

# A Guide for Private Hire Vehicle Drivers and Proprietors

SEPTEMBER 2023



LICENSING TEAM



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# 1. General Matters

## Introduction

This guide is intended to advise and assist applicants and licence holders on the law relating to the operation of private hire vehicles and to the administrative procedures involved in the application for a licence. The guide is not exhaustive and reference should also be made to the following legislation:

Legislation	Abbreviation
Town Police Clauses Act, 1847	TPCA
Local Government (Miscellaneous Provisions) Act 1976	LG(MP)A
Transport Act, 1985	TA

*N.B. Where relevant, in the guide, the source of the law is given in the above abbreviated form.*

Copies of the conditions attached to licences are printed on the licences and in this guide.

## Correspondence

All correspondence should be addressed to the Licensing Team, East Lindsey District Council, The Hub, Mareham Road, Horncastle, LN9 6PH.

## Loss of Licence

This should be reported immediately to the Licensing Team, East Lindsey District Council, The Hub, Mareham Road, Horncastle, LN9 6PH.

## Driver’s Badge

Photographs for a driver’s badge must be a true likeness, in colour, showing the full face, with no hat, helmet or sunglasses and be taken against a light background.

## Lost or Stolen Driver’s Badge

This should be reported immediately to the Licensing Team, East Lindsey District Council, The Hub, Mareham Road, Horncastle, LN9 6PH. Upon receipt of a small charge and passport sized photograph, a duplicate badge can be issued.



## Lost or Stolen Vehicle Plate

This should be reported immediately to the Licensing Team, East Lindsey District Council, The Hub, Mareham Road, Horncastle, LN9 6PH. Upon receipt of the hire of plate charge, a new plate (possibly with a new number) will be issued.

## Personal Visits to the Licensing Office

If you want to visit the Council's Horncastle Offices and talk in person to a member of the Licensing Team you should email first and arrange an appointment. We are sorry but we can not guarantee to see you if you call into Horncastle without an appointment.

The hours normally offered for appointments are as follows:

- Monday to Thursday 9.30am until 12pm and then 2pm until 4pm.
- Friday 9.30am until 12pm and then 2pm until 3.30pm.

We may in some limited circumstances be able to make appointments outside the above hours. However, this will not always be the case.

Please note the Offices are not open on Saturdays, Sundays and Public Holidays.

## Collection of Driver's Badge and Licence

The Licensing staff will not normally hand driver's badges and licences to third parties.

## Email Enquiries to Licensing Office

Enquiries should be made by emailing:  
[licensing@e-lindsey.gov.uk](mailto:licensing@e-lindsey.gov.uk)

## Public Information

Licence holders are advised that some of their personal details will form part of the Public Register of Licence Holders. For further information contact the Licensing Team.

# 2. Applications

## Fees and Charges

All fees and charges are payable in advance and not normally refundable once the licence applied for has been issued.

Cheques should be made payable to EAST LINDSEY DISTRICT COUNCIL and crossed.

Any licence issued on payment by a cheque, which is not honoured by the Bank, may be considered invalid.

Please note that we no longer accept cash for the payment of licence application fees. Cheques should be made payable to East Lindsey District Council. The Licensing Team is able to provide facilities for licence payments by credit and debit cards. Further information on payment by credit or debit card is available by contacting the Licensing Team direct.

You are advised to obtain an official receipt for all monies paid.

Where an applicant is refused a licence, the fee previously paid is normally refunded (less any administrative fees), unless the applicant appeals against refusal. If any appeal succeeds the fee will be taken; if the appeal fails the fee will be refunded LESS any costs, which have been awarded by the Court.

## Forms of Application, Guidance etc.

All forms, etc., are available on the Licensing area of the Council's website: [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)

## Licence Renewal Reminders

All licence holders will normally be sent a reminder and the necessary forms of renewal in advance of expiry of the licence.

Please note, however, that the responsibility for renewal rests with the licence holder. Reminders are sent purely as a courtesy.

Those drivers who undertake school contract hirings for Lincolnshire County Council are reminded of the need to keep their badge with this Authority up to date. When applying for renewal of their driver's licence with this Authority they should apply in plenty of time so that the renewal application has been determined before the East Lindsey badge expiry date. If the renewal application has not been determined before the expiry date then the County Council may not allow you to drive on school contracts.

When submitting an application for renewal of a Private Hire Driver's Licence, applicants should note that a new driver's licence will not be issued until all the necessary checks (including DBS and DVLA checks) have been completed. The Council, therefore, recommend that all applicants submit renewals in respect of Drivers Licences at least 28 working days before the expiry of the current licence.

### **Personal Attendance**

Applicants may be required to attend the Licensing Office in person.

### **Identity of Applicants**

The Council will make every effort to confirm the identity of all applicants. Verification of identity, date of birth, address, NI number and any change of name will be obtained.

### **Production of U.K. Driving Licences**

Applicants for a Private Hire Driver's Licence should note that UK driving licences (or legal equivalent) must be produced.

### **Medical Examinations – Private Hire Drivers**

All applicants making their first application must lodge a certified medical certificate. A medical certificate will then be required:

- up to 65 years of age - once every 6 years
- on attaining the age of 65 years - annually

In certain instances an applicant's medical condition may warrant examination on a more regular basis.

Any fee charged by the Doctor is payable by the applicant. The examination must be carried out by a Medical Practitioner who has full knowledge of the applicant's medical history.

Medical certificate forms and further information can be obtained from the Licensing Office. The Council requires licence holders to attain DVLA Group 2 Vocational Licence Standard.

**The Council will not normally accept certified medical certificates submitted with an application which are received more than 2 months after the Doctor has signed the report.**

### **Convictions**

When submitting an application for a licence to drive a licensed vehicle, applicants are required to declare any convictions (including traffic convictions) or cautions they may have.

Applicants should be aware that the Council will require applicants to apply for an Enhanced Criminal Records Disclosure from the Disclosure and Barring Service (DBS). The Disclosure will reveal the existence and content of any criminal record or relevant information held in the name of an applicant. Checks will also be made with the Driver and Vehicle Licensing Agency (DVLA). Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained on manual and computer record(s) for no longer than is necessary. Any information received may be used in court proceedings.

The information applicants (and the DBS) give will be treated in confidence and will only be taken into account in relation to their application.

It is the general policy of the Council to only request a DBS Disclosure on initial applications and renewal applications thereafter. Exceptionally, the Council may request an additional Disclosure:

- i. in any case if serious allegations are made against a driver, or
- ii. in any case where previously unrevealed information comes to light and the Licensing Officer is satisfied that the information cannot be verified in any other way.

