



# A Guide for Hackney Carriage (Taxi) Drivers and Proprietors

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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 taxis 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 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 the offices without an appointment.

The hours normally offered for appointments are as follows:

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

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 Hackney Carriage 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 Hackney Carriage Driver's Licence should note that UK driving licences (or legal equivalent) must be produced.

### **Medical Examinations – Hackney Carriage 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 found in the Licensing area of the Council's website. 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 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 hackney carriage 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 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 and/or a hackney carriage vehicle 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.

## Hackney Carriage Driver Knowledge Test

All new applicants for a hackney carriage driver's licence will be subject to a knowledge test of the area within the District of East Lindsey and to some smaller extent the wider Lincolnshire area. Further information can be found in Section 7 of this guidance booklet.

## 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 Lincolnshire Road Safety Partnership (LRSP) has developed a Hackney Carriage / Private Hire Driving Test Assessment. The driver 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 accepts 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 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.

### **Hackney Carriage Vehicle Intended Use Policy**

Applicants for a new hackney carriage vehicle licence will be expected to demonstrate a bona fide intention to ply for a hire within the administrative area of East Lindsey District Council under the terms of the vehicle licence for which the application is being made. There will be a presumption that applicants who do not intend, to a material extent, to ply for hire within the administrative area of East Lindsey District Council will not be granted a hackney carriage licence authorising them to do so. Further information can be found in Section 8 of this guidance booklet.

### **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 are 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.

## 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 Hackney Carriage Vehicle Drivers And Proprietors

### Plying and Standing for Hire

Licensed Hackney Carriage Vehicles (taxis) may ply for hire on any street within the East Lindsey District Council area (Section 38, TPCA). Hackney carriage stands (taxi ranks) are appointed for the purpose of standing for hire. When plying for hire in any street and not actually hired, the driver of a Hackney Carriage should proceed to the nearest available tank rank.

To ply for hire outside the East Lindsey District boundary is an offence (Section 45, TPCA).

A map of the East Lindsey District is shown at Appendix E of this guidance.

### Drivers of Licensed Vehicles must be Licensed

Once a vehicle is licensed as a taxi, **every** driver of that vehicle, whether it be used for business or pleasure, must possess a current Hackney Carriage driver's licence (Section 46, TPCA).

This provision does not apply to a person driving a licensed Hackney Carriage for the purpose of:

- (a) Any test of the mechanical condition or fitness of the Hackney Carriage
- (b) Any test of that person's competence to drive a Hackney Carriage carried out for the purposes of any application made by him for a licence to drive a Hackney Carriage.

It is an offence for a proprietor to employ an unlicensed driver (Section 47, TPCA).

### Driver's Badges

All drivers must wear the badge provided, when driving a taxi, in a position so as to be plainly visible.

The driver's badge remains the property of the Council and must be returned to the Licensing Team, East Lindsey District Council, 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 Hackney Carriage Driver.

### Driver's Licence

This Authority will not grant a Hackney Carriage Driver's Licence unless it is satisfied that the applicant:

- (a) is a fit and proper person.
- (b) is medically fit to drive a taxi (Sections 57 and 59 LG(MP)A).

The law requires any applicant for a Hackney Carriage Driver's Licence to have held a full U.K. driving licence (or a legal equivalent) for at least 12 months (Section 51, LG(MP)A). The Council will not normally regard the applicant to be sufficiently mature or experienced unless he/she has held a full licence for at least two years and is aged at least 19 years.

The licence issued must be deposited with the proprietor of the vehicle being driven (Section 48, TPCA).

Any change in the driver's address or employer should 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 and 53, 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).

### Obstruction of Other Drivers

It is an offence to wilfully obstruct the driver of another taxi in setting down or picking up passengers or prevent another driver from being hired (Section 64, TPCA).



## Suspension and Revocation of Driver Licences

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

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

## Retention of Driver Licences

A vehicle proprietor must retain in his possession the driver licences issued by the Council of all drivers driving his vehicle(s) (Section 48 TPCA).

## Convictions

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

## Procedure on Taxi Ranks

The recommended procedure for the taxi ranks is for drivers to take their proper turn, moving forward as the vehicle in front moves away.

