcohol products unless as part of a health education or similar campaign. Furthermore, any advertisement or signage should not contain anything of a religious or political nature.

8.2. Any door signs, on private hire vehicles, should be manufactured of a robust material, suitable for the expected use of the vehicle, and must be replaced if they become badly damaged or faded.

8.3. Business card dispensers containing cards with the operator's contact details may be utilised within vehicles, without restriction (other than to ensure that they do not obstruct the safe operation of the vehicle).

9. Operator Licence Conditions

9.1. Under Section 55(3) of the 1976 Act, the Council may attach such conditions to an operator's licence as are believed to be reasonable and necessary. This power is subject to a right of appeal by any applicant aggrieved by one or more of the conditions so attached.

9.2. The Council has adopted a schedule of standard conditions which will be attached to all operator licences issued. These conditions are set out at **Appendix A** of Part B of this policy document.

9.3. The attachment of these standard conditions does not prevent the Council from attaching any other necessary condition to the licence, in response to specific issues that have been considered as part of the application process. This power may also be used to substitute or go beyond any of the standard conditions with requirements that are more or less stringent, as the case may be.

10. Exemptions

10.1. The Council may consider requests from certain operators in niche sectors for their businesses to be exempted from one or more of the requirements imposed under licences. In all cases, operator, vehicle and driver licences will still be required, but the Council may agree to waive one or more of the licence conditions or licensing pre-requisites – where the operator can demonstrate a genuine need for this. However, exemptions will be the exception rather than the norm.

10.2. Exemptions will only ever be granted sparingly, and before a request is considered a significant amount of supporting material will be required. This may include customer account details, letters of reference from prospective clients, and evidence of the effect of refusal to grant an exemption. Exemptions will only be considered for specialist businesses – for example, those providing novelty vehicles, or executive chauffeur businesses, and not for those businesses undertaking what would typically be regarded as 'routine' or 'general' private hire work.

10.3. The Council's position on exemptions is that the requirements imposed under its licences are reasonable and necessary to fulfil our main duty of ensuring public safety, and we will expect to apply them in every case. However, in certain exceptional circumstances we will consider requests from operators for exemption from one or more of our requirements, on a whole-business level only. Exemptions will only be granted if we are satisfied that there is an exceptional need for this to be so. It will not be enough to simply state that being exempted will assist the business – we will need to see demonstrable evidence that the business would not be viable if the requirement were applied rigidly, that there are no suitable ways in which the requirement could be satisfied through alternate means and that our duty to maintain public safety will not be adversely affected by the grant of the exemption.

10.4. In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.

10.5. Exemptions will not be granted as a matter of course. The case for exemption will have to be made by the operator / proprietor of the business.

10.6. Where exemptions are granted, the Council reserves the right to impose substitute conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternate. All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Council can no longer be satisfied that the exemption is necessary, or if there is evidence that the exemption has been abused.

10.7. This Authority will not normally consider exemptions regarding the licensing pre-requisites for private hire drivers.

10.8. All applications for exemption will be considered by the Council's Licensing Committee and will not be considered by Officers acting under delegated powers.

11. Prestige Type Vehicles and Private Hire Vehicle Identification Plate Exemptions

11.1. The 1976 Act gives the Licensing Authority the discretion to grant a proprietor a dispensation from displaying the licence identification plate on the rear of their licensed private hire vehicle. This Authority has adopted a specific licensing policy and vehicle specification with regard to Prestige Type Vehicles and Private Hire Vehicle Identification Plate Exemptions – this can be found at Part E of this policy document.

11.2. Each application for a dispensation will be considered by the Council on its own merits. The overriding consideration at all times will be public safety. The granting of any dispensation by the Authority will be confirmed in writing by the Council's Licensing Team and a copy of the dispensation must be carried in the vehicle at all times and must be produced to an Authorised Officer on request.

11.3. Dispensation will not be granted as a matter of course. The case for dispensation will have to be made by the proprietor. In determining an application, it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the dispensation should be granted. The high quality of the vehicle being used will be strongly supportive of an application, but will not be the sole determining factor. Before any plate exemption notice is issued, the operator must satisfy the Licensing Authority that such an exemption would be integral to his business.

12. Premises of a Private Hire Vehicle Operator

12.1. This Authority will require an operator to indicate the address from which he/she intends to be licensed to accept private hire vehicle bookings. The Authority will know this address as the operating centre or base.

12.2. An operator may operate more than one operating centre but the address or addresses an operator intends to use as operating centres must be specifically detailed in the operator licence granted by this operator.

12.3. The Council recommends that private hire vehicle operators provide adequate off-street parking. In some cases, this Authority may consider requiring individual operators to provide off-street parking by way of conditions attached to the grant of the operator's licence. This Authority currently recommends a minimum standard of one-off street space for every four vehicles operated. The ratio of one off-street space for every four vehicles operated should include any hackney vehicles (taxis) also operating from the base.

12.4. There is a duty on private hire vehicle operators to keep certain records of their operations. The required records can be found in the licence conditions shown at **Appendix A** of Part B of this policy document. These booking records must be kept in writing or in a form in which it can be reduced to writing. Computer records are acceptable if they can be printed off a printer on demand.

12.5. This Authority's private hire vehicle operator licence conditions include the following requirements with regard to the operator booking office:

- Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- Ensure that any waiting area provided by the operator has adequate seating facilities.

The above conditions do not require private hire operators to provide waiting facilities for the public – however, if they decide to do so or the public have personal access to the office then the above provisions must be complied with. In assessing the suitability of such offices this Authority will also take the following (and any other relevant) matters into consideration:

- The size of the workspace provided for the person employed to take bookings in the office. Under the Workplace, (Health Safety and Welfare) Regulations workrooms should have enough free space to allow people to get to and from workstations and to move within the room, with ease.
- Access for the disabled to the waiting area at the booking office.

12.6. This Authority's private hire vehicle operator licence conditions include the following provision:

- A licensed operator will only conduct the business from the booking office address specified on the licence. The office must remain in the location described on the licence unless the Operator applies and is given approval, by the Licensing Authority, for a change of location.

12.7. The legal case of Kingston upon Hull City Council v Wilson makes it clear that the Licensing Authority may specify the address or addresses from which a private hire operator may operate. If the operator moves, then he/she must not only inform the Local Authority, but also ensure that a revised licence is issued.

12.8. Such approval and issue of a revised licence will normally be determined by Council Officers acting under delegated powers. However, where Officers have concerns regarding the suitability of a proposed new location, which cannot be resolved through discussions with the operator, then the matter, will be forwarded to the Licensing Committee for determination.

12.9. Whilst this Authority does not intend to set a minimum period within which the proposed new location must be notified to the Authority – operators are advised to ensure that a reasonable period of notice is given in order to ensure that all relevant checks can be made by Council Officers and the subsequent licensing hearing can be undertaken, if required.

12.10. Where consent for a change of location is declined then the licence holder will be entitled to appeal that licence condition to the local Magistrates Court.

13. Touting

13.1. Private hire vehicle drivers can only carry out private hire vehicle bookings through licensed private hire vehicle operators. Private hire drivers who pick up passengers that have not been booked through their private hire vehicle operators are committing the offence of touting for which they may be prosecuted and fined and also have their private hire vehicle driver's licence suspended or revoked.

13.2. Should a licensed private hire vehicle operator, or an individual associated with an operator's licence, receive a conviction for touting then revocation or suspension of the operator's licence is likely to be seriously considered by the Licensing Authority.

14. Safeguarding Training, Driver Training and Disability Awareness

14.1. A number of high profile safeguarding and child sexual exploitation issues around the country have been publicised in recent years and some of those have involved hackney carriage and private hire licence holders. With this in mind the Council has made the online taxi and private hire vehicle safeguarding training, provided by the Lincolnshire Safeguarding Children Board (LSCB), a mandatory requirement for all hackney carriage drivers, private hire vehicle drivers and private hire vehicle operators licensed with this Authority.

14.2. The purpose of the online LSCB courses is to increase and raise awareness, amongst licensed drivers and operators, of all aspects of the safeguarding requirements for both children and vulnerable adults.

14.3. All first-time applicants for an operator licence will be required to successfully undergo the relevant online courses prior to their licence being granted. Details of how to register and access the online courses can be found in the guidance leaflet provided by the LSCB.

14.4. The Council recommends that all persons employed by the operator, who are engaged in customer contact, should be encouraged to attend training programmes to raise their awareness in customer care and other associated matters. Licensed drivers can complete the NVQ Level 2 in Road Passenger Transport, specialising in taxi or private hire work. Also available is the BTEC Level 2 Certificate in Transporting Passengers by Taxi and Private Hire. This is a short course designed to support new drivers, and anyone who wants to update their qualifications after a break from driving.

14.5. **Disability Awareness - Operators with Wheelchair Accessible Vehicles (WAVs):** At present there is no specific requirement for drivers and operators to undergo a wheelchair passenger assessment prior to gaining a licence with this Authority, However, this Authority recommends that operators with Wheelchair Accessible Vehicles (WAVs) arrange for their drivers to successfully undergo disability awareness training and a wheelchair loading assessment before driving a wheelchair accessible vehicle.

15. Other Relevant Matters

15.1. **Courtesy Cars:** All vehicles with not more than 8 passenger seats carrying passengers for hire and reward must be licensed by the Local Authority. Current case law supports the view that vehicles which are used as 'courtesy cars' (i.e. for transporting customers to and from hotel, night-clubs, etc.) are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They, therefore, should be licensed accordingly.

15.2. Those operating 'courtesy cars' (e.g. for transporting customers to and from hotels, night-clubs, etc.) should have an operator's licence and drivers and vehicles must be appropriately licensed. All three licences (operator, vehicle and driver) must be from the same Licensing Authority.

15.3. **Exempt Vehicles – Funeral and Wedding Vehicles:** Vehicles that are used solely in connection with a funeral, or are being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals, do not need to be licensed.

15.4. A vehicle does not need to be licensed while it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered by this Authority to be a licensable activity.

15.5. **Exempt Vehicles - Community Car Schemes and Voluntary Sector Transport:** The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the above types of organisation are providing a service, it is less clear that such provision can be defined as operating a private hire business. The Council will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Council considers that private hire vehicle licensing is necessary. The Department for Transport on the GOV.UK website gives details and guidance notes regarding Community Car Schemes and what is, and what is not, a private hire vehicle.

15.6. **Stretched Limousines:** Stretched limousines are elongated saloon cars that have been increasingly used for executive and specialist private hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing over previous years. Their private hire use generally includes special occasions such as days at the races, stag and hen parties, school proms and children's birthday parties. This Authority has adopted a specific licensing policy and vehicle specification with regard to the licensing of such vehicles and operators – this can be found at Part F of this policy document.

15.7. **Alcohol Licensing and Stretched Limousines & Executive Hire Vehicles:** It is an offence under the Licensing Act 2003 to provide facilities for the 'sale of alcohol' within a limousine or any other vehicle (i.e. payment for alcohol is taken within the vehicle). If the limousine is to be provided whereby part of the booking fee includes the provision of alcohol in the vehicle, then the premises which accepts the booking and supplies the alcohol within the vehicle will need a premises licence (and named Designated Premises Supervisor holding a personal licence) under the Licensing Act 2003, otherwise a criminal offence would be committed. Further information on the subject of alcohol licensing can be found on the Council's website (www.e-lindsey.gov.uk) and on the GOV.UK website.

15.8. **Licence Renewal:** Holders of existing Private Hire Operator licences shall normally be reminded by this Authority, in the month preceding their expiry, when their licences are due to be renewed. However, non-receipt of a reminder letter will not be an excuse for failing to apply for licence renewal; reminder letters are sent as a matter of courtesy and there is no legal requirement on the Licensing Authority to issue the same.

16. Policy Review

16.1. The Policy Statement will remain in existence for a period of 3 years and will be subject to review and further consultation before 2022. However, following consultation, the Council may make revisions to it as deemed necessary.

This operator policy was last revised and subject to amendment in September 2020

APPENDIX A

STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A PRIVATE HIRE OPERATOR LICENCE

The following conditions will attach, pursuant to Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), to all private hire operator’s licences issued by East Lindsey District Council, unless a specific exemption has been granted by the Authority. The attachment of these conditions does not affect the Council’s entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

1. Booking Records

A written record must be kept of each booking for a licensed vehicle and there shall be entered therein, before the commencement of each journey, the particulars specified below and such record must be kept for a period of not less than 6 months and produced on request to an authorised officer of the Council or to a Police Constable for inspection:

- a) Date when booking made.
- b) Date and time for which car booked.
- c) Name and address of hirer.
- d) Collection point of hirer and destination.
- e) Fare charged.
- f) Registration number of vehicle used.
- g) Name of driver employed on journey.

If a computer system is used for recording the above information, the operator must be able to provide a printout of all required booking details.

2. Vehicle Records

The operator shall keep records of the particulars of all private hire vehicles operated by him/her, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with the details of the private hire vehicle licence including number issue and expiry dates. All vehicle records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry. If a computer system is used, the operator must be able to provide a printout of all required details.

3. Provision of Service

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

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

4. Fares

The operator may charge whatever fare has been agreed between him/herself and the hirer before the commencement of the journey. However, he/ she shall inform the Council in writing of the basic scale of fares intended to be charged. Any change in the scale of charges will be notified to the Licensing Authority within a reasonable period of time not exceeding 14 days.

5. Driver Complaints

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

6. Change of Address

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

7. Convictions

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

8. Private Hire Vehicle Driver Licences

The operator shall ensure that any driver employed by the operator or working from the operator's premises holds a current Private Hire Vehicle Driver's Licence issued by East Lindsey District Council.

9. Booking Office Address

A licensed Operator will only conduct the business from the booking office address (or booking offices addresses) specified on the licence. The office (or offices) must remain in the location described on the licence unless the Operator applies and is given approval, by the Licensing Authority, for a change of location.