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the Authority considers that the convictions render(s) him/her unsuitable. In making this decision the Authority will consider the nature of the offence, how long ago and the age of the applicant when it was committed and any other factors which may be relevant.

The Council has adopted guidelines relating to the relevance of convictions and each case will be decided on its own merits. The Council's guidelines can be found in the Licensing area of the Council's website.

New licence applicants may contact 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.

**Please Note:** By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendments) Order 2002 private hire drivers are now exempt from the requirements of the Rehabilitation of Offenders Act 1974.

## 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 their application refused, or if a licence is granted that licence may be revoked or suspended. The applicant may be prosecuted also.

## Right to a Licence Check

In line with the requirements of the Immigration Act 2016 the Council must check that all driver and operator licence applicants are permitted to work in the UK. With this in mind when you make your first licence application, you must make it in person at the Council's Horncastle Offices and present:

- Your UK Passport, or
- Your UK birth certificate, together with an official document giving your name and National Insurance number, or
- Current Immigration Status Document issued by the Home Office

You must make an appointment with the Licensing Team for the above check to be undertaken.

We will not be in a position to accept and process your licence application unless you comply with the above requirements.

Once we have made the appropriate 'right to a licence check' we will not 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).

If you do not have the right to work in the UK a licence will not be issued.

## Checks on Applicant's who have Resided Outside the UK

Applicants for a drivers 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 in which they resided. Further information is available from the Licensing Team.

## Appeals

Any applicant refused a driver's licence, a vehicle licence and/or an operators licence has a right of appeal to a Magistrate's Court.

## Disability and Equality Awareness Training

All holders of a hackney carriage or private hire vehicle driver's licence may be required to attend a disability and equality awareness training course arranged by the Licensing Authority. Further information is available from the Licensing Team.

## English/Comprehension Test (including a basic test relating to the understanding of taxi and private hire licensing)

All new applicants with East Lindsey District Council for a hackney carriage or private hire vehicle driver's licence must successfully complete a combined English / comprehension test and a basic test relating to the understanding of taxi and private hire licensing before a licence can be granted. The cost of the test and any subsequent first retest (at the time of the first licence application) will be included in the Council's standard licence application fee. Any subsequent retest (after the first retest) will be charged to the applicant at a cost of £10.00 per test. The charge of £10.00 to be paid to the Licensing Authority before the applicant sits the test.

## **Lincolnshire Road Safety Partnership (LRSP) - Hackney Carriage / Private Hire Driving Test Assessment**

The LRSP has developed a Hackney Carriage / Private Hire Driving Test Assessment. The LRSP assessment is 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 will require any existing hackney carriage or private hire vehicle drivers to undergo the assessment, 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.

Drivers must be judged as a 'low risk driver' by the LRSP.

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 be refused.

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.

At the time of the drafting of this document this Authority also accepted Blue Lamp Trust pass certificates as an alternative to the LRSP.

### **What is Taxi and Private Hire Work Like?**

The Licensing Team has drafted a short leaflet detailing the type of work a licensed driver will undertake. Copies of the leaflet are available direct from the Licensing Team.

### **Safeguarding Training for Hackney Carriage and Private Hire Drivers**

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.

All first time applicants for a licence will be required to successfully undergo the relevant online courses prior to their licence being granted.

Further information in relation to the online courses is available from the Licensing Team.

### **What further training and development can I do?**

Currently you do not need any specific qualifications or training to become a taxi or a private hire driver

Once you are working as a licensed driver, you can complete the NVQ Level 2 in Road Passenger Transport, specialising in taxi or private hire work. The Council are currently considering whether the NVQ should be made obligatory for all licensed drivers or perhaps just newly licensed drivers.

You could also take 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.

### **Disclosure and Barring Service - Update Service**

This Authority requires taxi and private hire drivers to use the DBS update service. This is in line with the Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport.

The DBS update service lets you keep your DBS certificate up to date online and allows the Licensing Authority to check a certificate online. The update service will allow you to reuse your DBS certificate when applying for licence renewal.

### **Licensing Policy**

This Council has adopted a detailed taxi and private hire licensing policy. The document sets out the policy that this Council will apply when making decisions about new licence applications and existing licence holders. It provides prospective licence applicants with clarity and a consistency of approach in the decision-making process.

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 taxi and private hire vehicle trade.

The policy document can be found in the licensing area of the Council's website ([www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)).

This guidance booklet is made available to assist licence applicants and licence holders – however, this guidance booklet and its contents does not form part of the licensing policy document. Licence applicants and licence holders should always make reference to the detailed policy document.

## **Driver Licence Applicants**

### **- Tax Responsibilities**

If you are a driver licence applicant who is applying for a driver licence for the first time (or you have already held a driver licence - but it has not been valid for over a year) then you will need to confirm that you are aware of your tax responsibilities. Such licence applications will not be accepted by this Authority until you have confirmed in writing that you aware of the tax responsibilities.

## **Driver Licence Renewal Applicants**

### **- Tax Check Code**

Driver licence renewal applicants will need to complete a tax check when they apply to renew a driver licence. By law the licence renewal application cannot be accepted without the relevant tax check code.

## **Operator Licence Applicants**

### **- Tax Responsibilities**

If you are an operator licence applicant who is applying for an operator licence for the first time (or you have already held an operator licence - but it has not been valid for over a year) then you will need to confirm that you are aware of your tax responsibilities. Such licence applications will not be accepted by this Authority until you have confirmed in writing that you aware of the tax responsibilities.

## **Operator Licence Renewal Applicants**

### **- Tax Check Code**

Operator licence renewal applicants will need to complete a tax check when they apply to renew an operator licence. By law the licence renewal application cannot be accepted without the relevant tax check code.

## **Driver Code of Conduct**

This Council has adopted a Driver Code of Conduct. 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. All drivers are required to sign up to the Code of Conduct.

Further information, including a copy of the Code of Conduct, can be found in the relevant section of this guidance booklet.

## 3. Instructions for Private Hire Vehicle Drivers and Proprietors

### Private Hire Vehicle

A private hire vehicle is defined as a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

### The Advance Booking of Private Hire Vehicles and Illegal Plying for Hire

Hire cars must not pick up passengers under any circumstances without a prior booking made by the hirer **direct** with the operator for which the vehicle works. Failure to do otherwise is an offence and may invalidate your vehicle's hire car insurance cover (Section 45, TPCA).