## Refusing to Drive

It is an offence for a driver, whilst the taxi is standing on an appointed stand, to refuse, without reasonable excuse, to drive to any point within the East Lindsey District Council area (Section 53, TPCA). The driver is not obliged to drive to a point outside the East Lindsey area.

## Passengers

The driver must not convey any other person other than with the consent of the hirer (Section 59, TPCA).

## Number of Passengers

A Hackney Carriage Vehicle Licence and Plate are issued for a maximum number of passengers (regardless of age or size) and it is an offence to carry more than the number licensed for.

*N.B. One child regardless of age will count as one passenger.*

## Prolongation of Journeys

A driver must proceed by the shortest route subject to the instructions of the hirer (Section 69, LG(MP)A).

## Accident 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).

## Identification Plates on Vehicles

A licensed hackney carriage vehicle must display the plate issued by the Council at all times (Section 51, TPCA).

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.

The display of plate numbers must not be concealed (Section 52, TPCA).

## Taxi Roof Sign

All hackney carriage vehicles licensed with East Lindsey District Council must display a roof sign which is capable of being illuminated. Such a sign must not illuminate when the taximeter is in the hired mode. The roof sign must prominently display the word "TAXI" or "TAXIS" to the front of the vehicle. The aforementioned lettering must be at least one and a half inches in size and be of a neat and consistent standard.

The minimum size of lettering will not relate to those vehicles which meet the Metropolitan Conditions of Fitness (London style black cab).

## Seatbelts

**Hackney Carriage Drivers** – when you do not have to wear a seatbelt.

A driver of a taxi can claim exemption from wearing a seatbelt whilst plying for hire, answering a call for hire or carrying passengers for hire. However, this does not include driving to and from his home, office or base, or at any time when he is not plying for hire.

## 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 plying for hire or conveying passengers; 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.

## Hackney Carriage Byelaws

Drivers and Proprietors must at all times comply with the Byelaws made by the Council under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act, 1875, **and on no occasion charge any fares in excess of those authorised by the Council.** The current fare scale is available for inspection at The Hub, Mareham Road, Horncastle, and must be displayed in every Hackney Carriage. Laminated fare sheets for display in vehicles are supplied by the Licensing Team.

## Vehicle Licences

Every vehicle used as a taxi must be licensed by the District Council (Section 37, TPCA).

A licence cannot be issued for a period exceeding a year (Section 43, TPCA).

## Type of Vehicle

All vehicles presented for a Hackney Carriage Vehicle Licence with this Authority **MUST** meet the specification and requirements set out in Appendix A of this guidance booklet (Section 47, LG(MP)A).

*N.B. Previous to 14 September 2004 the Council limited the number of hackney carriage vehicles, which could be licensed in the East Lindsey District. On 14 September 2004 the Council removed the limit on vehicle numbers with the proviso that new licences (hackney carriage vehicle licence numbers 250 and above) would only be granted to purpose built wheelchair access/disabled access vehicles. The relevant specification for these vehicles is shown at Appendix A of this guidance leaflet.*

*All other hackney carriage vehicles (hackney carriage vehicle licence numbers 249 and below) are subject to the second specification shown at Appendix A.*

## Advertisements and Signage on Vehicles

The Council has adopted standard licence conditions regarding advertisements and signage on hackney carriage vehicles. For further information see Section 5 (Hackney Carriage Vehicle Licence Conditions) of this Booklet.

## Vehicle Insurance

Before a vehicle licence can be issued a current insurance certificate or cover note for public hire use (original not a photocopy) must be produced (Section 50, LG(MP)A).

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

## 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.*

Details of the current testing regime can be found on our website ([www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)).

Every Hackney Carriage 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.*

## **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 conviction of an offence under the LG(MP)A or TPCA
- (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).

## **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 (or can be found on our website [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)).
- (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.

## **Transfer of Ownership of Vehicles**

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

The Licensing Team will need to check the documents for the vehicle and visually inspect the vehicle at the time of transfer.

## Taxi Meter

A Hackney Carriage Vehicle shall NOT be operated until:

- (a) The taxi-meter has been set to display a fare not exceeding the maximum fare rate set by East Lindsey District Council.

AND

- (b) The taxi-meter has been previously tested for accuracy and sealed by an approved tester and a meter inspection report lodged with the Council.

Any person who:

- (a) Tamper with any seal on any taximeter.