10. Limited Company Directors

The following condition applies only where the operator's licence is issued to and held by a limited company: The Operator shall notify the Council within 21 days in the event of:

- a) The termination of appointment of a director of the limited company;
- b) The appointment of a new director of the limited company; or
- c) The liquidation or dissolution of the company, or the appointment of administrators.

Where the Operator notifies the Council under Sub-Paragraph (b), a Basic DBS Disclosure issued in the name of the new director, no earlier than 1 month prior to the date of notification, shall be provided to the Council at the earliest opportunity, and in any event no later than 1 month after notification.

11. Complaints Procedure

The operator shall publish a complaints handling procedure, detailing how members of the public may make complaints to the operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner. The operator shall make details of such complaints and investigations available to authorised Council officers upon reasonable request.

12. Telephone Facilities and Radio Equipment

The operator shall ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

13. Annual Disclosure and Barring Service (DBS) Check

Condition: Following the issue of an operator licence the licence holder is required to submit to this Authority an up to date result of a Basic DBS Check on an annual basis.

Guidance Regarding Licence Condition: This means that a check must be obtained and supplied in respect of a sole individual, or each individual where the licence is held by multiple individuals, or each director of a limited company licence holder.

DBS certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the certificate is submitted to this Authority.

This requirement will not relate to any individual holding a current private hire or hackney carriage driver's licence issued by East Lindsey District Council and that person has:

- signed up to the DBS Update Service, and,
- completed this Authority's 'DBS Update Service Authorisation Form'.

14. Booking & Dispatch Staff

Condition: Where the holder of this licence employs a person or persons to take vehicle bookings (be it by phone or in person) and/or a vehicle dispatcher or dispatchers (who decide which driver to send to a user), then the following shall apply:

- The licence holder shall maintain a register detailing all staff that will take bookings or dispatch vehicles.
- The licence holder shall ensure that Basic DBS checks are conducted on all current individuals on the register and any individuals added to the register and that the DBS certificate provided by the individual has been recently issued when viewed.
- The licence holder shall be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff.

Guidance Regarding Licence Condition: Some private hire vehicle operators will be employing persons to take vehicle bookings (be it by phone or in person) and vehicle dispatchers who decide which driver to send to a user.

In line with the requirement laid down in the Statutory Taxi and Private Hire Vehicle Standards, issued by the Department of Transport, any operator licence granted or renewed by this Authority is

subject to the above licence condition requiring the licence holder to maintain a register of all staff that will take bookings or dispatch vehicles.

In addition, the licence condition will require the operator to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff. The condition requires the operator to ensure that Basic DBS checks are conducted on any individuals added to the register and that the certificate provided by the individual has been recently issued when viewed.

In order to undertake the above requirement operators will need to adopt a written policy on employing ex-offenders.

When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator/employer of any convictions while they are employed in this role.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as the hire booking records are kept - this will enable cross-referencing between the two records.

A record that the operator has had sight of a Basic DBS Certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new Basic DBS Certificate should be requested and sight of this recorded.

15. Policy on Employing Ex-Offenders

Condition: A licence holder employing Booking & Dispatch Staff must hold and maintain a Policy on Employing Ex-Offenders.

Guidance Regarding Licence Condition: This Authority recommends that the policy indicates that those with a current (unspent) conviction for any of the offences listed below, would not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a licensed vehicle:

- Crime resulting in death
- Exploitation
- Offence involving violence against the person
- Possession of a weapon
- Sexual offences
- Dishonesty
- Drugs
- Discrimination

16. Use of Passenger Carrying Vehicle (PCV) Licensed Drivers

Condition: The use of a driver who holds a PCV licence and the use of a Public Service Vehicle (PSV) to undertake a private hire vehicle booking will not be permitted without the informed consent of the booker.

Guidance Regarding Licence Condition: In line with the requirement laid down in the Statutory Taxi and Private Hire Vehicle Standards, any operator licence granted or renewed by this Authority will

be subject to the above licence condition. Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to a different level of licensing checks and not required to have an Enhanced DBS check.

NOTES:

Appeal: Applicants aggrieved by any of the conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with Sections 55 and 77 of the 1976 Act.

Data Protection: Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

<https://ico.org.uk/>

Operator Licence Renewal Application - DBS Check: Licence renewal applications must be accompanied by a Basic Disclosure Certificate, issued by the Disclosure and Barring Service (DBS) for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the application was made.

The requirement to provide a Basic Disclosure certificate will not apply to any applicant (or director) who holds a current private hire or hackney carriage driver's licence issued by East Lindsey District Council and the driver licence was granted or renewed by this Authority within six-months prior to the operator licence application.

These individuals have already been assessed for their fitness and propriety during their application for a driver licence, and as such no further checks of any criminal record history for that particular applicant, at the time of the renewal application, will be considered necessary.

Applicants who are applying simultaneously for a driver's licence (and have made an application, not simply requested a driver licence application pack) will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.

These standard licence conditions were last revised and subject to amendment in September 2020

PART C

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENSING POLICY

1. Introduction

1.1.1 East Lindsey District (the Licensing Authority) is responsible for the licensing of hackney carriage vehicles (taxis) and hackney carriage drivers, and private hire vehicles, private hire drivers and private hire vehicle operators.

1.1.2 This document sets out the policy that this Licensing Authority will apply when making decisions about new driver licence applications, licence renewal applications, and driver licences currently in force. It provides prospective licence applicants with clarity and a consistency of approach in the decision-making process.

1.1.3. It should be noted that this policy will not override the right of any person to make a licence application, as each case will be considered on its own merits and according to the statutory requirements of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other associated legislation.

1.1.4 The Council has delegated to its Officers the authority to consider and determine applications for licences, subject to the criteria set out in this policy document. The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a licence should be granted, then that licence application should be forwarded to the Council's Licensing Committee (consisting of Councillors) for determination. Please note that Officers can refer an application to the Licensing Committee at any time for determination.

1.1.5 It should be noted that because the Licensing Committee does not meet on a weekly basis, there may necessarily be a delay between the initial licence application and the grant or refusal in the case where the licence application is referred to the Committee.

1.1.6 An applicant will be given an opportunity to make representations, either in writing or orally at a meeting of the Council's Licensing Committee. Any representations will be given full consideration prior to a decision being made in respect of the application.

1.1.7 Further detailed information regarding the Authority's application procedures is available by contacting the Council's Licensing Team.

1.1.8 When issuing driver licences the Council's overriding concern is the protection and promotion of public safety. This involves a number of important aims and objectives including:

- Protecting vulnerable persons and children from harm, sexual abuse and trafficking.
- Ensuring the safety and health of customers, other road users and licensed drivers.
- Protecting customers from financial harm.
- Ensuring that licence holders are fit and proper persons to hold a licence.
- Ensuring that licence holders do not pose a threat to customers or members of the public.

- Ensuring that the public are safeguarded from dishonest persons.
- Making decisions about licence applications, and licences in force, in a consistent and fair way.

1.1.9 When undertaking the hackney carriage and private licensing function, this Authority will seek to promote the following objectives:

- The protection of the public;
- The establishment of professional and respected hackney carriage and private hire trades;
- Access to an efficient and effective public transport service;
- The protection of the environment;
- Improved disability access and awareness.

1.1.10 Drivers and operators of hackney carriage and private hire vehicle services can be an important partner in safeguarding. They are in a unique position of being alone with numerous members of the public on a daily basis, and of being able to observe and receive information about many different locations both within and outside of the East Lindsey District. While regulating hackney carriage and private hire services the Council wishes to support the trade to be seen as professional and respectable, and as a competent resource which recognises and practices the protection it can provide to vulnerable persons and children.

1.1.11 Similar factors mean that licensed drivers can also be ambassadors for the East Lindsey District through their interaction with businesses, visitors and tourists. The high standards required through this policy are intended to support them in this role and the business advantages it can bring.

1.1.12 Hackney carriage and private hire vehicle services are an important part of the Lincolnshire transport system since they provide accessible ‘on-demand’ services which other transport providers do not.

1.2. Fit and Proper

1.2.1 The Council must not grant a driver licence unless it is satisfied that the applicant is a fit and proper person to hold a driver’s licence. This document contains guidance for Council Officers and the Council’s Licensing Committee on the way in which a driver licence applicant’s fitness should be considered. However, it is important to note that every licence application must be treated on its own merits, and the contents of this policy document do not bind the Council, its Officers or the Licensing Committee. Decisions may be made that depart from the guidance herein, if the circumstances of the application warrant doing so. Any decision will be accompanied by full reasons for that decision.

1.2.2 It is noted that no attempt is made within the legislation to define the term “fit and proper person”, and this policy document likewise makes no attempt to formulate such a definition. The Council may consider any relevant issue when making its determination on this point, and these guidelines should be regarded as examples of issues that may lead to the Council not being satisfied

that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.

1.2.3 The Council may fail to be satisfied that a person is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence of good character is not available or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse a licence application.

1.2.4 A licence applicant who does not satisfy these guidelines will not necessarily be barred from obtaining a licence. The Council will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors. Regard will be had when making a determination to any positive comments and references evidenced with the licence application.

1.2.5 The onus is on an applicant to satisfy the Council that they are 'fit and proper'. Simply being free from convictions is not enough. Licence holders must remain 'fit and proper' to retain their licence.

1.2.6 The overriding consideration in compiling and interpreting these guidelines is the safety of the public. The Council has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse, assault or take advantage of passengers.

1.2.7 These policy guidelines may be taken into account by the Council when dealing with any of the following matters:

- an application for a new hackney carriage driver's licence (Section 46, Town Police Clauses Act 1847 and Section 59, Local Government (Miscellaneous Provisions) Act 1976)
- an application for a new private hire driver's licence (Section 51, LG(MP)A 1976)
- an application to renew a private hire or hackney carriage driver's licence (Sections 51, 59 and 61, LG(MP)A 1976)
- a proposal to suspend or revoke a hackney carriage or private hire driver's licence (Section 61, LG(MP)A 1976)

1.2.8 Although Section 61 of the 1976 Act does not contain the same reference to a "fit and proper person", the fact that such action may be taken due to "any other reasonable cause" will generally lead the Council to include similar guidelines in its considerations under that section. Any references in this document to the refusal of an application should therefore be read to include suspension or revocation of a licence.

1.2.9 Any person refused a driver's licence on the grounds that the Council is not satisfied that they are not a fit and proper person to hold a licence (or where a licence was suspended or revoked, as the case may be) has a right of appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

1.2.10 Information provided by applicants will be treated in confidence and will only be utilised by the Council to determine whether the applicant is a fit and proper person to hold a hackney carriage

or private hire driver's licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

1.2.11 This policy document has been drawn up with regard to the Department of Transport's Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), and in accordance with Government advice contained in Department of Transport Circular 2/92 and Home Office Circular 13/92 and the Statutory Minimum Licensing Standards for Hackney Carriages and Private Hire Vehicles (published by the Department for Transport in July 2020).

1.3 Character and Licensing History

1.3.1 This heading is a particularly wide ranging one, but can be summed up generally as the Council will require applicants and licence holders to conduct themselves appropriately and honestly in their dealings both with the public and with the Council.

1.3.2 Although the Council will not seek character references in most cases, any other information may be taken into account, should the Council deem it relevant to the application in question.

1.3.3 Where an applicant has previously held (or currently holds) a licence, whether issued by East Lindsey District Council or another Licensing Authority, information about the applicant's conduct under the previous licence(s) may be taken into account in considering a licence application. This may include details of any complaints made against the applicant, warnings given to the applicant by Officers and/or the Licensing Authority, or records of adverse conduct by the applicant towards members of the public, other licence holders, or Officers. If there is a substantial negative history of such issues, a licence application will generally be refused.

1.3.4 In addition to considering the outcomes of any individual legal actions, warnings or convictions for the above-mentioned issues, the Council may also draw appropriate inferences from repeat incidents or patterns of such issues which may not necessarily have resulted in formal action.

1.3.5 If an application has previously been refused (or a licence revoked), then any further applications made within the period of 24 months from the date of refusal (or revocation) will generally be refused. If the grounds for revocation or refusal are particularly serious, then this period may be extended at the discretion of the Council.

1.3.6 Knowingly or recklessly making a false statement in, or in connection with, a licence application is likely to result in that application being refused. In addition, as such conduct may constitute a criminal offence under Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976, legal action may, in some circumstances, be taken against the applicant.

1.3.7 Where an existing licence holder is under an obligation to provide information to the Council and has failed to meet this obligation, it shall be open to the Council to investigate the reason for this failure, and to draw appropriate inferences. Where the failure related to a particularly serious matter, refusal of an application to renew the licence may be warranted.

1.3.8 Where an applicant is required to complete the Council's communication or topographical knowledge tests, any attempt at cheating in that test is likely to result in their application being refused. Cheating in this context may include, but is not limited to, copying another applicant's answers, disruptive behaviour during the test, utilising any non-permitted papers or devices (unless

consent has previously been given for their usage), or otherwise trying to gain an unfair or improper advantage.

1.3.9 Issues relating to criminal convictions are addressed later in this policy document and in the Council's conviction guidelines. However, the Council will pay particular attention to any convictions for offences with a public safety element.

1.3.10 Where appropriate this Authority may take into consideration issues of non-compliance with other regulatory regimes.

1.4 Safeguarding Matters

1.4.1 Licensing Authorities must consider the need to protect children and vulnerable adults from sexual exploitation when undertaking licensing functions. Further information, regarding the Council's safeguarding policy, can be found on this Authority's website at:

www.e-lindsey.gov.uk/safeguarding

1.4.2 The policy indicates that safeguarding is everyone's responsibility and that this Authority will work to promote people's welfare and protect them from harm. The policy indicates that Councillors and everyone working for this Authority has a role to play in identifying safeguarding concerns and taking prompt action when issues are identified.