Plying for hire with any vehicle which is not a Licensed Hackney Carriage (including a private hire vehicle) is an offence (Section 45, TPCA) and it is open to the Council to institute proceedings in the Magistrates Courts against any operator or driver committing such an offence. Furthermore, any person so convicted is liable to a fine not exceeding £2,500. Licence holders should also note that the Council may suspend, revoke, or refuse to renew a private hire operator's and/or drivers licence on any reasonable grounds, which may include a conviction for illegal plying for hire.

'**Plying for Hire**' means being on view and inviting the public to use the vehicle (**Rose v Welbeck Motors Limited, 1962**). This can be inferred by the appearance of the vehicle, and the place it is on view and its conduct. **Therefore, private hire vehicles must not consistently wait near taxi ranks, without reasonable cause, as to do so may be construed as acting as a hackney carriage vehicle and plying for hire.** Furthermore, in certain circumstances any gathering of more than 2 private hire vehicles could be perceived as forming a rank and lead to prosecution for plying for hire.

The practice of passengers booking fares with the driver who relays the booking information to the operator over the vehicle's radio constitutes plying for hire. The driver must not act as the "go-between" under any circumstances.

### Operator Licences

"Operate" means in the course of business to make provision for the invitation or acceptance of bookings for a hire car (Section 80 LG(MP)A).

Every operator of hire cars must be licensed by the District Council (Section 46 LG(MP)A).

A District Council cannot grant a licence unless it is satisfied that the applicant is a "fit and proper person" (Section 55 LG(MP)A).

A licence cannot be issued for a period exceeding 5 years – currently Council policy is that licences are issued for a five year period, unless there are specific individual circumstances which warrant granting a licence for a lesser period. (Section 55 LG(MP)A).

Section 75 of LG(MP)A provides that a Private Hire Vehicle and driver licensed by a District Council will be authorised to act in a controlled area of any other District Council. They are licensed by one District Council in order that they will be free to go through any other controlled district and to operate fully as a licensed Private Hire Vehicle and driver.

The operator will require an operator's licence from the licensing authority in whose area he operates. All of the licences required to operate a PHV business (namely the operator, vehicle and drivers licences) must be issued by the same licensing authority.

### Suspension and Revocation of Operator Licences

The Council may suspend or revoke or refuse to renew a licence on the following grounds:

- (a) the commission of an offence under the LG(MP) Act.
- (b) unfitting conduct of the operator.
- (c) any material change in the operator's circumstances.
- (d) any other reasonable cause (Section 62 LG(MP)A).

### Responsibility for Hirings

Every hiring of a private hire vehicle is deemed to have been made with the operator who accepted the booking, whether or not he himself provided the vehicle. (Section 56 LG(MP)A).

Operators are therefore directly responsible for the actions or omissions of drivers or proprietors used by them and must, therefore, ensure that all vehicles and drivers are licensed and insured.



Operators can be required to produce their booking and vehicle records on request to any authorised office of the Council for inspection.

### **Fare to be Demanded**

The driver shall not demand from any hirer of a Private Hire Vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

### **Charging Separate Fares**

The practice of "doubling up" of passengers and charging separately is legal only in the following circumstances:

- (a) All the passengers carried on the occasion in question booked their journeys in advance; and
- (b) Each of them consented, when booking his/her journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion (Section 11TPCA).

Note: that separate fare agreements must be made at the time of booking with the operator, NOT the driver, owner of the vehicle or anyone else.

### **Drivers of Licensed Vehicles must be Licensed**

Once a vehicle is licensed as a hire car, every driver of that vehicle, whether it be used for private hire, contract hire, or any other purpose including personal "non-hire" use by the driver or proprietor, must possess a current private hire car driver licence. (Section 46 LG(MP)A).

### **Drivers' Badges**

All drivers must wear the badge provided when driving a private hire vehicle in a position so as to be plainly visible. (Section 54 LG(MP)A).

The badge need not be worn if:

- (a) the vehicle is being used in connection with a wedding or funeral.
- (b) the vehicle is carrying written permission by the Council that the vehicle ID plate need not be displayed. (Section 75 LG(MP)A).

On revocation or suspension of the driver licence, the badge must be returned to the Council on demand. (Section 61 LG(MP)A).

The driver's badge remains the property of the Council and must be returned to the Licensing Team, The Hub, Mareham Road, Horncastle, LN9 6PH, either at the termination of the licence or when moving from the District and ceasing to be a licensed driver.

### **Drivers' Licence**

This authority will not grant a Private Hire Driver's Licence unless it is satisfied that the applicant:

- (a) is a "fit and proper person".
- (b) is medically fit to drive a Private Hire Vehicle (Sections 51 and 57 LG(MP)A).

The law requires any applicant for a private hire driver's licence to have held a full U.K. driving licence (or legal equivalent) for a least 12 months (Section 51, Local Government (Miscellaneous Provisions) Act, 1976). The Council will not normally regard the applicant to be sufficiently mature or experienced unless he has held a full licence for at least two years and is aged at least 19 years.

Any change in the driver's address or employer must be notified to the Licensing Team.

### **Production of Licences**

Licence holders must produce the licence(s) to an authorised Officer or Police Constable if requested to do so. (Sections 50, 53 and 56 LG(MP)A).

### **Obstruction of Officers**

It is an offence to:

- (a) wilfully obstruct an authorised Officer or Police Constable.
- (b) fail to comply with any reasonable requirement of an authorised Officer or Police Constable.
- (c) fail to give an authorised Officer or Police Constable any assistance or information he may reasonably require. (Section 73 LG(MP)A).

## Prolongation of Journeys

A driver must proceed by the shortest route, subject to the instructions of the hirer. No driver shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the private hire vehicle has been hired. (Section 69 LG(MP)A).

## Suspension and Revocation of Driver Licences

The Council may suspend or revoke or refuse to renew any licence on the following grounds:

- (a) the commission of an offence involving dishonesty, indecency or violence.
- (b) the commission of an offence under LG(MP)Act.
- (c) any other reasonable cause. (Section 61 LG(MP)A).

## Convictions

A licence holder **MUST** disclose to the Council, in writing, details of any convictions imposed on him/her during the currency of his/her licence.

## Seatbelts – Private Hire Drivers – Periods when you do not have to wear a seatbelt

The driver of a Private Hire Vehicle may only claim exemption from wearing a seatbelt when a fare paying passenger is actually in the vehicle and not at any other time.