OR

- (b) Alters any taxi-meter with intent to mislead, **shall be guilty of an offence.**

## Tinted Windows and Privacy Glass

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

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

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

The amount of light that is transmitted through any window will be measured by Council Officers with a light meter device.

## 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 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 Hackney Carriage Vehicles

Section 37 of the Disability Discrimination Act 1995 places a duty on hackney carriage drivers to carry guide, hearing and other prescribed assistance dogs accompanying disabled people, and to do so without charge.

A hackney carriage 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 hackney carriage 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 hackney carriage 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 hackney carriage 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 Section.



## 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.

## Hackney Carriage Driver Knowledge Test

Hackney carriage drivers need a good working knowledge of the local area for which they are licensed, because they can be hired directly at ranks or on the street.

In order to assist the Council in determining the fitness of an applicant to hold a hackney carriage or private hire driver's licence, new applicants are required to undertake a communication test of basic reading, writing, arithmetic, and a test to challenge their knowledge of taxi and private legislation, bylaws and licence conditions.

In order to assist the Council in determining the fitness of an applicant to hold a hackney carriage driver's licence such applicants will also be subject to a knowledge test of the area within the District of East Lindsey and to some smaller extent the wider Lincolnshire area. Further information can be found in Section 7 of this guidance booklet.

## 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 bylaws 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.

## 4. Hackney Carriage Fares

The Council sets the maximum hackney carriage fare structure for the East Lindsey District. A copy of the current maximum fare structure is available from the Council's Licensing Team.

All hackney carriage vehicles licensed by the Council must be fitted with a taximeter. The vehicle must not be used as a hackney carriage unless a current certificate from an approved source has been deposited with the Licensing Team, which certifies that the taximeter has been set to display no more than the Council's maximum fare structure.

### Journeys which begin and end within the East Lindsey District Council Area

For every such journey the taxi meter must be engaged at the commencement of the journey and no more than is displayed on the meter at the end of the journey be charged, other than permitted additions where the meter is not capable of taking these into account.

### Journeys which begin or end outside the East Lindsey District Council Area

For these journeys the fare is negotiable with the hirer, provided that if no negotiation is entered into, no fare greater than that displayed on the meter can be charged. The meter must be used (Section 67, LG(MP) A).

### Private Hire

Hackney Carriages when used for Private Hire within the East Lindsey District Council area must charge from the point of pick up to the point of drop and use the meter. The fare charged must not be greater than the Hackney Carriage fare rate set by East Lindsey District Council.

*N.B. What must be noted is that for whatever type of journey, the taximeter must be in operation during the hiring even if the fare has been negotiated.*

## 5. Conditions attached to the issue of a Hackney Carriage Vehicle Licence

1. The vehicle identity plate issued by the Council must be affixed to the rear of the vehicle in a conspicuous manner, to the satisfaction of the Council. The plate must be maintained in good condition and not be concealed from public view.
2. The vehicle the subject of this licence shall not be used unless a taximeter is fitted thereto and there is in force in respect of the vehicle:
  - (a) a current mechanical inspection certificate from a garage approved by the Council.
  - (b) insurance cover to carry passengers for hire or reward (public hire).
  - (c) a current certificate from a source approved by the Council as to the fitness of the taximeter fitted to the vehicle.
  - (d) a current certificate from a source approved by the Council as to the safeness of the vehicle if it has been converted to run on L.P.G. fuels.
3. An efficient fire extinguisher (minimum 1kg powder) must be carried in such a position in the inside of the vehicle as to be readily available for use. The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).
4. Apart from a "TAXI" roof sign and any signage provided by the Council, proprietors are not required to provide signs, etc., on the hackney carriage vehicle but if they are provided then the following will apply:
  - (a) Advertisements and signage displayed in or on the vehicle must not be, racist or sexist; and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials, vaping materials or alcohol products unless as part of a health education or similar campaign. Furthermore any advertisement or signage should not contain anything of a religious or political nature.