1.4.3 Safeguarding Training for Taxi and Private Hire Vehicle Drivers - Training to promote awareness of safeguarding issues for children and vulnerable persons is considered to be an important part of understanding the role and responsibility of a licensed driver. With this in mind the Council has made the online taxi and private hire vehicle safeguarding training, provided by the Lincolnshire Safeguarding Children Board (LSCB), a mandatory requirement for all hackney carriage drivers, private hire vehicle drivers and private hire vehicle operators licensed with this Authority.

1.4.4 All first-time applicants for a licence will be required to successfully undergo the relevant online courses prior to their licence being granted. Applicants must provide evidence that they have successfully completed the following required safeguarding courses:

- Introduction to Safeguarding Everyone in Lincolnshire
- Tackling Exploitation and Modern Slavery in Lincolnshire

The purpose of the online LSCB courses is to increase and raise awareness, amongst licensed drivers and private hire operators, of all aspects of the safeguarding requirements for both children and vulnerable adults.

1.4.5 **Multi-Agency Safeguarding Hub** - This Authority has adopted a Safeguarding Policy and Procedures. The policy and procedures are available on the Council's internal Intranet and it applies to all employees and Officers of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors are also encouraged to use it. In addition, the Council has an adopted a procedure for making safeguarding referrals to the Lincolnshire Safeguarding Children Partnership and the Lincolnshire Safeguarding Adults Board.

1.4.6 **Referrals to the Disclosure and Barring Service (DBS) and the Police** - Any decision to refuse or revoke a licence where the individual is thought to present a risk of harm to a child or vulnerable

adult, will be referred by this Authority to the Disclosure and Barring Service (DBS) and the Data Protection Team of Lincolnshire Police.

2.1 Parallel Procedures and Other Miscellaneous Matters

2.1.1 The statutory and practical criteria and qualifications for a private hire driver are similar to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire vehicle and hackney carriage drivers unless indicated.

2.1.2 Applicants are reminded that original documents should be submitted with a driver licence application to the Licensing Authority. Faxes and photocopies of criminal record certificates and pass certificates are not normally acceptable.

2.1.3 Licence Applications – Cash Payments: This Authority no longer accepts cash for the payment of licence application fees. This is in line with the Council's policy of seeking to reduce cash payments to the Authority and encourage other forms of payment (e.g. debit or credit card).

2.1.4 Proof of National Insurance Number: The Council requires all applicants to produce documentary evidence of their National Insurance Number. The following are examples of documentation, which we can accept as proof of a National Insurance Number:

- A recent payslip;
- A recent Benefit Statement (e.g. Child Allowance, Pension Statement);
- Any recent documentation from the Department for Work and Pensions;
- A recent P45, P60 or any other documentation from HM Revenue and Customs.

Original documentation must be provided - photocopies cannot be accepted. Alternatively, applicants may wish to contact the National Insurance Contributions Office on the website:

www.gov.uk/government/publications/national-insurance-getyour-national-insurance-number-in-writing-ca5403

This office may be able to send a letter to the applicant confirming his / her National Insurance Number.

3.1 Licences

3.1.1 Separate driver's licences must be held in respect of driving hackney carriage and private hire vehicles. However, for clarity and in order to reduce administrative burdens this Authority normally issues dual licences to drive both hackney carriage and private hire vehicles – unless of course the applicant does not achieve the specific licensing criteria for a specific class of licence (for example, see Paragraph 3.3.3 of this policy document). In making this decision regarding dual licences, the Council recognises that many drivers are self-employed and so issuing dual driver's licences, in respect of both hackney carriage and private hire vehicles, will aid the operation of a successful business.

3.1.2 The maximum period for which the Authority can grant a driver's licence is 3 years. With this in mind this Authority will normally grant driver's licences for a maximum period of 3 years, but the Authority can and will grant licences for a lesser period if deemed appropriate.

3.1.3 The law requires any applicant for a driver's licence to have held a full UK driving licence (or legal equivalent) for at least 12 months. This Authority will not normally regard the applicant to be sufficiently mature or experienced unless he/she has held a full UK driving licence (or legal equivalent) for at least two years and is aged at least 19 years. Applications will normally be refused if this requirement is not satisfied.

3.1.4 Applicants will be required to produce their current, full driving licence for inspection, with their application, bearing the applicant's current home address. The Council will also carry out a separate check of an applicant's entitlement to drive in the UK via an appropriate verification agency. Applicants will be required to sign a consent form for this check as part of their licence application.

3.1.5 In order to be licensed as a hackney carriage or private hire vehicle driver, an applicant must hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition, to the above the Licensing Authority will require all hackney carriage and private hire vehicle drivers who hold an EC/EEA driving licence to have a GB counterpart document. Any individual making an application for a hackney carriage or private hire vehicle driver's licence will be required to obtain a GB counterpart prior to the issue of a licence.

3.1.6 When licence holders apply for a counterpart, they will be registered with the DVLA and allocated a GB driver number. Any driving convictions and endorsements subsequently incurred by the licence holder in the UK will be recorded by the DVLA. Having a GB counterpart benefits drivers by allowing them to take part in the fixed penalty system for road traffic offences rather than having to attend court and incur a greater penalty as well as costs. In addition, if a driver loses or has his/her national driving licence stolen, they would probably not be able to get a duplicate from the country it was issued in. However, once registered with the DVLA they will be able to apply for a GB licence.

3.1.7 Currently licensed hackney carriage or private hire vehicle drivers who hold an EC/ EEA licence will be required to obtain a GB counterpart when they apply to be re-licensed. If a licensed driver cannot obtain a GB counterpart before their existing licence expires, the new licence will be issued on condition that a GB counterpart is obtained and produced to the Licensing Authority within 3 months.

3.1.8 In order to obtain a UK counterpart, the applicant must be resident in the UK. Any driver who is unable to satisfy this requirement may be licensed on condition that a UK counterpart is obtained within 3 months of the hackney carriage / private hire driver licence being issued.

3.1.9 Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Council, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.

3.1.10 Driving licence endorsements are covered in this Authority's convictions guidelines. However, should a hackney carriage / private hire driver licence holder be disqualified from driving during the validity of a licence, either following a serious offence or under the 'totting-up procedures', the Council will generally look to suspend or revoke the licence(s) held by that person.

3.1.11 Licence applicants will be required to demonstrate that they have a statutory right to live and work in the UK and any applicant that has a limited right to work will not be issued a driver licence for a period longer than that limited period. We will follow the general advice given by the UK Border Agency, available at:

www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/

in ascertaining this status. A licence will not be granted to an applicant who is not entitled to work in the UK. It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to British, EEA and non-EEA nationals. Copies of right to work documents produced will be retained.

3.1.12 Once we have made the appropriate 'right to a licence check' we will not normally need to make another relevant 'right to a licence' check – unless there are specific restrictions on an individual's right to work in the UK (e.g. a limit on the time that an individual may work and remain in the UK).

3.1.13 Any applicant for a new or renewal licence will be required to complete an application form and a statutory declaration and formally confirm any convictions, spent or otherwise, at the time of application or each renewal of their private hire vehicle or hackney carriage driver's licence. These forms ask for any time spent abroad and any convictions imposed in the UK or abroad. All the applicant's current criminal convictions must be entered onto these forms, including spent convictions and cautions (for further information see Section 3.9 of this policy document). It is an offence to knowingly or recklessly make a false statement or to omit information required by the Licensing Authority (Section 57 of the 1976 Act refers).

3.1.14 An Enhanced Disclosure from the Disclosure and Barring Service must be produced on first licence application. For further information see Section 3.7 of this Policy document.

3.1.15 Where an applicant has resided in the UK for less than 5 years, or has spent a period of 3 months or more within the last 5 years as a non-resident, this Authority will require a certificate of good conduct, obtained at the applicant's own expense, authenticated by the relevant Embassy or Police Authority of the country of residence. For further information see Section 3.9 of this Policy document.

3.2. DVLA Driving Licence Mandate

3.2.1 All applicants are required to complete a DVLA Driving Licence Mandate, authorising the Council's Licensing Team to access the DVLA database, in order to verify an applicant's driving licence record and status. The fee for the DVLA licence check will be incorporated into the Council's driver licence application fee.

3.3 Communications Test and Topographical Knowledge

3.3.1 In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage or private hire vehicle driver's licence, new applicants will be required to undertake a communications test to challenge their understanding of the English language and numeracy, and a test to challenge their knowledge of the rules and regulations relating to hackney carriage and private hire driving, legislation, bylaws and licence conditions. The communications test must be successfully completed prior to the issue of a driver's licence.

3.3.2 Hackney carriage drivers need a good working knowledge of the area for which they are licensed, because they can be hired directly at ranks or on the street. The Authority also considers it necessary for private hire drivers to know the area. Whilst at present this Authority does not require applicants, seeking a singular private hire vehicle driver's licence, to successfully undergo a topographical knowledge test it reserves the right to introduce such a test if it considered appropriate to do so at a later date. Before deciding whether to introduce such a test for private hire drivers the Authority will consult with all interested parties.

3.3.3 Hackney Carriage Driver Knowledge Test: In order to assist the Council in determining the fitness of an applicant to hold a hackney carriage driver's licence such applicants will also be subject to a knowledge test of the area within the District of East Lindsey and to some smaller extent the wider Lincolnshire area.

3.3.4 Applicants will be allowed three attempts to pass the knowledge test. After three failed attempts the application will be deemed unsuccessful and they will have to wait 12 months before making a further driver licence application. Applicants will have to wait 2 weeks between knowledge test dates.

3.3.5 The applicant will be invited to sit the knowledge test once the approved payment has been made to the Licensing Authority. The knowledge test will form the initial part of the hackney carriage driver application process and until the applicant has successfully satisfied this part of the process no further part of the hackney carriage driver licence application will be considered.

3.3.6 This driver knowledge test requirement shall apply to all new hackney carriage driver applicants. Current hackney carriage driver licence holders will not be required to sit the knowledge test providing that they renew their licences promptly, ahead of the expiry date. Where a licence holder allows their current driver licence to expire East Lindsey District Council will require a new hackney carriage driver licence application to be made, such application will be subject to the driver communication and knowledge test provisions.

3.3.7 The knowledge test will consist of 20 questions aimed at covering the areas detailed in paragraph 3.3.3 of this policy document. The test will be administered in exam like conditions. The pass mark will be 16 out of 20. There will be a pool of questions we will draw from dependent on where in the East Lindsey District the applicant proposes to work.

3.3.8 The above Hackney Carriage Driver Knowledge Test section of this policy document will come into force on a date to be determined by this Authority.

3.4 Driving Proficiency – Lincolnshire Road Safety Partnership (LRSP) Hackney Carriage / Private Hire Driving Test Assessment

3.4.1 Driving competency is an important part of being a safe and successful licensed driver.

3.4.2 The Lincolnshire Road Safety Partnership (LRSP) has developed a specific hackney carriage and private hire vehicle driving test assessment. The Council has adopted the LRSP assessment as a requirement for all new applicants for hackney carriage and private hire vehicle driver's licences. The cost of the test will be at the applicant's own expense. In addition, the Council may require any existing hackney carriage or private hire vehicle drivers to undergo the test, where there are serious concerns as to the fitness of a driver to hold a licence due to driving problems. Further information

in relation to the LRSP assessment (including cost and booking arrangements) is available from the Licensing Team.

3.4.3 The LRSP assessment grades drivers as high, medium and low risk. This Authority requires drivers to achieve the low risk rating on the driving assessment.

3.4.4 Applicants can make a driver's licence application to this Authority at the same time as they provide evidence that they have booked the LRSP assessment. If the LRSP assessment is then not passed within 16 weeks of submitting the licence application to the Council, the driver's licence application will normally be refused.

3.4.5 LRSP pass certificates can be accepted for up to 3 years from the date of issue for all new applicants to this Authority who have worked as a taxi or private hire driver previously in another Licensing Authority's area. In all other cases LRSP pass certificates will only be accepted for up to one year from the date of issue.

3.4.6 The advantages expected to accrue from the adoption of the LRSP assessment include increased driver and passenger confidence as well as better professional image and customer care. In adopting LRSP as its provider of driver assessments this Authority recognises the LRSP as a respected local organisation which works in partnership with this Authority's regulatory partners (e.g. Lincolnshire Police, Lincolnshire County Council and Lincolnshire Fire and Rescue) in order to promote road safety in Lincolnshire. The LRSP was set up with the aim of reducing the number of people killed and injured on Lincolnshire's roads. It is a multi-agency partnership which brings together road safety professionals from:

- Lincolnshire County Council
- Lincolnshire Police
- Lincolnshire Fire & Rescue
- East Midlands Ambulance Service
- Highways England
- Lincolnshire Magistrates

3.4.7 The grant of a LRSP pass certificate will not automatically give the holder a right to obtain a driver licence with this Authority and licence applications will still be subject to the Council's other normal licensing procedures.

3.4.8 In addition to the LRSP assessment the Council may also use of the hackney carriage and private hire driving assessments developed by the Blue Lamp Trust, Diamond Advanced Motorists and Green Penny (and other similar organisations), where it is considered appropriate to do so.

3.5 Driver Qualification

3.5.1 This Authority believes all passenger transport drivers, whose role demands high standards in driving and customer service, would benefit from a nationally recognised qualification. These would cover customer care - including how best to meet the needs of people with disabilities and other sections of the community - and also topics such as the relevant legislation, road safety, the use of

maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict.

3.5.2 At present this Authority does not require newly licensed or existing hackney carriage and private hire vehicle drivers to attain a vocational qualification. However, the Council reserves the right to review such requirements, following proper consultation, at any appropriate time in the future.

3.5.3 Licence applicants are encouraged to attain a Vocational Related Qualification in Transporting Passengers by Taxi and Private Hire – for example, the Certificate in Road Passenger Vehicle Driving NVQ (Taxi and Private) Level 2.