## Vehicle Licences

Every vehicle used for hire must be licensed by the District Council. (Section 46 LG(MP)A).

A District Council cannot grant a licence unless it is satisfied the vehicle is:

- (a) suitable in type, size and design for such use.
- (b) does not resemble or appear to be a Hackney Carriage.
- (c) in a suitable mechanical condition.
- (d) safe and comfortable.
- (e) insured for hire car use (Section 48 LG(MP)A).

A vehicle licence cannot be issued for a period exceeding 12 months.

## Funerals

Vehicles used wholly or mainly for funerals by a funeral director do not need to be licensed for Private Hire work.

## Weddings

Vehicles used solely for weddings need not be licensed as Private Hire Vehicles.

## Accidents and Damage to Vehicles

Accidents causing damage to vehicles which materially affect the safety, performance or appearance of the vehicle must be reported to the Council within 72 hours. (Section 50, LG(MP)A).

## Suspension and Revocation of Vehicle Licences

The Council may suspend, revoke or refuse to renew a licence on the following grounds:

- (a) the vehicle is unfit.
- (b) the commission of an offence under the LG(MP) Act or TPCA Act.
- (c) any other reasonable cause. (Section 60 LG(MP)A).

A licence may be suspended by an authorised Officer or Police Constable if he/she considers the vehicle unfit. (Section 68 LG(MP)A).

On suspension, revocation or expiry of the licence, the plate must be returned to the Council within 7 days. (Section 58 LG(MP)A).

## Type of Vehicle

All vehicles presented for a Private Hire Vehicle Licence with this Authority, **MUST** meet the requirements set out in Appendix 'A'. (Section 48 LG(MP)A).

## Advertisements and Signage on Vehicles

The Council has adopted standard licence conditions regarding advertisements and signage on private hire vehicles. For further information see Section 5 (Private Hire Vehicle Licence Conditions) of this guidance booklet.

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 (Taxi).

A sign consisting of the words TAXI or CAB or FOR HIRE or HACKNEY CARRIAGE or similar words is prohibited.

Roof signs are prohibited by this Authority on private hire vehicles.

## Testing of Vehicles

All vehicles must be tested and inspected before a licence can be issued to ensure that they are mechanically fit and of good appearance. (Section 50 (LG(MP)A).

*N.B. The Council have agreed to waive 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.*

Every Private Hire Vehicle licensed by East Lindsey District Council **MUST** be mechanically/visually inspected on at least two separate occasions in every 12 months.

An authorised Officer or Police Constable has power to inspect and test any licensed vehicle at any reasonable time. (Section 68, LG(MP)A).

## MOT Certificate Exemptions for Vehicles

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, the vehicle licence and certificate of compliance issued by the Council should be produced instead. When applying for motor tax, the vehicle licence and certificate of compliance must be produced at the Post Office.

*N.B. 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.*

## Identification Plates on Vehicles

A licensed vehicle must display the plate issued by the Council at all times. (Section 48, LG(MP)A).

The plate need not be displayed on a licensed hire car if:

- (a) the vehicle is being used in connection with a funeral.
- (b) the vehicle is being used in connection with a wedding.
- (c) the vehicle is carrying written permission by the Council that the plate need not be displayed. (Section 75 LG(MP)A).

The plate remains the property of the Council and must be returned to the Licensing Team on the expiry of the licence.

On revocation, suspension or expiry of the vehicle licence, the plate must be returned to the Council within 7 days. (Section 58, LG(MP)A).

The loss or damage of a plate must be reported immediately to the Council, where upon the payment of a fee a new plate can be issued.

*N.B. Details of the Council's policy regarding plate exemptions for executive hire vehicles (see bullet point (c) above) is available by contacting the Licensing Team.*

## Vehicle Insurance

Before a vehicle licence can be issued a current certificate or cover note in the name of the proprietor for hire car use (original, not a photocopy) must be produced. (Section 48 LG(MP)A).

A certificate or a cover note must be produced on demand to an authorised Officer. (Section 50, LG(MP)A).

## Transfer of Ownership of Vehicles

Where the ownership of a licensed vehicle is transferred the Council must be informed by the person listed as owner by the Council in writing of this within 14 days, stating the name and address of the new owner. (Section 49, LG(MP)A).

## Taximeters in Vehicles

A hire car is not required to fit a taximeter, but if such a meter is fitted, it must be correctly calibrated, tested for accuracy and approved. (Section 71, LG(MP)A). The Council requires taximeters to be tested and sealed by an approved agent.

## Vehicle Fitness Spot Checks

From time to time a licensed vehicle may be subject to a 'spot check' to determine its road worthiness. This check will normally be carried out by an authorised Officer of the Council, or by an authorised tester, in the presence of an authorised Officer or by a Police Constable, usually by the roadside.

- (a)
  - (i) If, as a result of a check, an immediate Suspension Notice is issued, then the vehicle must not be used under any circumstances as a licensed vehicle until it has been re-examined and the suspension lifted by an authorised Officer. Re-examination is normally by a full test being carried out by an approved garage (unless the licence holder is advised otherwise). This is booked in the normal way.
  - (ii) Your attention is drawn to the warnings at the foot of the Suspension Notice.
- (b)
  - (i) If the Suspension Notice gives you 7 days in which to rectify the defects, then a vehicle may continue to be used until the date given on the Notice.
  - (ii) If a vehicle has not been re-examined and the Suspension Notice lifted by an authorised Officer by the date given on the Notice, then from that date, the licence is automatically suspended until such time as the vehicle is re-examined and the suspension lifted by an authorised Officer. Re-examination is normally by a full test being carried out by an approved garage (unless the licence holder is advised otherwise). This is booked in the normal way.
  - (iii) In the latter case, your attention is drawn to the warnings at the foot of the Suspension Notice.
- (c) The roadside check carried out on a vehicle, because of practical difficulties, is unable to cover all items normally examined at a full test. The list of defects given to you only serve as justification for the issue of a Suspension Notice.
- (d) When a vehicle is re-examined at the test garage, a full, normal test will normally be carried out. (Details of the test are available by contacting the Licensing Team).

- (e) When a vehicle passes, the tester will issue a pass certificate. This must be taken to the Licensing Office before the suspension can be lifted.

## Rights of Appeal to the Magistrate's Court

There are rights of appeal against a Council's refusal to issue a licence and against conditions attached to the grant of a licence. Rights of appeal also exist in certain circumstances where a licence is suspended or revoked.