- (b) Advertisements and signage must be of a neat and consistent standard and be of such a form as not to become easily soiled. The proprietor shall ensure that any advertisement or signage carried on the vehicle is not disfigured or damaged and shall immediately remove any advertisement or signage that has become damaged or disfigured.
  - (c) Advertisements or signage, which cover the whole or a considerable section of the vehicle's rear window(s) will not be allowed.
  - (d) All advertisements should comply with the British Code of Advertising issued by the Advertising Standards Agency (ASA).
5. The proprietor of the vehicle shall cause to be affixed to the roof of the vehicle, a roof sign which shall be capable of being illuminated and such sign shall be illuminated when the vehicle is plying or standing for hire, but not otherwise. The roof sign must prominently display the word "TAXI" or "TAXIS" to the front of the vehicle and the lettering must be at least one and a half inches (approximately 38mm) in size and be of a neat and consistent standard. The minimum size of lettering will not relate to those vehicles, which meet the Metropolitan Conditions of Fitness. The roof sign may also state the words "For Hire" or the proprietor's own taxi business name and/or telephone number; no other information may be displayed on the roof sign.
6. Where this document relates to a hackney carriage vehicle licence granted after the removal of the Council's previous limit on hackney carriage vehicle numbers (that is hackney carriage vehicle licence numbers 250 and above) the vehicle must be a wheelchair / disabled access vehicle and comply at all times with the Council's vehicle specification for hackney carriage vehicle licences 250 and above. All other hackney carriage vehicles must comply at all times with the Council's vehicle specification for hackney carriage vehicle licence numbers 249 and below. Further information regarding vehicle specifications is available from the Licensing Team or in the Council's guidance booklet "A Guide for Hackney Carriage (Taxi) Drivers and Proprietors".
7. The licence holder shall cause to be clearly displayed inside the vehicle a notice, issued by the Council, indicating How to Make a Complaint to the Licensing

Authority. The notice to be prominently displayed and maintained in such a position so as to be clearly visible to the hirer of the vehicle.

NOTES:

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

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

## 6. Hackney Carriage Byelaws

1. Throughout these byelaws "the Council" means the District Council of East Lindsey and "the District" means East Lindsey.

### Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

2.
  - (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
  - (b) A proprietor or driver of a hackney carriage shall:
    - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
    - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### Provisions regulating how Hackney Carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;

- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:
    - (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
    - (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
    - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
    - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
    - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
    - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.



**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any, and what, badges.**

5. The driver of a hackney carriage provided with a taximeter shall:
  - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
  - (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;

- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down any such person.

#### **Provisions fixing the stands of hackney carriages**

- 15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:

*(N.B. Hackney Carriage Stands are now appointed under Section 63 of the Local Government (Miscellaneous Provisions) Act, 1976).*

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

- 16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate of fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

*N.B.: Table of Fares - Hackney Carriage Fares are now fixed under Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976.*

17.

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

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

- 18. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
  - (a) carry it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner, to the local Police Station, and leave it in the custody of the officer in charge of the Station on his giving a receipt for it;
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the local Police Station, whichever be the greater) but not more than five pounds.



## 7. Hackney Carriage Driver Knowledge Test

- 1.1 Hackney carriage drivers need a good working knowledge of the local area for which they are licensed, because they can be hired directly at ranks or on the street.
- 1.2. In order to assist the Council in determining the fitness of an applicant to hold a hackney carriage or private hire driver's licence, new applicants are required to undertake a communication test of basic reading, writing, arithmetic, and a test to challenge their knowledge of taxi and private legislation, bylaws and licence conditions.
- 1.3. In order to assist the Council in determining the fitness of an applicant to hold a hackney carriage driver's licence such applicants will also be subject to a knowledge test of the area within the District of East Lindsey and to some smaller extent the wider Lincolnshire area.
- 1.4. Applicants will be allowed three attempts to pass the knowledge test. After three failed attempts the application will be deemed unsuccessful and they will have to wait 12 months before making a further driver licence application. Applicants will have to wait 2 weeks between knowledge test dates.
- 1.5. The applicant will be invited to sit the knowledge test once the approved payment has been made to the Licensing Authority. The knowledge test will form the initial part of the driver application process and until the applicant has successfully satisfied this part of the process no further part of the driver licence application will be considered.
- 1.6. This driver knowledge test requirement shall apply to all new hackney carriage driver applicants. Current hackney carriage driver licence holders will not be required to sit the knowledge test providing that they renew their licences promptly, ahead of the expiry date. Where a licence holder allows their current driver licence to expire East Lindsey District Council will require a new hackney carriage driver licence application to be made, such application will be subject to the driver communication and knowledge test provisions.
- 1.7. The knowledge test will consist of 20 questions aimed at covering the areas detailed in paragraph 1.3. of this policy document. The test will be administered in exam like conditions. The pass mark will be 16 out of 20. There will be a pool of questions we will draw from dependent on where in the East Lindsey District the applicant proposes to work.