3.6 Medical Suitability

3.6.1 In line with best practice guidance the Council requires hackney carriage and private hire driver licence holders to attain the Driver and Vehicle Licensing Agency (DVLA) Group 2 Vocational Licence Medical Standard. This is the same medical standard as that applied to lorry and bus drivers.

3.6.2 As detailed above applicant's will be expected to satisfy the current medical standards of fitness to drive for Group 2 licences, as set by the DVLA, and the Council's medical certificate will be drafted around these standards, requiring the medical practitioner to state whether the applicant meets the DVLA Group 2 medical standard for vocational drivers. A summary of these standards can be viewed on the GOV.UK website at: www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals

3.6.3 The medical examination form supplied by this Authority must be completed by the applicant's own General Practitioner, or by another suitably qualified medical practitioner who has had access to the applicant's medical records / history covering a minimum period of at least six years.

3.6.4 The specific form issued by this Authority is available from the Licensing Team and on the licensing area of the Council's website.

3.6.5 Medical certificates will be requested upon first application, and at six-yearly intervals (on application to renew the licence) thereafter until the licence-holder reaches the age of 65. From the age of 65, a licence-holder will be required to submit completed medical certificates annually, on the anniversary of the grant of the most recent licence. Licences will still be issued for a three year period (unless otherwise requested by the applicant, or in the absence of another limitation that causes the Council to issue a shorter duration licence), but failure to submit the medical certificate annually may lead the Council to suspend or revoke the licence.

3.6.6 Applicants aged 65 years or over will be requested to sign an undertaking that they will undergo the annual Group 2 medical examination. Alternatively, in some circumstances the Council may consider granting annual driver licences (rather than a 3-year licence) to an individual applicant aged 65 years or over with any renewal application being subject to a Group 2 medical examination

3.6.7 In certain instances, and in line with the DVLA Group 2 guidance, a driver's medical condition may warrant examination on a more regular basis than the normal 6 yearly period for drivers under 65 years of age.

3.6.8 Where the medical practitioner has stipulated that they do not consider the applicant to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will generally refuse the licence application.

3.6.9 Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, it shall be open to the Council to consider granting a licence for a shorter period commensurate with that recommendation, or to require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.

3.6.10 The Council will not normally accept a certified medical certificate submitted with a licence application which is received more than 2 months after the Doctor has signed the report.

3.6.11 This Authority recognises that in some instances the Medical Practitioner may wish the eye test section of this Authority's medical form to be undertaken by an optician.

3.6.12 Licence holders should advise the Authority of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions should be notified to the Council as soon as reasonable practicable; however, this list is not exhaustive:

- Any heart-related condition;
- Diabetes (Type 1 or Type 2);
- Epilepsy;
- Sudden attacks of giddiness or fainting;
- Conditions causing excessive daytime sleepiness such as sleep apnoea;
- Alcohol or drug dependency;
- Double vision or uncorrected vision disorder;
- Mental or psychological disorders; or
- Any other condition that may affect the ability to drive.

3.6.13 Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a Medical Doctor appointed by the Authority. Alternatively, the Authority may require an applicant to undergo a course of action - for example, requiring him / her to undergo an independent medical assessment and screening (at his / her own expense) in order to show that he /she is free of drug use or alcohol abuse. The assessment to be undertaken within a set period to be determined by the Council.

3.6.14 In relation to drug testing this Authority will seek a hair follicle drug test. The main difference between a hair follicle drug test and a urine drug test being the window of detection. A urine drug test is used to test for drug use over the three days preceding the test. A hair follicle drug test is the drug test that can detect repeated drug use up to 90 days prior to the test.

3.6.15 Where there remains any further doubt about the fitness of any applicant, the Council's Licensing Committee will review the medical evidence and make any final decision in light of the medical evidence and advice available.

3.6.16 No licence will be issued until medical clearance (if required) has been established.

3.6.17 Diabetes Managed by Insulin - Whilst diabetes managed by insulin is not a barrier to vocational driver licensing, there are steps that an applicant will need to undertake before this Authority will be in a position to grant a driver's licence. In line with the DVLA Group 2 guidelines an applicant must be able to produce a specified medical statement from a diabetic consultant and a statement from himself / herself. The required statement, which must be completed by both a diabetic consultant and the applicant, is available from the Council's Licensing Team. The evidence must state that the applicant uses a blood sugar measuring machine which keeps a three-month record of results. If an applicant is unable to produce a satisfactory certified statement, then he/she will be viewed as unfit to hold a driver's licence with this Authority.

3.6.18 Drivers with diabetes managed by insulin, that have been certified as medically fit to be licensed, will be granted a one-year driver's licence - with a new insulin statement being required with each annual renewal application

3.7 Disclosure and Barring Service (DBS) Disclosures

3.7.1 A minimum of an Enhanced Disclosure through the Disclosure and Barring Service (DBS) will be required by this Authority in relation to hackney carriage and private hire vehicle driver licensing. This level of check is considered appropriate as a licensed driver may be left in sole charge of passengers under 18 years of age or other vulnerable adults, at any time and without prior knowledge

3.7.2 The Authority is an approved DBS body. Applicants must deal with the DBS through the Authority and will be charged an appropriate fee for the criminal record check. Before the application for a driver's licence can be considered, the applicant must apply for the Enhanced DBS Disclosure of criminal convictions through the Licensing Section of East Lindsey District Council. The fee for the DBS Disclosure will be incorporated into the Council's driver licence application fee.

3.7.3 This Authority requires all licensed drivers to subscribe to the DBS Update Service and to maintain the annual subscription. Licensed drivers will need to retain their DBS Certificate once they have subscribed as the Certificate will be linked to the update service.

3.7.4 An Enhanced DBS shall be undertaken upon application and all licensed drivers will at that point be required to subscribe to the DBS Update Service within the specified DBS timescale of receiving their DBS Certificate. Every year thereafter, Officers of the Council's Licensing Team will undertake an online check of the DBS Update Service in order to check the applicant's current status. Depending on what is revealed from the online status check, the Council may require an additional DBS check to be undertaken.

3.7.5 All licensed drivers will be required to renew their subscription to the DBS Update Service on an annual basis, before their current subscription ends, should they wish to continue to hold a driver's licence with this Authority. Where an individual fails to maintain and/or renew their subscription before it ends; they will be required to apply for a new Enhanced DBS Check and

register for the Update Service again. In cases where this is not maintained or undertaken this Authority will normally consider suspension or revocation of the driver's licence.

3.7.6 A criminal record check on a driver/licence applicant is seen as an important safety measure. The East Lindsey District is predominately a rural area with limited public transport options. Vulnerable adults and persons under 18 regularly use hackney carriage and private hire vehicles as a means of transport. The logistics of the area are such that these journeys will often be in the early hours of the morning or late at night and be unsupervised. Parents, guardians, schools and welfare organisations regularly use licensed vehicles as a means of transporting persons under 18.

3.7.7 Furthermore, legislation is such that when waiting on a taxi rank a hackney carriage driver is unable, without reasonable cause, to refuse a hiring from a person under 18. When plying for hire hackney carriage drivers are, therefore, not in a position to decline hirings from young persons.

3.7.8 The majority of hackney carriage and private hire hirings will be unsupervised, placing the driver in a position of trust. When entrusting young persons and vulnerable adults to the care of licensed drivers, the public expect those drivers to have been through rigorous checking procedures. They expect the licensing system to ensure a high level of protection. For these reasons the Council are of the opinion that an Enhanced Level of DBS Disclosure is required.

3.7.9 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire vehicle drivers licences. In considering a driver licence application, the Authority may refer to all convictions, including those that would normally be regarded as spent. When considering applications where a spent conviction is revealed this Authority will consider the relevance of the offence – for example:

- the class of offence;
- the age of the offence;
- the apparent seriousness of the offence, and,
- anything the applicant wishes to say in relation to the conviction.

The Authority will only consider spent convictions, if after considering all relevant matters, the Authority is of the opinion that the conviction is of relevance to the licence application at hand. For further information see Section 3.8 of this policy document.

3.7.10 The Authority is bound by rules of confidentiality, and will not divulge information obtained from the DBS report to any third parties. The applicant for a DBS disclosure will receive the disclosure report at their home address – the Council will not receive a separate copy of the report. The applicant must present his/her copy of the DBS Disclosure to this Authority for scrutiny. This Authority is likely to refuse a licence application where the DBS Disclosure is not presented in a timely manner.

3.7.11 Information arising from disclosures will be kept on file only for as long as necessary.

3.7.12 The DBS Code of Practice requires that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information. In order to meet this requirement this Authority has adopted the policy statement shown at **Appendix A** of Part C of this document.

3.7.13 Portability of Enhanced DBS Disclosures: For an Enhanced DBS application under the post applied for to this Authority of Taxi Licence (Hackney Carriage / Private Hire Vehicle Driver) the eligible DBS checking criteria which this Authority may use with the DBS is: Other Workforce - Child and Adults Barred List Check. For school transport contracts, such as those provided by the Transport Services Group of Lincolnshire County Council, the eligible checking criteria which must be used by the County Council is: Child Workforce - Child Barred List Check. These are different levels of Enhanced Disclosure undertaken against different activity types. There is no eligibility for a disclosure application for contract driving to request a Child and Adults Barred list check.

3.7.14 With this in mind this Authority recognises that Enhanced DBS certificates obtained for a Lincolnshire County Council School Transport Badge cannot be used for the purpose of obtaining a hackney carriage or private hire driver licence with this Authority. There is no portability of such disclosures between the two roles. A separate DBS check is required for each authorisation. However, applicants can register both this Authority's and the County Council's DBS checks with the DBS update service.

3.8 Relevance of Convictions, Cautions, Driving Licence Endorsements, etc.

3.8.1 When submitting an application for a licence to drive a licensed vehicle, applicants are required to declare any convictions (including traffic convictions), cautions or fixed penalty notices for public order offences they may have, including those normally regarded as "spent" under the Rehabilitation of Offenders Act, 1974. The information applicants give will be treated in confidence and will only be taken into account in relation to their licence application.

3.8.2 The Council has adopted guidelines relating to the relevance of convictions and cautions and each case will be decided on its own merits. The Council's convictions and caution guidelines are available on the Council website (www.e-lindsey.gov.uk). New licence applicants may also contact a Senior Officer of the Licensing Team to discuss what effect a conviction or caution might have on their application. Convictions involving dishonesty, indecency, violence or disqualification from driving are those most likely to result in a licence not being issued.

3.8.3 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority will consider each case on its merit. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a Disclosure from the DBS, an approved Council Licensing Officer will assess whether any or all of the convictions, and any additional information received, is capable of having real relevance to the issue of whether or not the applicant can be considered a fit and proper person to hold a licence. Applications will be forwarded for consideration by the General Licensing Committee (consisting of Councillors) as appropriate.

3.8.4 Hackney carriage and private hire vehicle drivers are exempt from the requirements of the Rehabilitation of Offenders Act 1974 (The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 refers). Therefore, where appropriate, the Licensing Authority can refer to relevant convictions no matter how long ago the conviction took place. However, the Council will generally only take such convictions into account if they are considered to be of particular relevance to the application in question or of an especially serious nature, or if there is some other cause to believe that the applicant cannot be considered to be 'rehabilitated'.

3.8.5 Cautions - whilst adult cautions are not regarded as convictions, they are admissions of guilt and may be taken into consideration by the Licensing Authority. When considering applications where cautions are revealed, this Authority will consider the relevance of the caution (e.g. the class of offence, the age of the offence, the apparent seriousness of the offence and anything the applicant wishes to say at the licensing hearing). The Authority will only consider cautions, if after considering all relevant matters, the Authority is of the opinion that the caution is of relevance to the licence application.

3.8.6 **Suspension and Revocation of Driver Licences: Immigration Offences** - Where a licence holder has been served an immigration penalty, or convicted of an immigration offence, the licence will be revoked this Authority. Similarly, any licence applicant who has been served an immigration penalty, or convicted of an immigration offence, is unlikely to be granted a licence by this Authority.

3.9 Checks on Applicant's who have resided outside the UK

3.9.1 DBS disclosures will not include details of any foreign convictions, unless the conviction has been recorded on the UK Police National Computer. With this in mind the following procedure has been adopted to enable the Council to properly consider a licence application, where an applicant has resided outside the UK for a significant period.

3.9.2 Applicants for a driver's licence will be required to declare whether within 5 years of the date of licence application they have at any time lived or worked outside the UK for a continuous period exceeding 3 months. Applicants who answer in the affirmative will be required to obtain a certificate of good conduct (or similar document) from the country in which they resided. Further information is available from the Licensing Team.

3.9.3 It shall be the applicant's responsibility to obtain such documents, and to pay any associated fees. This requirement is in addition to the DBS disclosure. Where an applicant is unable to obtain the above, they must give a statement outlining the reasons for this, and provide references to the satisfaction of the Council from appropriate individuals or bodies as to their conduct in the country. However, in such cases the Council reserves the right to refuse the licence application if it considers that it has not been persuaded that the applicant is a fit and proper person to hold a licence.

4. Application Procedure – Drivers Licences

4.1.1 An application for a hackney carriage or private hire vehicle driver's licence shall be made on the Council's specified application form. The application procedure is available by contacting the Licensing Team.

4.1.2 Non-Disclosure or Misrepresentation - Every applicant must be honest when producing information in connection with a licence application. Any applicant who provides false information or fails to provide information may find his/her application refused, or if a licence is granted that licence may be revoked or suspended. The applicant may be prosecuted also.

4.1.3 Renewal of Drivers Licences - Driver licence holders will normally be reminded in the 12 weeks preceding their expiry when their licences are due to be renewed. Completed application forms, appropriate fees, and any supporting documentation, must be submitted at the time of application. Licences cannot be renewed following their expiry.

5. Conditions of Licence

5.1.1 The conduct of hackney carriage drivers is controlled by byelaws. A copy of the current byelaws can be found in the driver's guidance booklet issued by this Authority to prospective, new and existing drivers. Hackney carriage drivers and proprietors must at all times comply with the byelaws. The Authority is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire vehicle driver's licence as are considered necessary.