An appeal must be lodged at a Magistrates' Court within twenty-one days from the Notice of refusal, revocation or suspension of a licence.

## The Carriage of Guide, Hearing and other Assistance Dogs in Private Hire Vehicles

The Disability Discrimination Act 1995 places a duty on private hire drivers to carry guide, hearing and other prescribed assistance dogs accompanying disabled people, and to do so without charge.

A private hire driver who fails to comply with the duty to carry guide, hearing or other prescribed assistance dogs will be guilty of an offence and liable to a fine not exceeding level 3 (currently £1,000) on the standard scale of conviction.

"Other prescribed assistance dogs" is defined as a dog which is trained by specific charities (i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence") to assist a disabled person with a physical impairment and which at the time that its owner hires a private hire vehicle is wearing a jacket inscribed with the name of one of those charities.

## Medical Exemptions from the Duty to Carry Guide, Hearing and other Assistance Dogs

To enable drivers with medical conditions that would be aggravated by carrying dogs to continue to drive private hire vehicles the Council may grant exemptions and issue drivers with Exemption Certificates.

A driver who has been issued a Certificate of Exemption, must exhibit a notice in the private hire vehicle. Any person who with intent to deceive, forges, alters or lends an exemption document to any other person is guilty of an offence.

Any person who is aggrieved by the Council's refusal to issue an Exemption Certificate has a right of appeal against the decision to a Magistrate's Court within 28 days of the date of refusal.

Further information regarding medical exemptions is available from the Council's Licensing Team.

## **Hackney Carriage and Private Hire Drivers Penalty Points Scheme**

Hackney carriage and private hire operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, the Council's byelaws and the rules, regulations and conditions set by the Council's Licensing Committee.

Should operators, drivers or proprietors of vehicles commit an offence or breach those requirements, persons involved are normally required to attend for an interview and then once the investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the person's file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Committee and/or prosecution.

The aim of a penalty points scheme is to work in conjunction with other enforcement options. It provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct, so as to ascertain whether they are a fit and proper person. It does not prejudice the Authority's ability to take other actions.

The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

Penalty points remain for a rolling three-year period so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licence holder.

Where a licence holder accumulates 12 or more penalty points in any three year period, the matter will be referred to the Licensing Committee for the Committee to decide whether the driver is a 'fit and proper' person. The Committee may then suspend or revoke a licence,

or issue a warning to the licence holder, depending on the circumstances. Periods of suspension of a licence by the Committee will be dependent on the nature of the breaches of licensing legislation/conditions and the compliance history of the individual.

## **Equality Act 2010**

The Equality Act 2010 relates to disabled people and the provision of transport services (including taxis and private hire vehicles). Disabled people have the right not to be differently treated on buses, trains, taxis and private hire vehicles and can expect service-providers to make their services user-friendly for disabled people. Transport providers (including taxi and private hire vehicle providers) are under a legal duty to take reasonable steps (depending on all the circumstances of the case) to make their services accessible to disabled people.

This duty to make reasonable adjustments/steps consists of three main areas:

- changing practices, policies and procedures
- providing auxiliary aids and services and
- overcoming physical features by removing them, altering them, avoiding it or providing services by alternative methods.

When providing transport services licensed drivers and proprietors cannot discriminate against disabled people for reasons relating to their disability.

## **Smokefree Private Hire Vehicles**

All workplaces, including vehicles used for public transport, must be smokefree environments. The smokefree legislation covers all taxis and private hire vehicles – in fact any commercial vehicle carrying members of the public will be required to be smokefree at all times. Further information is available at Section 9 of this booklet.

## 4. Private Hire Operator Licence Conditions

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

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

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

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

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.*

## 5. Private Hire Vehicle Licence Conditions

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.

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

## 6. 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.

*These standard licence conditions were last revised and subject to amendment in March 2021.*

## 7. General Licensing Committee

A Designated Officer is delegated by the Council to grant hackney carriage and private hire licences where the applicant fulfils the basic qualifications. However, should in his opinion, there be any doubt as to whether the applicant is a "fit and proper person", an application will not be granted under delegated powers. That application will then be considered by the General Licensing Committee. Generally speaking the Designated Officer will not grant applications which contain a declaration of a conviction involving dishonesty, indecency, violence or a disqualification from driving and which is not clearly covered by the Council's guidelines relating to the relevance of convictions.

**The general procedure for applications considered by the General Licensing Committee is as follows:**

- (a) The Committee (consisting of elected Members of the Council) will consider the application. The applicant and/or a representative of his choice may address the Committee in support of the application. Applicants should attend as the members of the Committee may wish to ask questions.
- (b) A written report will be put before the Committee setting out the details of the application. The applicant will have an opportunity to read this before the interview.
- (c) If the Committee decide to grant a licence then this can normally be done immediately.
- (d) Should the Committee decide to refuse to grant the application, then the applicant will be notified in writing setting out his rights in the matter. Basically, on receipt of such notification the applicant may appeal to the Magistrates Court (within 21 days) against the decision of the Council.

**Because the Committee does not meet on a weekly basis, there may necessarily be a delay between application and grant or refusal in such a case.**

A guidance booklet, on the subject of licensing hearings, is available by contacting the Licensing Team.

## 8. Meeting the Needs of Disabled Passengers – Advice for Private Hire Vehicle Drivers and Operators

### Overview

This leaflet provides guidance on making private hire services (PHV services) easier to use for disabled people. The focus is on customer care and customer service, rather than the type of vehicles used and their physical characteristics. Among the issues covered are training of drivers and booking staff and the personal security of passengers. Guidance presented here is based on best practice.

Whilst the prime objective of this leaflet is to improve mobility opportunities for disabled people, it should be pointed out that better understanding of customers' needs will save time, reduce the likelihood of accidents occurring, increase patronage of the private hire sector and generally make the job of staff within the industry more rewarding as a result of providing a better service.

### Booking a PHV - Responsibilities of Booking Staff

By far the most common means of booking a PHV is by telephone. The attitude and manner of the person receiving calls are extremely important, since this person is the first point of contact for the company. It is therefore just as important for relevant training to be given to booking staff, as to drivers.

For telephone bookings, the person receiving a call should be trained to obtain as much information as possible about the passenger's needs at the point that a trip is booked, and provide any information about the designated vehicle that is necessary. Where only one type of vehicle is available, the caller should be informed as to the type, make, model and colour of vehicle that will be sent. In all cases, the customer should be told the name and sex of the driver that will meet them, and the person booking the trip should take the caller's name, so that the driver can ask for them by that name.