## 8. Hackney Carriage Intended Use Policy

### 1. Applications for the New Grant of a Hackney Carriage Licence

- 1.1. Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the administrative area of East Lindsey District Council under the terms of the licence for which the application is being made.
- 1.2. There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of East Lindsey District Council will not be granted a hackney carriage licensing authorising them to do so.
- 1.3. Even where the applicant intends to ply for hire to a material extent in East Lindsey, if the intention is to trade in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.
- 1.4. Each application will be decided on its merits.

### 2. Applications for the Renewal of a Hackney Carriage Licence

- 2.1. Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within the administrative area of East Lindsey District Council under the terms of the licence for which the application is being made.
- 2.2. There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of East Lindsey District Council will not be granted a hackney carriage licensing authorising them to do so. Section 60 of the Local Government Miscellaneous Provisions) Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause.
- 2.3. Even where the applicant intends to ply for hire to a material extent in East Lindsey if the intention is to trade in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated)

then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

- 2.4. Each application will be decided on its merits.

### 3. Transfer of Ownership – When a Licensed Vehicle is Transferred from

#### One Person to Another

- 3.1. Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his interest to another must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse the new proprietor:
  - R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd [1947] KB583.
- 3.2. Provided the requisite notice has been given in accordance with Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.
- 3.3. The transferee of a licensed hackney carriage will be asked to inform the Council whether he/she has a bona fide intention to use the vehicle to ply for hire within the administrative area of East Lindsey District Council. Transferees should note the obligation under Section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 until such information is forthcoming, in addition to its powers under Section 73.
- 3.4. Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the administrative area of East Lindsey District Council under the terms of the licence in respect of the vehicle being transferred.



3.5 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent to ply for hire within the administrative area of East Lindsey District Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976. Where the transferee proposes to operate remotely from the administrative area of East Lindsey District Council there will be a presumption that his/her licence will be revoked.

3.6. Each case will be decided on its merits.

#### **4. Change of Vehicle – When a Proprietor Replaces a Licensed Vehicle**

4.1. Applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the administrative area of East Lindsey District Council will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent within the administrative area of East Lindsey District Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

4.2. Each case will be decided on its merits.

#### **5. Revocation of Vehicle Licence**

5.1. Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the administrative area of East Lindsey District Council but is subsequently found not to plying for hire to a material extent within East Lindsey and/or to be trading in another

authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated), there will be a presumption that the licence will be revoked.

5.2. Each case will be decided on its merits.

#### **6. Exceptional Circumstances**

6.1. Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire to a material extent within the administrative area of East Lindsey District Council will be rebuttable in exceptional circumstances. Whilst it is neither possible or prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

#### **7. Reasons for Policy**

- 7.1. The Council wishes to ensure that application for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgement and the declaration made in the case of:
  - Newcastle City Council v Berwick upon Tweed Council [2008].
- 7.2. The Council is required to register the name of the new proprietor of a vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court, unless precautionary steps are taken. Section 3 of this policy document is intended to put the Council in a position to respond responsibly to the transfer of an East Lindsey District Council hackney carriage into the name of someone who operates outside the East Lindsey District Council zone or remotely from it.
- 7.3. Unless there has been a change in the proprietor's intention with regard to plying for hire within the administrative area of East Lindsey District Council, there should be no reason why he/she should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first

licence on the expressed intention of plying for hire to a material extent within the administrative area of East Lindsey District Council, and who on application to replace that vehicle with another, disclosed that he/she no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

7.4. Each case will be decided on its merits.

## 8. Application of this Policy

8.1. The Intended Use Policy shall apply to all new applications, renewal applications and change of vehicle applications, (however, applications for transfer of ownership will still be subject to the special provisions for vehicle transfer applications) contained within Section 3 of this policy document. Where a licence holder allows their current licence to expire the Council will require a new application to be made, such application will be subject to this policy.