5.1.2 The Authority considers that the conditions of licence as set out in **Appendix B** of Part C of this policy document, are reasonable, necessary and appropriate for all licensed private hire vehicle drivers.

6. Convictions, Cautions, etc. – Licence Holders

6.1.1 Where offences, leading to conviction or a police caution, are committed by licensed drivers, it is important - in the interests of consistency and transparency - that a procedure is in place to consider what effect this should have on their licence.

6.1.2 Drivers, who are convicted of any criminal or motoring offence or issued with a police caution during the currency of their licence, must disclose the conviction and the penalty imposed to the Authority within seven days of conviction.

6.1.3 If a licensed driver ceases to have a valid DVLA driving licence then their hackney carriage or private hire vehicle driver's licence will normally be revoked by this Authority.

6.1.4 The Council generally considers that, on some occasions, offence(s) committed by licensed hackney carriage and private hire drivers may need to be considered more seriously than offences committed by individuals when not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.

6.1.5 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect serious consideration to be given to the suspension or revocation of their licence.

6.1.6 Convictions, police cautions and breaches of legislation, licence conditions, byelaws and of this Licensing Policy, by licence holders, will be dealt with in accordance with this Authority's Licensing Enforcement Policy and the Council's Corporate Enforcement Policy. A copy of the Licensing Enforcement Policy is available by contacting the Council's Licensing Team.

7. Driver Code of Conduct and Dress Code

7.1.1 Anything that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers, is to be welcomed. This includes drivers dressing in smart casual / appropriate clothes. It is considered that in order to raise the profile of the licensed trade, drivers should operate at all times in a professional manner and dress so as to present a professional image to the public.

7.1.2 Hackney carriage and private hire vehicle drivers are in a position of trust in respect of the safety and welfare of their passengers. Not only children, but all passengers carried in taxis and

private hire vehicles have a legitimate expectation that they are in the company of a safe driver. In addition, the Council has an obligation to ensure that drivers are informed of the standards of behaviour expected and must, without delay, take appropriate action should a safeguarding issue arise.

7.1.3 With this in mind the Council has adopted a Code of Conduct for licensed drivers. The purpose of the code is to not only advise drivers of their expected conduct, with respect to safeguarding and equalities, but also to raise safeguarding awareness and encourage drivers to report suspicions of abuse, neglect or exploitation and to give the drivers details of who to report such concerns to.

7.1.4 The standards expected, by this Authority, of licensed drivers are set out in the Code of Good Conduct, included in this policy document at **Appendix C** of Part C.

7.1.5 Failure to comply with any aspect of the Code of Good Conduct may result in appropriate enforcement action being undertaken by this Authority. In addition, breach of the Code of Conduct will be an indicator which the Authority will use to help decide upon subsequent enforcement action. This may result in advice or warnings being given by an Authorised Officer of the Council. Repeated breaches following such advice or warnings may lead to more serious consequences including, if necessary, non-renewal of a licence, suspension or revocation of licences.

7.1.6 Common sense will prevail when enforcing the code; its main purpose will be a tool to assist drivers and the Council's Licensing Committee regarding what is and is not acceptable behaviour by a licensed driver.

7.1.7 When applying for the grant of a driver licence, applicants must complete, and submit to the Licensing Team, an acknowledgement of the Code of Conduct.

8. Penalty Point Scheme, Complaints, etc.

8.1.1 Where a number of previous complaints have been made against a driver, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by the Council during its determination of a licence application and the review of the status of an existing licence.

8.1.2 This Authority has adopted a Penalty Point Scheme in relation to the licensing of drivers, operators and proprietors. The aim of the penalty points scheme is to work in conjunction with other enforcement options that are available to the Authority. The scheme provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver and operator behaviour and conduct, so as to ascertain whether an individual is a fit and proper person to hold a licence. The scheme does not prejudice the Authority's ability to take other forms of compliance or enforcement action. A copy of this Authority's Penalty Point Scheme can be found on the licensing area of the Council's website.

8.1.3 Complaints and Compliments Regarding Licence Holders - To ensure that passengers know who to complain to, this Authority will produce guidance for passengers on making complaints directly to the Licensing Authority, and this guidance will be made available in the licensing area of the Council's website: www.e-lindsey.gov.uk. This Authority will also require that the way to make complaints to the Licensing Authority is clearly displayed in all licensed vehicles. All vehicle licences, granted by this Authority, will be subject to the following licence condition:

- The licence holder shall cause to be clearly displayed inside the vehicle a notice, issued by the Council, indicating How to Make a Complaint to the Licensing Authority. The notice to be prominently displayed and maintained in such a position so as to be clearly visible to the hirer of the vehicle.

This policy, regarding complaints, does not cover licence holders from any other Licensing Authority area. However, should any such complaints be received, the details will be forwarded to the appropriate Licensing Authority for any action they deem necessary.

9. Test Purchasing / Mystery Shopper Exercises

9.1.1 This Authority may undertake covert test purchasing exercises in order to check compliance with the legal responsibilities placed on licensed drivers. In particular, this Authority may make use of such exercises to check compliance with the responsibilities placed on drivers with regard to disabled persons under the Equality Act 2010.

10. Wheelchair Accessible Vehicles

10.1.1 East Lindsey District Council operates a mixed fleet of saloon and wheelchair accessible hackney carriage vehicles. The aim of this policy is to ensure that wheelchair users can reasonably access public transport, particularly where the use of a bus is not a realistic option.

10.1.2 Licensed drivers have an implicit duty of care when transporting any passenger in their vehicle and this is particularly important when that person is more vulnerable than a person without disabilities

10.1.3 Drivers of vehicles, designated under the Equality Act 2010 to carry a passenger seated in a wheelchair, have several duties under the Act which are:

- To carry a passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- To carry the wheelchair in the vehicle if the passenger chooses to sit in a passenger seat;
- To ensure the passenger is carried in safety and comfort;
- To provide appropriate mobility assistance to enter or exit the vehicle including to load any luggage and/or wheelchair.

10.1.4 It is this Council's view that the requirement not to charge a wheelchair user extra means that a taximeter should not be left running whilst the driver performs duties required by the 2010 Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment.

10.1.5 Drivers can apply for an exemption from the requirement to provide physical assistance to the passenger and this Authority has adopted a specific policy in relation to the exemption application process. Further information, regarding the exemption process is available on the licensing area of the Council's website under the section entitled: Hire Vehicles – Equality Act 2010.

10.1.6 At present there is no specific requirement by this Authority for licensed drivers to undergo a wheelchair passenger assessment prior to gaining a licence with this Authority. However, at a later date, this Authority may look at requiring all drivers (both new and existing) to successfully undergo

a wheelchair loading assessment before driving a wheelchair accessible hackney carriage or private hire vehicle. However, if a driver has access to a wheelchair accessible vehicle, then he/she is advised to undergo specific wheelchair loading training now rather than waiting until a later date.

11. Disability Awareness Training

11.1. At present this Authority does not require newly licensed or existing hackney carriage and private hire vehicle drivers to undergo specific Disability Awareness Training. However, the Council reserves the right to review such requirements, following proper consultation, at any appropriate time in the future.

12. National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations (NR3)

12.1 The Local Government Association (LGA) has launched a national register of hackney carriage and private hire driver licence revocations and refusals - the National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations (otherwise known as the NR3)

12.2 This Authority will make use of the NR3. We will use the database to ensure the fitness and propriety of driver licence applicants and we will do this in accordance with the General Data Protection Regulations (GDPR) and human rights law.

12.3 When we receive an application for a driver licence, we will check the applicant's details on the register to confirm that there is no record of them having been revoked or refused elsewhere. Also, when this Authority revokes a driver licence, or refuses an application for one, it will record this information on NR3.

12.4 This Authority's detailed policy and procedures, in relation to the NR3, can be found in the licensing area of the Council's website: www.e-lindsey.gov.uk

13. The Independence of Driver, Vehicle and Operator Licensing

13.1 A refusal to licence an individual as a driver or to suspend or revoke a driver licence will not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; such decisions, will be made by this Authority, independent of any driver licence refusal and will be based on the appropriate information at hand. Each case will be considered on its own individual merits.

14. Suspension and Revocation of Driver Licences – New Evidence

14.1 With regard to the suspension or revocation of driver licences - this Authority recognises that new evidence may be produced at an appeal hearing, that may result in the Court reaching a different decision to that reached by the Council. The Authority also recognises that an appeal may be settled by agreement between the Licensing Authority and the driver on terms which, in the light of new evidence, becomes the appropriate course of action. For example, if the allegations against a driver are subsequently, on the balance of probability, considered to be unfounded, a suspension can be lifted or, if the licence has been revoked, an expedited re-licensing process can be used.

14.2 In each case, approval to use a driver expedited re-licensing process will be considered by Council Licensing Officers in conjunction with the Council's Legal Department and the Chair and Vice

Chair of the Licensing Committee. This expedited re-licensing system is to be used only in exceptional and compelling circumstances.

12. Policy Review

12.1. The Policy Statement will remain in existence until superseded and will be subject to review and further consultation before the end of 2024. However, following consultation, the Council may make revisions to it as deemed necessary before the 2024 date.

This driver licensing policy was last revised and subject to amendment in March 2021.

APPENDIX A

EAST LINDSEY DISTRICT COUNCIL – LICENSING TEAM

Handling of Disclosure and Barring Service (DBS) Certificate Information

Secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information

The DBS code of practice requires that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information.

In order to meet this requirement the Licensing Service of East Lindsey District Council has adopted the following policy statement.

POLICY STATEMENT

General Principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for hackney carriage and private hire vehicle licences, East Lindsey District Council complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and Access

Certificate information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with Section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Certificate information is only used for the specific purpose for which it was requested (i.e. applications for hackney carriage and private hire vehicle driver licences) and for which the applicant's full consent has been given.

Retention

Once a relevant decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the licensing decision taken.

APPENDIX B

Private Hire Vehicle Driver Licence Conditions

The following conditions will attach, pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), to all private hire vehicle driver licences issued by East Lindsey District Council, unless a specific exemption has been granted by the Authority. The attachment of these conditions does not affect the Council’s entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

1. When acting as the driver of a private hire vehicle in accordance with this licence, the badge issued by the Council must be worn in such a position and manner as to be plainly and distinctly visible.
2. All reasonable precautions must be taken to ensure the safety of persons conveyed in or entering or alighting from the vehicle and you must behave in a civil and orderly manner to passengers at all times.
3. When the licensed vehicle has been hired to be in attendance at an appointed time and place you must, unless delayed by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
4. A greater number of persons than that specified on the vehicle licence issued by the Council must not be conveyed in the vehicle at any one time.
5. When so requested by any person hiring the carriage, you must:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any station or place at which you may take up or set down such person.
6. As soon as is practicable after the termination of any hiring, the vehicle must be carefully searched and any property accidentally left therein shall, if not sooner claimed by the owner, be taken within 24 hours to a local Police Station and left in the custody of the officer in charge of the station.
7. The holder of this Licence must not drive a licensed private hire vehicle when, because of employment during the day or night, or for any other cause, the passengers in the vehicle are likely to be put at risk through the fatigue of the driver.
8. Any change of place of residence must be notified to the Council within 7 days of such change and this Licence must be produced for amendment.
9. The holder of this licence is required to carry free of charge in their Private Hire Vehicles Assistance Dogs as defined in Regulation 3 of the Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000 unless a certificate of exemption has been issued by the Council.

NOTES:

Applicants aggrieved by any of the conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with Sections 52 and 77 of the 1976 Act.

Standard of Dress

N.B. The following section regarding standard of dress is for guidance only - Drivers should be dressed in a clean, tidy and decent manner at all times whilst acting as a private hire driver; the wearing of shorts is not recommended. In addition, drivers are asked to observe the following minimum standard of dress:

(a) Male drivers at all times to wear trousers which may include jeans, provided they are clean and tidy and a collared shirt with at least elbow length sleeves.

(b) Female drivers at all times to wear trousers which may include jeans provided they are clean and tidy, or a knee length dress with at least elbow length sleeves or a knee length skirt with a blouse with at least elbow length sleeves.

APPENDIX C

EAST LINDSEY DISTRICT COUNCIL - CODE OF CONDUCT

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS

Hackney Carriage and Private Hire Vehicle Drivers (referred to in this Code of Conduct as drivers) are in a position of trust in respect of the safety and welfare of their passengers.

The Licensing Authority, through its Licensing Team and Licensing Committee, has to ensure that all hackney carriage and private hire drivers are 'fit and proper' to undertake their work as licensed drivers. It is essential that the Council and drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

On occasions, drivers may become aware of, or have suspicions that, a passenger may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, drivers themselves may be accused of misconduct or inappropriate behaviour through the misinterpretation of the driver's actions or conversation.

Therefore, East Lindsey District Council has adopted this Code of Conduct which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the driver being referred to the Council's Licensing Committee (consisting of Councillors) to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the code does not over-ride any legislative requirements, licence conditions or contractual obligations, such as Lincolnshire County Council school and social service contracts under the County Green Badge scheme.

Drivers must carry their Council taxi / private hire driver licence photo ID at all times, and wear it in accordance with the conditions of the licence.

Drivers should:

- Act in a professional manner at all times
- Treat passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity, pregnancy/maternity and marriage/civil partnership

And be aware of:

- The safety and well-being of passengers being paramount

- The importance of the use of appropriate language
- The vulnerability of children and persons with special needs
- Any instruction given about the care or first aid requirements of a passenger
- Possible caution required when dealing with passengers in distress
- Personal beliefs and standards, including dress and religion
- Passengers misreading situations
- The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a driver's site. *Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites*

Drivers must remain professional at all times and should never:

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism
- Touch a person inappropriately
- Behave in a way that may make a passenger feel intimidated or threatened
- Attempt to misuse customer's personal details obtained via the business
- Give assistance with medication unless a specific and detailed request has been made by the hirer
- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office (# see note below regarding CCTV in licensed vehicles)
- Engage with passengers who are children or vulnerable adults* through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games
- Phone or send text messages to passengers other than directly concerning the hiring of your vehicle
- Make offensive or inappropriate comments (such as swearing or sexualised or discriminatory language).
- With regard to children offer or accept sweets or gifts of any sort.
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- Show passengers inappropriate videos or pictures on your mobile phone or any other electronic device.