Generally, staff should be aware that some callers have difficulties understanding information that is given by

telephone, so should be prepared to speak slowly and succinctly, and avoid “information overload”. For callers with a speech impairment, booking staff should be patient when trying to understand what is being said, giving the caller the time that they need.

It is possible that a caller has a learning disability, so finds it difficult to understand what is said, and to make clear responses and ask questions. They might also find it difficult to cope with an unfamiliar situation, or to deal with someone they do not know. For callers with learning disabilities, it is especially important for staff to be patient and approachable, to use plain and simple language, and to allow plenty of time for understanding. It might be necessary to check that the caller has understood, by saying something like: “Would it help if I said that again?”. Staff should avoid suggesting an answer at the end of a question, and should not patronise adults with learning disabilities by treating them like children.

Callers who have a disability which might make them particularly vulnerable should be given priority over non-disabled customers, to minimise the anxiety that is caused by waiting. It is important that they are informed immediately in the event of the vehicle being delayed.

Booking staff should know which of the firm’s vehicles have, say, swivel seats, and should be aware that assistance dogs must be carried in all vehicles (subject only to exemptions on medical grounds). They should also know of the training that the firm’s drivers have undergone, so that they are able to pass this information on to the caller.

Callers who are deaf or hard of hearing might wish to communicate by Minicom. This is a service that allows callers to make enquiries through a keyboard linked to a telephone, using an operator as an intermediary, and is a general alternative to voice communication.

## Identifying the vehicle and driver

**Identifying the vehicle** - A PHV must be easily and visibly identifiable as a PHV, as distinct from an ordinary saloon car. There is no single way in which this might be done, and there are some legal restrictions on PHVs, precluding the use of some words, such as “Taxi”. However, as a minimum, the name of the company should be clearly and prominently displayed on both sides of the car, and it would also be an advantage for

cars to bear a distinctive livery. The licence plate issued by the Licensing Authority must also be displayed in a prominent position on the rear of the vehicle.

**Identifying the driver** - It is very important that a driver coming to collect a client should have a means of identification, so that he or she not only becomes immediately identifiable as a PHV company driver, but also has some way of naming the client that is to be collected. When calling at a house, or speaking through an intercom, this can be done by the driver announcing his or her arrival, quoting his or her name, the name of the company and the name of the client.

Visual confirmation can be achieved using a product called “Briteboard” – this consists of a wipe-clean, acrylic panel, slightly larger than an A4 sheet of paper, that can be hand-held or fixed in the vehicle’s window. Whilst one section of the panel can show “Private Hire” and/or the company’s logo, a fluorescent marker pen, in a variety of colours, can be used to write the name of the client on the section below. A really important feature of this messaging system is that it illuminates, using a rechargeable power pack that is integrated into the board, so that the client’s name can be seen clearly at night, from outside of the vehicle. Whilst this high level of clarity is of benefit to all passengers, it is particularly helpful to people who are partially sighted. Use of such a device projects an image of professionalism and attention to detail that can help to engender confidence in the travelling public.

## Driver training issues

Preferably, disabled people should be involved in the training process. This will give attendees first-hand experience of working with, and relating to, disabled people.

## Items that should be covered

**Generally:** Drivers should ask if any assistance is needed, and not assume the passenger isn’t disabled because their disability is not apparent. They should pull up as close to the kerb as possible; this will help all passengers, not just those who are disabled.

Sudden braking and acceleration should be avoided – not only might this cause alarm, but this might also be painful for people with certain types of condition (e.g. arthritis, back problems etc.). Drivers should be polite, courteous and patient at all times,

and avoid being patronising. Most of these general attitudinal issues can be covered by the following guidelines:

- (1) the disabled person is the expert on his or her own disability, so the driver should ask what sort of assistance, if any, is required;
- (2) disabled people are not all the same, so assumptions and generalisations should not be made;
- (3) consider the importance of PHVs to disabled people (why do so many disabled people use them?). It is worth remembering that disabled people make more private hire journeys per person than non-disabled people.

**Blind and Partially Sighted People:** When meeting a blind or partially sighted person, the driver must not simply wait outside, but should knock on the door, or enter the premises, to announce his or her arrival. As much information as is necessary should be given to the passenger (e.g. the type of vehicle, which way it is facing, which way the door opens etc.). The driver should offer to guide the passenger to the vehicle's door, and place one hand on the open door whilst indicating the position of the roof (having remembered, beforehand, to ask whether such assistance is needed). When guiding a blind or partially sighted person, it is important to not push or pull them, but to inform them of what is ahead (e.g. steps, doorways, inclines etc.).

Once inside the vehicle, the driver should offer to help the passenger with the seat belt, and not set off until the passenger is seated and secure. During the journey, the passenger should be informed about any delays, or deviation to the route that he or she might have expected to take. The driver should be aware that a partially sighted person might not be able to read the vehicle's meter (if one is installed within the vehicle), so should be prepared to tell the passenger what the meter reading is. This situation might be avoided using a "talking" meter.

At the end of the journey, when giving change, it is important to count out coins and notes into the passenger's hand. The driver should ask whether the passenger would prefer change in the form of coins, since it is sometimes more difficult for blind and partially sighted people to distinguish £10 notes from £20 notes, for example. Finally, the driver should be prepared, if necessary, to guide the passenger to his or her final destination.

The carriage of assistance dogs must be permitted in all PHVs, except when the driver has a medical exemption. It should be noted that assistance dogs are trained to sit on the floor of the vehicle and not the seat. The assistance dog user should be consulted as to whether he or she would prefer the dog to sit in the front or back of the vehicle.

Section 37A of the Disability Discrimination Act 1995 (DDA) places a duty on licensed PHV operators and drivers to carry guide, hearing and other prescribed assistance dogs, and to do so without charge. Similar provisions are also in place for taxi drivers. The Act also makes provision for PHV drivers to seek exemption from this requirement on medical grounds only.

**Deaf or Hearing Impaired People:** Visual material (including maps) should be available in vehicles, in order to help the driver to communicate with a deaf or hearing impaired passenger. Drivers should be prepared to write down information, so should always have a pen and paper available; they should make eye contact and speak clearly to enable the passenger to lip-read. If a passenger is accompanied by a sign language interpreter, it is important for the driver to speak to the person, not the interpreter.

For people with impaired hearing it is especially important that the driver properly announces his or her arrival, and does not simply sound the horn of the vehicle, as this may not be heard by the customer.