## 9. 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.

## 10. Taxi Stands in the East Lindsey District Council Area

Taxi ranks are places where hackney carriages can pull in and wait for passengers. There are numerous taxi ranks located throughout the East Lindsey District where taxis may wait for customers. These ranks have been provided where a demand has been identified.

Taxi ranks are a vital part of District's transport network and help ensure that taxi services can meet passenger demands.

Lincolnshire County Council are responsible for appointing taxi ranks on the public highway in Lincolnshire. All taxi rank locations can be seen via the County Council's - parking restriction location finder: [www.lincolnshire.gov.uk/parking/parking-enforcement](http://www.lincolnshire.gov.uk/parking/parking-enforcement)

Taxi ranks can be operational for 24 hours or part time, such as evening only. Ranks are identified by signage identifying the hours of operation and the number of taxis allowed to rank.

Taxi ranks may be used by taxis but cannot be used by private hire cars.

## 11. Meeting the Needs of Disabled Passengers - Advice for Taxi Drivers

Taxis are an invaluable means of door-to-door transport for many people. For a large and growing number of elderly and disabled people, they are quite literally a lifeline. Often taxis provide the only means of accessible local transport, or the only accessible link to long distance transport, for example, by rail or air. In fact, they are the most flexible form of public transport there is.

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people including those who use wheelchairs. But the vehicle design is only part of the answer. **Your attitude and understanding are vital.** If you are not sure how to help or if you are not willing to help elderly or disabled passengers you may lose a significant potential market and they will have lost an invaluable source of independent mobility. Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle. Disability comes in many forms – some visible, some invisible. Never make assumptions. Always ask what help (if any) a passenger may need from you. Make sure you are familiar with any access and safety equipment in your vehicle. It is a condition of a wheelchair accessible hackney carriage vehicle licence that at all times the vehicle be capable of carrying a disabled passenger whilst seated in his/her wheelchair. Ramps must therefore be carried at all times. You have a responsibility to know how to use them safely and correctly. If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:

- Pull up as close as possible to the kerb;
- Ask if they would like to use the ramps;
- If necessary, tip up the back seat (in a London style cab) to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacturer, or conversion team. In the case of a London style cab this position will be facing to the rear of the vehicle. In the case of

wheelchair accessible vehicles which have been specially converted for the purpose of conveying wheelchairs, you should follow the converter's recommendations. **Any other travelling position is unsafe;**

- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving your customer;
- Secure the wheelchair and suggest that the passenger also uses the seat belt provided (they may need your help with this);
- If it has been raised, lower the back seat in a London style cab, if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- Leave the passenger in a safe and convenient place which enables them to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile.

Remember, many disabled people who have mobility difficulties will not use a stick or crutches. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into the vehicles. Ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey;
- Offer the use of the swivel seat (if you have one);

- Be ready to help but do not insist in helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist;
- If you have used the swivel seat, make sure it is locked back in position once inside the vehicle.

If the passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the "TAXI" sign which is held out by some blind or partially sighted people in order to hail a cab;
- If you are collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn;
- Tell your passenger whether they are entering a saloon car or purpose built cab;
- Demonstrate which way the doors open;
- If possible, place the blind person's hand on the open door and indicate the position of the roof;
- Make sure they know which way the vehicle is facing;
- Make sure they are seated and have secured the seat belt (where applicable) before you move off. They may like help with the belt;
- Advise them if there is a hold-up or diversion;
- Tell them the fare and count out the change;
- Set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to the entrance of a building, offer them your arm; gripping just above your elbow will enable them to be guided more easily;
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog, will be in contravention of the Disability Discrimination Act (unless the driver holds the relevant certificate of exemption). In saloon cars, there is more room for the dog on the floor in the front of the vehicle.



If the passenger is deaf or hard of hearing, always:

- Look at them when you are speaking. Speak clearly – but don't shout;
- Always have a pad of paper and pen handy as it is sometimes easier to communicate in writing;
- Make sure that they are aware that you have understood their instructions and that you know where you are going.

### **Maintenance of Vehicles:**

- Keep door handles, locks and hinges well oiled. This reduces the amount of physical (often painful) effort required to operate them.