The installation and operation of CCTV in taxis and private hire vehicles must comply with the requirements of the Information Commissioner's CCTV Code of Practice. The code of practice can be found on the ICO website: www.ico.org.uk.

***Vulnerable Adults:**

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. Also, an individual should be considered vulnerable even if they do not fall within the description above, but their condition is such as to make them more susceptible to harm than may otherwise be the case (for example, being under the influence of alcohol).

- Children and vulnerable adults travelling alone must occupy the rear seats of the vehicle. Under no circumstances should a child or vulnerable adult travelling alone occupy the front seat of a taxi or private hire vehicle unless so authorised or agreed by a parent, guardian, care worker or other similar person or body.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council
- Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions

Safeguarding:

If a driver has concerns or suspects abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any suspicions or concerns about the way someone is being treated it is important to report it to the appropriate authority. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a driver is working under a Lincolnshire County Council contract then those procedures set out in the Driver and Passenger Assistant Pack should be followed alongside any training received by the driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation:

Action to be taken if you have concerns:

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the Police on 999 or 112.
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent nature, please call the Lincolnshire Safeguarding Customer Service Centre on 01522 782111 for children or 01522 782155 for adults.
- If you would prefer to speak to the police on a non-urgent matter then call them on 101 and follow the directions for Lincolnshire Police.

Contact Details for the Licensing Team

The Licensing Section, East Lindsey District, The Hub, Mareham Road, Horncastle, LN9 6PH.

If you wish to call into the Offices to speak to someone from the Licensing Team we advise that you email first and make an appointment.

Email: licensing@e-lindsey.gov.uk

Phone: 01507 601111

www.e-lindsey.gov.uk

This Code of Conduct Was Last Revised in December 2015

APPENDIX D

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS – HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS AND PRIVATE HIRE VEHICLE OPERATORS

1. Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council (the Licensing Authority) when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence. The policy also relates to applicants for a private hire vehicle operator licence and holders of a current private hire vehicle operator licence.

1.2 In drafting and adopting these guidelines the Licensing Authority took into consideration the Statutory Taxi & Private Hire Vehicle Standards issued by the Department of Transport in July 2020.

1.3 The purpose of setting guidelines and standards is to protect children and vulnerable adults, and by extension the wider public, when using hackney carriages and private hire vehicles.

1.4 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:

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

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

- Applicants for drivers and operator licences
- Existing licensed drivers and operators whose licences are being reviewed
- Licensing Officers
- Members of the Council's Licensing Committee
- Magistrates hearing appeals against Local Authority decisions

1.6 The Licensing Authority has a duty to ensure that any person to whom it grants a hackney carriage or private hire vehicle driver's licence is a 'fit and proper' person to be a licence holder. Where appropriate and when considering whether an applicant or licensee is fit and proper may decide to pose itself the following question:

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

1.7 If, on the balance of probabilities, the answer to the above question is 'No', the individual will not be granted or hold a licence.

1.8 Licensing Authorities have to make difficult decisions, but the safeguarding of the public is paramount. All decisions on the suitability of a licence applicant or licence holder will be made on the balance of probability. This means that an applicant or licence holder will not be 'given the benefit of doubt'. If the Licensing Authority is only "50/50" as to whether the applicant or licence holder is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

1.9 In considering an individual's criminal record, this Authority will consider each case on its merits, but it will take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.

1.10 Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision whether or not to grant a licence. Should there be any doubt, in the Officer's opinion, as to whether the applicant is a 'fit and proper' person, then the application will not be granted under delegated powers. Such applications will be referred to the Council's Licensing Committee (consisting of Councillors) for determination. Whilst Officers and the Licensing Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee or Officer may depart from the guidelines, as long as the reasons for doing so are recorded in the decision.

2. General Policy

2.1 There may be occasions where it is appropriate to depart from the guidelines, for example, where the offence is a one-off occasion or there are mitigating circumstances. However, the overriding consideration should always be the protection of the public.

2.2 A person with a relevant conviction need not be automatically barred from obtaining a licence, but would be expected to show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.3 A series of offences over a period of time is more likely to give cause for concern than an isolated, minor conviction. A serious view will be taken when an applicant shows a pattern of offending and unfitness.

2.4 Where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction (see *Nottingham City Council v. Mohammed Farooq (1998)*) and, for instance, determine that the applicant should never have been convicted.

2.5 Persons with a conviction(s) for any sexual offence or connected with illegal sexual activity or any other very serious crime will not normally be issued with a licence.

2.6. The Council generally considers that, on some occasions, offence(s) committed by licensed hackney carriage and private hire drivers may need to be considered more seriously than offences committed by individuals when not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.

2.7 Cautions - Adult cautions are not regarded as convictions, but being admissions of guilt, may be taken into consideration by the Licensing Authority.

2.8 Private Hire Vehicle Operators - In view of the significant responsibility held by private hire vehicle operators in terms of setting standards for their company, recruiting drivers, and dealing with members of the public, the Council believes that the operator must be a person of impeccable character and should be an example to all those whom he/she employs. Therefore, the view of the Licensing Authority is that applicants for a private hire operator's licence (and holders of a private hire operator's licence) must at least fulfil the same requirements as applicants for private hire driver's licences in terms of being free from serious convictions or a pattern of unlawful behaviour.

3. Criminal Record Checks

3.1 It is the policy of the Licensing Authority that every applicant for a licence to drive a hackney carriage and/or private hire vehicle must produce evidence of a current and up to date Enhanced Disclosure and Barring Service Check and evidence that they are not on a child and/or vulnerable adult barring list. Applicants for a private hire vehicle operator licence, who do not hold a hackney carriage or private hire vehicle driver's licence with this Authority, will be required to present the result of a current and up to date Basic Disclosure Check from CRB Scotland (at their own expense).

3.2 Overseas Convictions - If an applicant has spent six continuous months or more overseas the Licensing Authority will expect to see evidence of a criminal record check (or certificate of good conduct) from the country/countries covering the relevant period before a licence application can be made. It should however be noted that some countries will not provide a Certificate of Good Character unless the individual has been resident for six months or more.

3.3 Such criminal record checks or certificates of good conduct must be provided in accordance with the Home Office Document "Application Processes for Foreign National Criminality Information". Any criminal record check must be translated into English by a recognised translation service provider that has been approved by the Licensing Authority.

3.4 Licensee Self-Reporting - Licence holders are required by this Authority to notify the Licensing Team within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope (with the exception of one-off minor traffic offences) will result in a review by this Authority as to whether the licence holder is fit to continue to hold a licence. This will not however be seen as a direction that a licence should be withdrawn; it is for the Licensing Authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

4. Appeals

4.1 Any applicant refused a driver's licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

4.2 Any applicant refused an operator licence on the grounds that the Licensing Authority is not satisfied he/she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

5. Powers – Suspension, Revocation or Refusal to Renew a Licence

5.1 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a hackney carriage or private hire driver licence if the applicant/licence holder has been convicted of:

- an offence involving dishonesty, indecency or violence; or
- failure to comply with the provisions of the Town Police Clauses Act 1847; or
- failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Authority may also suspend, revoke or refuse to renew on the grounds of any other reasonable cause.

5.2 Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a private hire vehicle operator licence if the applicant/licence holder has been convicted of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. The Licensing Authority may also act on any of the following grounds:

- conduct which appears to render him/her unfit to hold a licence;
- any material change in the circumstances of the operator;
- or any other reasonable cause.

5.3 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a hackney carriage or private hire vehicle driver's licence, whether spent or not. Therefore, the Licensing Authority may have regard to all relevant convictions (as defined in this policy); particularly where there is a long history of offending or a pattern of repeat offending. However, before having regard to such a spent conviction the Licensing Authority will firstly consider whether the conviction is relevant to the licence application at hand.

5.4 In this policy the term "disqualification" refers to the period served, to take account of the fact that a period of disqualification from driving may be reduced upon the successful completion of a relevant driver rehabilitation course. An applicant must provide the Licensing Authority with sufficient evidence to prove that the period of disqualification was so reduced.

6. Consideration of Disclosed Criminal History

6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. The Authority must not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold it.

6.2 All conviction(s), criminal findings of guilt (including fixed penalty ticket(s)), caution(s) and warning(s), whether for motoring or other offences and County Court Judgment(s)/Order(s) (where the judgment or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) may potentially be taken into account when deciding to grant a licence or on a review after the issue of a licence. During the currency of a licence the licence holder should,

immediately after being told that/she is being reported for an offence, being arrested, convicted or has admitted guilt (including fixed penalty notice(s)), caution(s) and/or warning(s), advise the Licensing Authority of this information in writing.

6.3 The Licensing Authority will consider:

- How relevant the offence(s) are to the licence being applied for (or licence being reviewed)
- How serious the offence(s) were?
- When the offence(s) were committed
- The date of conviction
- Sentence imposed by the court
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other relevant factors

6.4 Applicants, for the grant of a first-time licence, can discuss further what effect a caution/conviction or other sanction may have on any licence application by contacting the Council's Licensing Officer in confidence for advice.

6.5 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) from any applicant for a driver licence. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

6.6 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an Enhanced Disclosure at their expense. The Licensing Authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

6.7 This Licensing Authority requires applicants and licence holders to register for the DBS's update service and to nominate the Licensing Authority to receive updates. All licensed drivers will be required to evidence continuous registration with the DBS update service to enable the Licensing Authority to routinely check for new information every six months. Drivers that do not subscribe up to the update service will be subject to a DBS check every six months.

6.8 DBS Certificates obtained for a hackney carriage or private hire driver licence cannot be used for the purpose of obtaining a Lincolnshire County Council School Transport Badge ("Green Badge") and vice versa. A separate check is required for each authorisation. However, applicants can register both checks with the DBS update service.

6.9 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other Licensing Authorities, and information disclosed by the Police.

6.10 It is an offence for any person knowingly or recklessly to make a false declaration (or to deliberately omit any relevant material) in submitting information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence may be refused or revoked.

6.11 In the interests of public safety this Authority will not issue a licence to any individual that appears on either of the regulated activity barred lists - Activity with Children and Activity with Adults.

7 Offences Involving Violence or Resulting in Death

7.1 Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. 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.

7.2 Where an applicant has a conviction for an offence of violence against the person, 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.

7.3 Given the wide range of the offences that involve violence, consideration will be given to the nature and type of the conviction.

7.4 A licence will not be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

7.5 A licence will not be granted where the applicant has a conviction for an offence below (or similar offence(s) which replace the below offences) or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction (or completion of sentence - whichever is longer) is less than 10 years prior to the date of application:

- Actual bodily harm which is racially aggravated
- Robbery
- Possession of firearm
- Riot
- Assault of a Police Officer
- Common assault (racially aggravated)
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A hackney carriage or private hire driver found guilty of any of the offences (detailed in this paragraph 7.5 of the policy) should expect to have his/her licence revoked immediately and not be

considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence - whichever is longer) has elapsed.

7.6 A licence will not normally be granted where the applicant has a conviction for an offence below (or similar offence(s) which replace the below offences) or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction (or completion of sentence - whichever is longer) is less than 7 years prior to the date of application:

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

A hackney carriage or private hire driver found guilty of any of the offences (detailed in this paragraph 7.6 of the policy) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence - whichever is longer) has elapsed.

7.7 A licence will not normally be granted where the applicant has a conviction for an offence below (or similar offence(s) which replace the below offences) or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction is less than 3 years prior to the date of application:

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

A hackney carriage or private hire driver found guilty of any of the offences (detailed in this paragraph 7.7 of the policy) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 5 years has elapsed.

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

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

7.8 Fixed Penalty Notices (Public Order Offence) - The Licensing Authority recognises that in some instances a Fixed Penalty Notice (FPN) may be issued for a Public Order Offence rather than the option of prosecution through the Courts or acceptance of a Caution. A serious view will be taken of the existence of a FPN for a public order offence. In certain instances, where a FPN has been issued it may be appropriate for the Council to issue a strong warning regarding future conduct rather than

the refusal of a licence application or suspension / revocation of a licence. The existence of more than one FPN will raise serious concerns regarding an individual's suitability to act as a licensed driver.

8. Possession of a Weapon

8.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give rise to serious concern as to whether the person is fit to carry the public. 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 seven years have elapsed since the completion of any sentence imposed.

8.2 A hackney carriage or private hire driver found guilty of any offence involving a weapon(s) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 7 years since conviction (or completion of sentence - whichever is longer) has elapsed.

9. Sexual and Indecency Offences and Exploitation

9.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences will normally be refused.

9.2 In particular, an application will be refused where the applicant has a conviction for an offence or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Any offence involving child sexual exploitation and/or sexual exploitation of vulnerable adults
- Possession of indecent photographs, child pornography, etc.
- Or any sex or indecency offence that was committed in the course of employment as a taxi or private hire vehicle driver
- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence.

9.3 A driver found guilty of a sexual or indecency offence during the period of a licence can expect to have his/her hackney carriage or private hire vehicle driver's licence revoked immediately. He / she can expect not to be licensed again.

9.4 In addition, to the above the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any Barred List.

9.5 Exploitation - Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

10. Discrimination

10.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

10.2 A licence holder found guilty of a discrimination offence can expect to have his/her hackney carriage or private hire vehicle driver's licence revoked immediately. It is unlikely that anyone in this situation will ever be licensed again until a period of at least seven years have elapsed since the completion of any sentence imposed.