**Speech Impairments:** If a person has a speech impairment, then the driver must be patient, and, if not understanding what the customer says straight away, say so, rather than pretend to have understood, or merely guess what the person is trying to say.

**Wheelchair Users:** For wheelchair users who wish to transfer from a wheelchair in order to travel in a PHV, the driver should ask what assistance the passenger requires, before touching either the passenger or the wheelchair. The driver should also be familiar with the operation of ramps and swivel seats etc. that might be used to help the passenger to get into the vehicle.

**Ambulant Disabled People:** For passengers who have difficulty walking or with getting in and out of vehicles, the driver should be prepared to get out of the vehicle and hold the door open, help with luggage, provide an arm to hold on to, adjust the seat, if necessary, etc.. Many Multipurpose Passenger Vehicles (MPV) or people

carriers are equipped with a step that can be used to reduce the height of the step up from the kerbside. As with other devices designed to help passengers to get into and out of the vehicle, where such a step is available, the driver should be aware that it is there, and should be familiar with its functionality.

**People with Learning Disabilities:** Many people with learning disabilities are helped in having the confidence to travel independently by undergoing "travel training". It might be useful for PHV drivers to attend such courses, in order to encourage a better understanding of the problems that people with learning disabilities face. When considering how best to help people with learning disabilities, it is difficult to generalise, since behavioural and learning disabilities can be manifested in many different ways; however, there are some ways in which the driver can ease communication; for example:

- (1) Allow plenty of time for understanding to take place;
- (2) Make a special effort to be calm and patient;
- (3) Do not suggest an answer at the end of a question;
- (4) Use clear and unambiguous language (i.e. avoid jargon, and do not overcomplicate issues);
- (5) Do not patronise adults with learning disabilities by treating them as children;
- (6) Be aware that many people with learning disabilities have problems with cash transactions, so make an effort to count cash slowly, into their hand. It is important that the passenger is confident of having received the correct sum of change.

**People with Mental Health Problems:** Some people are restricted in their freedom to travel as a result of having mental health problems. This might entail the taking of medication that might affect the person's behaviour or demeanour, and drivers should be aware that they might, for example, appear to instead be under the influence of alcohol. Because of other people's reactions to them, therefore, people with mental health problems are often discouraged from travelling by mainstream public transport, so the private hire sector provides a convenient alternative.

One in four of us at some time in our life will experience mental ill health. To ignore this statistic is to blatantly discriminate against this body of people; yet the

needs of people with mental health difficulties are often ignored within disability awareness training programmes.

**People who might be Disfigured:** Similarly, people who have a disfigurement of some kind might feel limited in their desire to use mainstream public transport, and so might prefer the door-to-door service offered by PHVs. Again, drivers should be courteous, patient and understanding, and, of course, should avoid staring.

## The safe carriage of wheelchair users in vehicles

These issues are relevant in the context of larger, MPV-type PHV vehicles. It is most important that drivers do not cause wheelchair users to travel sideways in their wheelchair, and that they are trained in the use of all relevant belts and other restraint and locking mechanisms. The operator should make sure that such training is up-to-date, so that drivers are aware of new research concerning the safe carriage of passengers in wheelchairs. Drivers need to be aware of the correct use of swivel seats, if fitted; when used, drivers should ensure that the seat is correctly locked in position when it is back inside the vehicle.

## 9. Smokefree Taxis and Private Hire Vehicles

It is an offence to smoke in any workplace or work vehicle, including hackney carriage vehicles (taxis) and private hire vehicles. This legislation has been introduced to protect employees and the public from the harmful effects of second hand smoke. Second hand smoke is a serious health hazard – every time someone inhales in second hand smoke, they breathe in over 4,000 chemicals. Many are toxic and more than 50 are known to cause cancer. It is estimated that the smokefree legislation will save thousands of lives, prevent serious diseases and help create cleaner, healthier environments.

### What does the legislation mean in practice?

It requires a manager or owner / driver to:

- Ensure all commercial vehicles used to transport the public are smokefree
- Display no-smoking signs in a prominent position in all vehicles. The sign should include the international red no smoking symbol.
- Take reasonable steps to ensure that employees and customers are aware that vehicles used for public transport are legally required to be smokefree.

The no smoking sign must be displayed in each compartment of the licensed vehicle in which people can be carried. The sign must show the international no smoking symbol no smaller than 70mm in diameter.

### Can a taxi / private hire driver smoke in their vehicles if they don't have any passengers?

No. The legislation requires all vehicles used for public transport to be smokefree at all times. This is because tobacco smoke is absorbed into soft furnishings and stays around for weeks after a cigarette is stubbed out, releasing particles hazardous to health.

### Can drivers smoke in their own private vehicle?

Yes, the regulations do not extend to vehicles, including rental or leased vehicles, used solely for private purposes and which are not used for public transport.

### Does the office need to be smokefree?

Yes, if it is used as a workplace by more than one person or if members of the public visit it or it is visited by other employees in the course of their work - the drivers, for example. This means that employers will need to:

- Ensure that the office premises are smokefree at all times
- Display the mandatory A5 no smoking signage at least at one entrance to the premises. All other entrances need only carry a sign similar to that for vehicles used for public transport (e.g. carrying the international red no smoking sign).
- Take reasonable steps to ensure that staff and customers visiting the office are aware that the premises are legally required to be smokefree.

### What are the penalties for non-compliance?

If you are found smoking in your licensed vehicle (or any other workplace), you are liable to a fixed penalty of at least £50. If someone else is found smoking in your licensed vehicle, they can be served with the above fixed penalty notice and you could be fined £2,500 for failing to prevent smoking in a smokefree place.

If you fail to display the No smoking sign in your licensed vehicle, you may be served with a fixed penalty notice and you will have to pay at least £150.

You must take reasonable steps to stop someone smoking in your vehicle, but do not get into an argument and definitely do not get into a fight about it. If you do have an awkward passenger who insists on smoking then drop them off and note down the date, time, place and name of the person (if known).

*(The Smokefree (Premises and Enforcement) Regulations 2006 refer.)*



## 10. Safeguarding Code of Conduct for Licensed Drivers

Taxi and private hire vehicle drivers are in a position of trust in respect of the safety and welfare of their passengers. Furthermore, the Council, has a duty to ensure that all taxis and private hire vehicle drivers are 'fit and proper' to undertake their work as licensed drivers.

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.

With this in mind, the Council has adopted a Driver Code of Conduct. 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.