If you drive a purpose built vehicle, make sure you know how to use the equipment. For example, you should know the correct way to secure and load a wheelchair and to operate the swivel seat for vehicles such as the London style Fairway or Metrocab models. In the case of vehicles specifically converted for the conveyance of wheelchairs, methods vary according to the conversion, therefore, you should consult your conversion specialists.

## **12. 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 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.*

## 13. 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 Hackney Carriage Vehicles (HCVs)

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

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

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

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

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

*When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.*

*The specification will be reviewed from time to time.*

<b>Steering:</b>	The steering wheel must be on the offside (right-hand side)
<b>Doors:</b>	All doors must be capable of being opened from the inside.  There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.



<b>Seating Arrangements:</b>	<p>The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed. Bench type seating will not be permitted. Seats must not be sideways to the direction of travel.</p> <p>Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways.</p> <p>Three-point inertia seat belts must be fitted to each seat within the vehicle.</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>Seat Width:</b>	<p>The size requirement is 16" (approximately 40cm) per person, measured between the closest points or arm rest(s).</p> <p>Where seats are facing each other, there must be a minimum space of 17" (approximately 43 cm) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.</p> <p>Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 26" (66 cm) in front of every part of each seat squab (padded back). Further to this a clear space of 7" (approximately 18cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.</p>

<b>Wheelchair Access:</b>	<p>A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 29" (75 cm). The minimum angle of the door when opened must be 90 degrees (The minimum angle will not be relevant in the case of a sliding door). The clear height of the doorway must be not less than 47" (approximately 120 cm).</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 for use at the nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.</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>Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.</p>
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*NOTE: Whilst operating, if a vehicle is not being used to carry a passenger in a wheelchair, only an occasional (fold away) seat may be used to substitute for the wheelchair space. Any seats replacing the wheelchair space, which have to be bolted or locked into place will not be accepted since these present problems of storage.*

<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>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 must 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. In the case of vehicles with a high floor height, a step will be required.</p>

## Tinted Windows and Privacy Glass

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

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

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

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

## Dimensions and ability of vehicles to be licensed as Hackney Carriage Vehicles (HCVs)

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

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

**HCV licences 249 and below - Any vehicles presented for their first hackney carriage vehicle licence with East Lindsey District Council must meet the vehicle specification shown below.**

*NOTE(S):*

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

The specification will be reviewed from time to time.

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

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

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

<b>Steering:</b>	The steering wheel must be on the offside (right-hand side)
<b>Doors:</b>	<p>All doors must be capable of being opened from the inside.</p> <p>There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.</p>
<b>Seating Arrangements:</b>	<p>The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed. Bench type seating will not be permitted. Seats must not be sideways to the direction of travel.</p> <p>Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways.</p> <p>Seat belts must be fitted for use by every passenger capable of being carried.</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>Seat Width:</b>	<p>The size requirement is 16" (approximately 40 cm) per person, measured between the closest points or arm rest(s).</p> <p>Where seats are facing each other, there must be a minimum space of 17" (approximately 43 cm) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.</p> <p>Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 26" (66 cm) in front of every part of each seat squab (padded back). Further to this a clear space of 7" (approximately 18cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.</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 hackney carriage operators/proprietors may not wish to licence wheelchair/disabled accessible vehicles. Nothing in this specification will require a vehicle to be wheelchair/disabled accessible. However any vehicle, which is wheelchair/disabled accessible must achieve the following standard.*

### **Wheelchair Access:**

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

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

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

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

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

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

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

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

<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 must 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. In the case of vehicles with a high floor height, a step will be required.</p>
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### **Tinted Windows and Privacy Glass**

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

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

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

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

## Appendix B

### Hackney Carriage Vehicle Test Arrangements

#### Hackney Carriage 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 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.

#### Hackney Carriage Meter Tests

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 (minimum 1kg powder) securely fixed in such a position as to be readily available for use.
- (b) Fitted with an approved taximeter set to a fare not exceeding the maximum fare rate, which has been tested for accuracy by an approved inspector.
- (c) Fitted with a **taxi** roof sign which can be illuminated and meets the requirements set by the Council.

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) Display the Council's fare card.
- (c) The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).
- (d) Display the required complaints sticker.

A full list of items to be tested 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 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 hackney carriage 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 hackney carriage vehicle licence are both in force.

#### 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.

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