11. Dishonesty

11.1 Licensed drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday, is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any lost property being kept by an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty.

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

11.3 A licensed driver found guilty of a dishonesty offence should expect to have his/her licence revoked immediately and be banned from holding such a licence with the Council for a minimum period of 7 years after conviction (or completion of sentence - whichever is longer).

11.4 Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences

- Or any similar offences (including attempting, conspiring to commit, aiding and abetting or procuring such offence) or any offences which replace the above

10.4 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

11. Drugs

11.1 A very serious view is taken of any drug related offence.

11.2 Where an applicant has any conviction for, or related to, the 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.

11.3 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 may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

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

11.5 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

11.6 A hackney carriage or private hire vehicle driver found guilty of any drug-related offence should expect to have his/her driver's licence revoked immediately and be banned from holding such a licence with the Council for 10 years since conviction (or completion of sentence - whichever is longer).

12 Driving Offences Involving the Loss of Life

12.1 Where an applicant or licensee has been convicted of a driving offence which resulted in the death of another person they will not be licensed.

13 Drink Driving or Driving Under the Influence of Drugs

13.1 **Motor Vehicle** - A serious view will be taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident may not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence.

13.2 At least 7 years should elapse (after the restoration of the DVLA driving licence) before an applicant is considered for a licence. If there is any suggestion that the application is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 7 years should elapse after treatment is complete before a further licence application is considered.

13.3 A hackney carriage or private hire vehicle driver found guilty of a drink-driving offence (or driving under the influence of drugs) should expect to have his/her driver's licence revoked immediately and be banned from holding a hackney carriage or private hire vehicle drivers licence with the Council for at least 7 years after the restoration of the DVLA driving licence.

13.4 **With a Licensed Vehicle** - A driver found guilty of driving passengers for hire and reward whilst under the influence of drink should expect to have his/her driver's licence with the Council revoked immediately and be banned from holding a driver's licence with the Council for a minimum period of 7 years after the restoration of the DVLA driving licence.

14. Major Traffic Offences (Not Involving the Loss of Life)

14.1 An isolated conviction for reckless driving or driving without due care and attention, etc., should normally merit a strict written warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 3 years free from convictions has elapsed.

14.2 Similarly, a first conviction during the period of a hackney carriage or private hire vehicle driver's licence will indicate that the driver may have ceased to be a fit and proper person and will lead to a licence suspension or a strict written warning as to future conduct, and may lead to revocation of that licence for subsequent convictions.

14.3. **Applicants who have been disqualified from driving due to Major Traffic Offences (Not Involving the Loss of Life)** - At least 3 years should elapse (after the restoration of the DVLA licence) before the individual is considered for a hackney carriage or private hire vehicle driver's licence.

15 Insurance Offences (With a Motor Vehicle)

15.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for at least 3 years; however, a strict warning should be given as to future behaviour.

15.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

15.3 A driver found guilty of driving passengers for hire and reward whilst without insurance should expect to have his/her hackney carriage or private hire vehicle drivers licence revoked immediately and not be considered for another licence for a minimum period of 5 years.

15.4 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least 5 years.

16 Using a Mobile Phone or Hand-Held Device Whilst Driving

16.1 Applicants (and licence holders) should be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone or hand-held device suffer physical and cognitive distraction which means they:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

16.2 There is evidence to show that drivers who use a mobile phone or hand-held device have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone or hand-held device as for driving under the influence of drink or drugs.

16.3 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 five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

16.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving whilst using a mobile phone and a licensed driver who is convicted can expect the suspension or revocation of their licence.

17. Other Traffic Offences

17.1 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

17.2 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

17.3 **New Applicants** – Any conviction for other traffic offences, (e.g. obstruction, waiting in a restricted street, speeding, etc.) should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances, it may be appropriate to issue a licence together with a strong warning as to future driving requirements. If a history of multiple offences is disclosed, refusal of an application may result.

17.4 New applicants who have received 9 or more penalty points (in respect of minor traffic offences) on their driving licence during the 12 months prior to the date of application may be refused.

17.5 Applicants who have been disqualified from driving under the “totting-up” procedure will not normally be granted a licence unless they have held a licence for at least 2 years following the expiry

of the period of disqualification and can show a significant improvement in a history of traffic offences received during that period.

17.6 Existing Licence Holders - A hackney carriage or private hire vehicle driver receiving 6 or more penalty points during any three year period can expect to have the status of their licence reviewed and at the very least expect to be issued with a strict written warning as to future conduct.

17.7 Any current driver disqualified from holding a DVLA licence under the “totting-up” procedure should expect to have his/her hackney carriage or private hire vehicle driver licence revoked. At least 3 years should then elapse (after the restoration of the DVLA licence) before he/she is considered for a licence and then a licence should only be granted if he/she can show a significant improvement in a history of traffic offences received during that period.

17.8 In the case of an existing hackney carriage or private hire vehicle driver where the “totting-up” disqualification of a DVLA licence is considered by the Court, even if the Court does not disqualify, the Council is likely to revoke the hackney carriage or private hire vehicle driver’s licence. At least 3 years should elapse (after the restoration of the DVLA licence) before the individual is then considered for a licence.

17.9 In the case of an existing hackney carriage or private hire vehicle driver, who shows a pattern of driving endorsements, the Licensing Authority reserves the right to require such a driver to successfully undergo the DSA Taxi and Private Hire Driver Driving Assessment or the Taxi and Private Hire Driving Assessment provided by the Lincolnshire Road Safety Partnership (or other similar body approved by the Licensing Authority).

18 Drunkenness (Not in a Motor Vehicle)

18.1 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination. In some cases, a strict warning may be sufficient.

18.2 In cases of severe alcohol abuse, a period of 5 years after the last conviction must elapse before an application is considered and then only after examination by a consultant with a special interest in such cases with confirmation being provided of satisfactory liver enzyme tests and mean cell volume (MCV).

19 Licensing Offences

19.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason, a serious view is taken of convictions for offences (or possible pattern of unlawful behaviour) under the hackney carriage and private hire licensing legislation.

19.2 Certain offences under hackney carriage and private hire legislation such as plying for hire without a hackney licence, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since the date of conviction.

19.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

20 Smokefree - Taxis and Private Hire Vehicles

20.1 Any hackney carriage or private hire vehicle driver who receives a first fixed penalty notice or fine for smoking in a licensed vehicle will be issued with a warning as regards future conduct.

20.2 Any hackney carriage or private hire vehicle driver receiving two or more fixed penalty notices or fines during any two-year period for smoking in a licensed vehicle will be reported to the Licensing Committee who may consider suspension or revocation of his / her driver's licence(s).

21 Perverting or Attempting to Pervert or Conspiring to Pervert the Course of Justice

21.1 At least 3 years should elapse since conviction or release if an immediate custodial sentence is imposed (whichever is longer) before an applicant is considered for a licence.

21.2 A licence holder found guilty of such an offence should expect to have his/her licence revoked immediately and not be re-considered for a licence until a minimum period of 5 years has elapsed since conviction or release if an immediate custodial sentence is imposed (whichever is longer).

22 Immigration Offences

22.1 Where a licence holder has been served an immigration penalty, or convicted of an immigration offence, the licence will be revoked this Authority.

22.2 Similarly, any licence applicant who has been served an immigration penalty, or convicted of an immigration offence, is unlikely to be granted a licence by this Authority.

23 Outstanding Charges or Summonses

23.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

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

24 Non-Conviction Information

24.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration will be given to refusing the application.

24.2 In assessing the action to take, the safety of the travelling public will be the paramount concern.

25 Once a Licence Has Been Granted

25.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

25.2 All of the preceding contents of this policy document apply equally to current hackney carriage and private hire vehicle drivers as they do to licence applicants (unless otherwise stated).

26 Licences Issued by Other Licensing Authorities

26.1 Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

26.2 Licensees who are licensed by multiple Licensing Authorities are expected to inform each of them that they hold licences elsewhere and which Authorities have granted licences to them. When applying for a licence or during the currency of a licence they should inform this Council if another Authority has refused, revoked or suspended a licence and advise each Authority of any changes in their circumstances; such licence holders should expect those Authorities to share information regarding their conduct and to take it into account as appropriate. Any personal data collected in this way is shared with other Authorities for the purposes of the protection of the public and all licensees consent to their data being used for that purpose.

27 Conclusion

27.1 To conclude, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant will be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered.

27.2 While it is possible that an applicant may have a number of convictions that, individually, would not prevent him/her being licensed, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public. This consideration is vital because taxi and private hire licence holders have unprecedented access to the public and are in a position to exercise control over an individual (including children and vulnerable adults).

27.3 A man or woman who has committed an offence and has to wait a period of time before being accepted as a hackney carriage or private hire vehicle driver (or operator) is more likely to value his/her licence and act accordingly.

28 Review of Policy

28.1 This Policy Statement will remain in existence until superseded and will be subject to review and further consultation before the end of 2025. However, following consultation, the Council may make revisions to it as deemed necessary before the 2025 date.

These policy guidelines were last revised and updated in March 2021.

PART D

HACKNEY CARRIAGE INTENDED USE POLICY

(Including Statutory Declaration for Applicants and Policy Statement from the Council)

1. Applications for the New Grant of a Hackney Carriage Licence

1.1. Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the administrative area of East Lindsey District Council under the terms of the licence for which the application is being made.

1.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of East Lindsey District Council will not be granted a hackney carriage licensing authorising them to do so.

1.3. Even where the applicant intends to ply for hire to a material extent in East Lindsey, if the intention is to trade in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

1.4. Each application will be decided on its merits.

2. Applications for the Renewal of a Hackney Carriage Licence

2.1. Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within the administrative area of East Lindsey District Council under the terms of the licence for which the application is being made.

2.2. There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of East Lindsey District Council will not be granted a hackney carriage licensing authorising them to do so. Section 60 of the Local Government Miscellaneous Provisions) Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause.

2.3. Even where the applicant intends to ply for hire to a material extent in East Lindsey if the intention is to trade in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

2.4. Each application will be decided on its merits.

3. Transfer of Ownership – When a Licensed Vehicle is Transferred from One Person to Another

3.1. Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his interest to another must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse the new proprietor:

- *R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd [1947] KB583.*

3.2. Provided the requisite notice has been given in accordance with Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.

3.3. The transferee of a licensed hackney carriage will be asked to inform the Council whether he/she has a bona fide intention to use the vehicle to ply for hire within the administrative area of East Lindsey District Council. Transferees should note the obligation under Section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 until such information is forthcoming, in addition to its powers under Section 73.

3.4. Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the administrative area of East Lindsey District Council under the terms of the licence in respect of the vehicle being transferred.

3.5 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent to ply for hire within the administrative area of East Lindsey District Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976. Where the transferee proposes to operate remotely from the administrative area of East Lindsey District Council there will be a presumption that his/her licence will be revoked.

3.6. Each case will be decided on its merits.

4. Change of Vehicle – When a Proprietor Replaces a Licensed Vehicle

4.1. Applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the administrative area of East Lindsey District Council will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent within the administrative area of East Lindsey District Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

4.2. Each case will be decided on its merits.

5. Revocation of Vehicle Licence

5.1. Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the administrative area of East Lindsey District Council but is subsequently found not to plying for hire to a material extent within East Lindsey and/or to be trading in another authority's area also for a substantial amount of time (and it appears that the purpose of the

legislation and public safety will be frustrated), there will be a presumption that the licence will be revoked.

5.2. Each case will be decided on its merits.

6. Exceptional Circumstances

6.1. Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire to a material extent within the administrative area of East Lindsey District Council will be rebuttable in exceptional circumstances. Whilst it is neither possible or prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

7. Reasons for Policy

7.1. The Council wishes to ensure that application for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgement and the declaration made in the case of:

- *Newcastle City Council v Berwick upon Tweed Council [2008]*.

7.2. The Council is required to register the name of the new proprietor of a vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court, unless precautionary steps are taken. Section 3 of this policy document is intended to put the Council in a position to respond responsibly to the transfer of an East Lindsey District Council hackney carriage into the name of someone who operates outside the East Lindsey District Council zone or remotely from it.

7.3. Unless there has been a change in the proprietor's intention with regard to plying for hire within the administrative area of East Lindsey District Council, there should be no reason why he/she should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within the administrative area of East Lindsey District Council, and who on application to replace that vehicle with another, disclosed that he/she no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

7.4. Each case will be decided on its merits.

8. Application of this Policy

8.1. The Intended Use Policy shall apply to all new applications, renewal applications and change of vehicle applications, (however, applications for transfer of ownership will still be subject to the special provisions for vehicle transfer applications) contained within Section 3 of this policy document. Where a licence holder allows their current licence to expire the Council will require a new application to be made, such application will be subject to this policy.

DECLARATION – INTENDED USE OF HACKNEY CARRIAGE

(To form part of the licence application form and to be signed by applicant)

I have been advised that, based upon the decision of the High Court in the case of R. (on the application of Newcastle City Council) –v- Berwick upon-Tweed Borough Council 2008, East Lindsey District Council ought not to licence Hackney Carriages which will be predominantly used outside the district.

I hereby declare that it is my intention that the vehicle licensed by me will be used predominantly in the District of East Lindsey and I understand that should this not be the case either at the date hereof or at any time thereafter the Council may revoke or refuse to renew the licence under Section 60(1)(c) Local Government (Miscellaneous Provisions) Act 1976.

I understand that each case will be decided on its merits.

STATEMENT FROM COUNCIL

(For addition to Taxi Licensing Policy and inclusion on application forms)

"If you wish to be a hackney carriage proprietor we require information, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976 as to whether you intend to use the vehicle in East Lindsey or outside of the District".

You will need to be able to show what proportion of your business you propose to carry out in East Lindsey and what business will be carried out elsewhere, including the geographical location.

If we have concerns that the hackney carriage is to be used primarily outside of this area then the decision on whether to licence you would need to be made by our General Licensing Committee (consisting of Councillors).