The code has been produced in a similar format across all the Lincolnshire Licensing Authorities - this is to maintain, as far as possible, consistency across the County.

All drivers are expected to sign up to the Code of Conduct.

Failure to comply with the code may result in a 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 serious consideration will be given to the suspension or revocation of their licence.

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.

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. The Code of Conduct is set out below.

### East Lindsey District Council – Code of Conduct

#### Hackney Carriage & 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](http://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.

This Code of Conduct was Last Revised in December 2015.

### **Contact Details for the Licensing Team**

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

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

Email: [licensing@e-lindsey.gov.uk](mailto:licensing@e-lindsey.gov.uk)

# Appendix A

## 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.

<b>Steering</b>	The steering wheel should be on the offside (right-hand side).
<b>Doors</b>	<p>All doors must be capable of being opened from the inside.</p> <p>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.</p> <p>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.</p>

<b>Seat Width</b>	<p>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.</p>
<b>Seating Arrangements</b>	<p>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.</p> <p>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.</p>



<b>Luggage</b>	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.
<b>Vehicle Licence Requirements</b>	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.*

<b>Wheelchair Access:</b>	<p>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).</p> <p>The clear height of the doorway must be not less than 47" (approximately 120 cm).</p> <p>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).</p> <p>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.</p>
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<b>Wheelchair Access contd:</b>	<p>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.</p> <p>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.</p> <p>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).</p> <p>All anchorages and restraints must be so designed that they do not cause any danger to other passengers.</p>
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*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.*

<b>Miscellaneous:</b>	<p>The flooring of the passenger compartment must be covered with a non-slip material, which can be easily cleaned.</p> <p>Grab handles should be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.</p> <p>All entrances and exits must be sufficiently illuminated at night.</p> <p>The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface.</p>
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Any enquiries concerning these vehicle specifications should be made to the Taxi Licensing Section, East Lindsey District Council, The Hub, Mareham Road, Horncastle, LN9 6PH. (Telephone (01507) 601111)

## Appendix B

### Private Hire Vehicle Test Arrangements

#### Private Hire Vehicle Tests

All **vehicle tests** are carried out by the Council's approved garages. Appointments can be made by telephoning a garage direct or in person by calling at the particular garage.

The Vehicle Test Fee will be payable direct to the garage at the time of the test.

All vehicles will also be subject to a visual inspection by a Council Officer. The visual inspection will cover items such as the cleanliness of the vehicle and compliance with licence conditions (further information is available in the Council's Vehicle Compliance Testing Handbook – which can be found on the website: [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)).

The visual inspection will normally be undertaken at the Council's Horncastle Offices when an application is made for the vehicle licence. Visual inspections will normally only take place on a Tuesday or a Thursday morning. Appointments for visual inspections should be made at least 24 hours in advance by emailing the Licensing Team.

#### Private Hire Meter Tests

A Private Hire Vehicle is not required to fit a taximeter, but if such a meter is fitted it must be correctly calibrated and tested for accuracy. All **meter tests** must be carried out by an approved and competent inspector.

#### Condition of Vehicle

The vehicle must be presented for inspection and testing in a thoroughly clean condition inside and out.

ALL vehicles for all tests and inspections must be:

- (a) Fitted with an approved fire extinguisher securely fixed in such a position as to be readily available for use.

In the case of **RENEWAL** of a licence or a **SIX MONTH TEST** they must also:

- (a) Be fitted with the identification plate, issued by the Council, in the correct place,
- (b) The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).

- (c) Display the required complaints sticker

A full list of items to be tested is available on request.

The tester at an approved garage may refuse to test a vehicle which in his opinion is unsafe or dangerous.

#### Driver of Vehicle

The driver should remain on the approved tester's premises whilst the test is being carried out and answer any questions. The driver is not allowed in the test bay without the express consent of the tester.

#### Vehicle Passes the Test at an Approved Garage

A Pass Certificate will be issued if the tester is satisfied as to the condition of the vehicle.

#### Vehicle Fails the Test at an Approved Garage

The driver will be informed of the reasons for failure.

A retest will have to be subsequently carried out on the vehicle, this must be arranged through an approved garage.

#### Certificate of Compliance

When the private hire vehicle licence has been issued by the Council, a Certificate of Compliance will also be issued. The Certificate of Compliance exempts the vehicle from holding an MOT Certificate, while the Certificate of Compliance and private hire vehicle licence are both in force.

#### L.P.G. Fuels

If the vehicle has been converted to operate on L.P.G. Fuels, an annual certificate must be obtained from a source approved by the Council, as to the safeness of the vehicle.

#### Testing Stations

A list of approved testing stations can be found in the Licensing area of the Council's website: [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)

Proprietors are free to use any of the testing stations on the approved list - you are not limited to a testing station situated in your particular part of the East Lindsey District.

## Appendix C

### East Lindsey District Council

#### Guidelines Relating to the Relevance of Convictions – Hackney Carriage and Private Hire Vehicle (PHV) Drivers and Private Hire Vehicle Operators

The Council has adopted guidelines relating to the relevance of convictions and each case will be decided on its own merits.

The purpose of the guidelines is to provide guidance on the criteria taken into account by the Council when determining whether or not a licence 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.

In drafting and adopting the guidelines the Council took into consideration the Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport in July 2020. 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.

The disclosure of a conviction involving dishonesty, indecency, violence, or disqualification from driving may result in a licence not being issued. Persons with a conviction(s) for any sexual offence or connected with illegal sexual activity or any other very serious crime will not be issued with a licence.

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

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.

A copy of the Council's current guidelines can be found in the licensing area of the Authority's website ([www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)).

# Appendix D


## Map of the East Lindsey District Council Area



The information and guidance contained in this guidance booklet is provided for information purposes only. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself. Every reasonable effort is made to make the information and commentary accurate and up to date, but East Lindsey District Council assumes no responsibility for its accuracy and correctness, or for any consequences of relying on it. Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.

The information and commentary does not, and is not intended to, amount to legal advice to any person on a specific case or matter. You are strongly advised to obtain specific personal advice from a solicitor or licensing consultant about your case or matter and not to rely entirely on the information or comments in this leaflet.





This blank page is provided for you to make notes (if you wish to do so):

If you would like this information in a different format, please contact us on 01507 601111.

**Licensing Team**

East Lindsey District Council  
The Hub  
Mareham Road  
Horncastle  
LN9 6PH

Telephone: (01507) 601111  
Email: [licensing@e-lindsey.gov.uk](mailto:licensing@e-lindsey.gov.uk)  
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