Each case will be decided on its merits.

This is in accordance with the decision in:

- *R (App Newcastle City Council) v Berwick-upon-Tweed Borough Council [2008]*

PART E

POLICY AND VEHICLE LICENCE CONDITIONS - EXEMPTION FROM THE REQUIREMENT TO DISPLAY AN EXTERNAL PRIVATE HIRE VEHICLE PLATE

1.0. Statement of Intent

1.1 The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' and 'specialist hire vehicles' to operate without displaying external identification plates.

1.2. The policy statement will remain in existence for a period of 3 years and will be subject to review and further consultation before 2022. However, following consultation, the Council may make revisions to it as deemed necessary.

2.0. Introduction

2.1. The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure public safety.

2.2. However, there are occasions when the requirement to display an external identification plate may have commercial implications for the operating business (e.g. the customer wishes to use a more exclusive and specialist vehicle). The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some very limited circumstances the identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk.

2.3. The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation also allows East Lindsey District Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.

2.4. It is not intended that all private hire vehicles licensed by East Lindsey District Council should be exempt from the Council's requirement to display an external identification plate. However, the Council recognises that there may be circumstances when it would be appropriate for vehicles operating a particular type of service to be considered suitable for such an exemption.

2.5. In creating this policy East Lindsey District Council does not seek to provide a definitive list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.

2.6. This policy provides guidance to potential applicants on the standards of vehicle comfort and equipment that the Council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application. This policy should be read in conjunction with the Council's existing policy relating to private hire vehicles and establishes additional criteria that the Council (and its Officers) will take into account when determining applications for a private hire vehicle to be exempt from displaying external identification plates.

3.0. The Policy

3.1. Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.

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

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

a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles.

b) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as 'S' and 'E' Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered.)

c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.

d) The type of work undertaken is 'executive' or 'specialist hire' in nature.

3.4. Applications may only be made by a person holding a private hire operator's licence issued by East Lindsey District Council.

3.5. Where a proprietor wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the application fee; which will be non-refundable.

3.6. The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.

3.7. East Lindsey District Council is entitled to recover its costs relating to the administration of applications for an exemption notice and the issue of the exemption notice where applications are granted and may charge such fees as it believes are appropriate to recover all or part of those costs.

3.8. A non-refundable fee will be payable for the issue of an exemption notice. Details of the current fee payable can be obtained by contacting the Licensing Team.

3.9. Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will issued as soon as practical after the decision is made.

3.10. Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter, any renewed exemption notice will last for a period of time that

expires at the same time as vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

3.11. Exemption notices may be renewed annually subject to the vehicle under going a re-inspection by an Authorised Officer to ensure that it continues to be fit for purpose. The annual renewal fee for an exemption notice will be payable and is non-refundable. Details of the current fee payable can be obtained by contacting the Licensing Team.

3.12. A fee will be payable for a replacement plate or exemption notice. Details of the current fee payable can be obtained by contacting the Licensing Team.

3.13. The authority to determine any application for an exemption notice is by virtue of this policy delegated to an Authorised Officer of the Council.

3.14. In the event of an applicant being dissatisfied with the decision of the Officer, the applicant may make a written application for a review of the decision by the General Licensing Committee.

3.15. Any decision to withdraw a private hire vehicle identification plate exemption, due to non-compliance with the requirements of the policy, will be made by the Council's Licensing Committee

3.16. Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with the requirements for private hire vehicles contained within the Council's standard licence conditions and licensing policy.

3.17. THE LICENCE CONDITIONS BELOW APPLY TO ALL PRIVATE HIRE VEHICLES GRANTED AN EXEMPTION BY EAST LINDSEY DISTRICT COUNCIL FROM THE REQUIREMENT TO DISPLAY AN EXTERNAL IDENTIFICATION PLATE, AND ARE IN ADDITION TO THE CRITERIA AND CONDITIONS SET OUT IN EAST LINDSEY DISTRICT COUNCIL'S STANDARD LICENCE CONDITIONS AND LICENSING POLICY IN RELATION TO PRIVATE HIRE VEHICLES.

a) The identification plate and exemption notice provided by the Council pursuant to requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Council.

b) Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate affixed to the inside of the boot lid. The plate when so affixed must be readily visible when that boot lid is raised.

c) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.

d) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an Authorised Officer of the Council or any Police Officer.

e) When issued with an exemption notice, the vehicle will not be required to display any other signs (unless the proprietor/ operator is advised otherwise) which the Council may at any time require private hire vehicles to display.

f) Unless authorised in writing by the Licensing Authority the proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.

g) During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an Authorised Officer of the Council or any Police Officer on request.

h) During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in a clean, tidy and decent manner. Drivers are asked to observe the following minimum standard of address

- Male drivers - either a formal chauffeur's uniform or a business suit with collar and tie.
- Female drivers - either a formal chauffeur's uniform or an equivalent to the male business suit.

i) The proprietor shall within 2 working days notify the Council of any change in the use of the vehicle.

j) The proprietor shall not use the vehicle for private hire purposes other than for executive and specialist hire use (i.e. not for 'normal' airport journeys, school contract work or daily private hire use).

k) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.

l) A taximeter must not be installed in the private hire vehicle.

This Policy was Last Revised and Subject to Amendment on 16 September 2019.

PART F

EAST LINDSEY DISTRICT COUNCIL – PRIVATE HIRE VEHICLE LICENSING

ADDITIONAL CONDITIONS FOR PRIVATE HIRE LIMOUSINES

1. DEFINITION OF A LIMOUSINE

For the purposes of this policy and licence conditions, a stretched limousine is defined as follows:

A stretched limousine is a motor vehicle that has undertaken a Ford Motor Company Qualified Vehicle Modifier (QVM) or Cadillac Master Coachbuilder (CMC) or an equivalent conversion programme resulting in its lengthening by an additional body section that is capable of carrying up to but not exceeding 8 passengers.

2. PRE-LICENSING REQUIREMENTS AND LICENSING CONDITIONS

	Issue	Licence Condition	Justification
1.	Left hand drive vehicles	Permit left hand drive limousines to be licensed.	The majority of stretched limousines are imported from the United States of America and are left hand drive. The Department for Transport has recommended that Licensing Authorities should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, (<i>i.e. left hand drive</i>).
2.	Sideways Seating	Permit limousines with sideways facing seating to be considered for private hire vehicle licensing, but no seat must be positioned so that it permanently obstructs any door.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport guidance the Authority will consider the suitability of limousines with sideways seating for licensing.

	Issue	Licence Condition	Justification
3.	Signage	Provided that they have received written consent from the Licensing Authority - limousines may, in certain circumstances, not be required to display identification signs required by other PHVs.	Signage serves to distinguish private hire vehicles from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a private road user's vehicle or a hackney carriage vehicle.
4.	Tinted Glass	The Licensing Authority is unlikely to issue a restriction to the level of tint for the glass windows in the passenger compartment. However, tinted glass in the windscreen and front doors shall be restricted to the requirements of the SVA Standards.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine.
5.	Fare Table/Taximeter	Limousines will not be required to display a fare table or contain a taximeter.	Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6.	Roadworthiness	The Licensing Authority will require the vehicle to hold a valid Single Vehicle Approval (SVA) Certificate or equivalent.	SVA test comprises of a visual examination of a vehicle and certifies its safety and roadworthiness.
7.	Insurance	An appropriate insurance policy must be in place, which covers use of the vehicle for hire and reward.	Some limousines may be operating under insurance policies which do not cover use for hire and reward and take into account that the vehicle has been stretched.

	Issue	Licence Condition	Justification
8.	Tyres	The limousine must be fitted with tyres that meet the size, rating and weight specification.	Given the increased weight of the vehicle - tyres of the correct weight and size rating must be used at all times.
9.	Vehicle Testing	The limousine shall be examined twice a year to the appropriate Class MOT standard.	To ensure that limousines licensed by the Authority are maintained to high standards and remain safe.
10.	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Authorities can only licence vehicles with a maximum seating capacity of up to 8 passengers.
		Any seats in the driver's compartment, other than the driver's seat, shall not be used to carry passengers.	This is to ensure that passengers are not carried in the front of the vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time.	This condition shall be enforced by Authorised Officers performing random inspections of licensed vehicles.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.
11.	Seat Belts	Seatbelts must be fitted to all seats and must be worn at all times by passengers whilst the vehicle is in motion.	In accordance with Road Vehicles (Construction & Use) Regulations 1986.

	Issue	Licence Condition	Justification
12.	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the retail sale and supply of alcohol.	To comply with alcohol licensing requirements and to safeguard public safety.
		Alcohol shall only be served while the vehicle is stationary. Whilst the vehicle is in motion the receptacle shall be placed in a secure (holder).	Public safety
		If the passengers are below the age of 18 years, then no alcohol shall be permitted in the vehicle for consumption in the vehicle.	Protection of children from harm
		Any glassware in the vehicle must be made of strengthened glass. Use of polycarbonate vessels should be considered.	Public safety
13.	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of any of the passengers in the vehicle.	To safeguard children and vulnerable adult passengers from viewing unsuitable material.

	Issue	Licence Condition	Justification
13.	Entertainment (cont.)	The limousine operator shall ensure that a Performing Rights Society licence is held (if appropriate).	Many limousines have the capability of playing recorded media for the entertainment of customers and so the operator must ensure the appropriate royalties are paid.
		If the limousine parks to provide some form of entertainment to its passengers then a Premises Licence (if required) must be in place in accordance with the Licensing Act 2003.	Entertainment regulated under the 2003 Act includes loudspeakers or any other licensable activity provided for the passenger's enjoyment.
14.	Authority Notices	The proprietor shall when directed by the Authority, display and maintain any notices in a conspicuous position.	To convey information to passengers where appropriate.
15	Advertisements	No other signs, notices or any other marking will be displayed on or in the vehicle without the written consent of the Authority.	To ensure that any material displayed in the limousine is suitable for public viewing.
16.	Luggage	Ensure that loose luggage is not carried within the passenger compartment of the vehicle.	Passenger safety.

	Issue	Licence Condition	Justification
17.	Safety Hammer	Vehicles must be supplied with a safety hammer, capable of being used to break the glass windows of the vehicle and shall be securely located in the driver's compartment but in view and accessible to passengers in an emergency.	Passenger safety.
18.	Identification Badges	An approved holder displaying the private hire vehicle licence, as supplied by the Authority, must be displayed on the dashboard of the vehicle or on the windscreen, in a position for all the passengers to clearly see.	To show that both the driver and vehicle are licensed.
		The licence identification plate, as supplied by the Authority, must be securely fixed to the rear interior boot lid of the vehicle.	To ensure spot checks can be made by the Police or Officer of the Council in relation to the vehicle's licensed status.

	Issue	Licence Condition	Justification
19.	CCTV	It is not proposed that measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgment of the owners and drivers themselves. The trades are, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis.	Driver and passenger safety.
20.	Sunroof/Ceiling	If fitted - any sunroof switch to be isolated so that it cannot be operated by passengers. Any mirrored or glass ceiling or fixtures shall be made of strengthened glass.	Driver and passenger safety.
21.	Interior	Adequate illumination shall be provided in the passenger compartment.	Passenger safety.
22.	Doors	All doors shall be capable of being opened from inside as well as from outside the vehicle.	To enable access/egress.

	Issue	Licence Condition	Justification
23.	Communication	A means of two-way communication between the driver and passengers shall be installed to the satisfaction of the Authority.	Passenger and driver safety.

3 DRIVER AND OPERATOR LICENSING REQUIREMENTS

3.1 In addition to the limousine being licensed as a private hire vehicle with the Authority, the limousine operator is required to hold a Private Hire Operators' Licence with the Authority.

3.2 All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed Private Hire Operator.

3.3 Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver (this licence must also be issued by the Authority).

PART G

MAXIMUM HACKNEY CARRIAGE FARE STRUCTURE

- 1.** As the Licensing Authority this Authority sets the maximum hackney carriage (taxi) fare structure (for hirings beginning and ending within the District) and it is unlawful to charge a rate above that set by the Authority.
- 2.** In February 2010 this Authority agreed to introduce a yearly review of the maximum hackney carriage fare structure. The purpose of the yearly review is to set aside a period each year when the taxi trade are aware that the Council intend to look at taxi fares – all interested parties then have their window of opportunity to say whether the fare structure should be varied. With this in mind this Authority will normally undertake the annual review during January or February each year.
- 3.** When setting the maximum hackney carriage fare structure, the relevant legislation (the Local Government (Miscellaneous Provisions) Act 1976) does not stipulate the external factors to be taken into account and there is no limit on the amount of increase or variation.
- 4.** A notice of any variation to the maximum scale of fares will be advertised by the Authority in a local newspaper circulating in the District, with a date set of not less than 14 days from publication for making objections to the proposed variation. If no objections are received the fare variation will have immediate effect at the end of the consultation period. If any objections are received the matter will be referred to the General Licensing Committee for consideration and a further implementation date set.
- 5.** Because the fare structure is a maximum drivers / proprietors may decide not to actually charge the maximum rate to their customers. It is open for proprietors to set their taximeter to less than the maximum fare structure if they wish to do so. However, they will only be able to charge that lessor rate rather than current maximum fare structure.
- 6.** The Council's hackney carriage byelaws require hackney carriage vehicles to display, within the vehicle, the Council's current maximum fare card. Even if the taximeter is calibrated to a lower rate, the current maximum fare card must be displayed.
- 7.** When a hackney carriage journey ends outside the East Lindsey district boundaries a fare greater than that that would have been shown on the taxi-meter may be charged but only if an agreement has been made with the hirer in advance. For these journeys the fare is negotiable with the hirer, provided that if no negotiation is entered into, no fare greater than that displayed on the meter can be charged.
- 8.** Drivers shall, if requested by the passenger, provide written receipts for fares paid.
- 9.** The Licensing Authority is not able to set fares for private hire vehicles.