

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2021

Version Control:	
Document Name:	Hackney Carriage and Private Hire Licensing Policy
Version:	Draft V0.1 for Consultation Draft V0.2 with amendments following consultation. Draft V0.2.1 – Clarification added regarding tyre repair kits; and changes to Licensing Regulatory Sub-Committee Approved V1.0_13102021
Responsible Officer:	Commercial Services Team Leader
Review:	Public Protection Manager
Approval Date:	13 th October 2021
Review Date:	April 2025

1.	INTRODUCTION.....	3
2.	PRIVACY NOTIFICATION.....	6
3.	RIGHT TO WORK IN THE UK.....	8
4.	GUIDANCE ON SUITABILITY AND THE DISCLOSURE & BARRING SERVICE (DBS)	9
5.	STATEMENT ON THE RELEVANCE OF CONVICTIONS	13
6.	TRAINING REQUIREMENTS.....	19
7.	CHARACTER AND LICENSING HISTORY	20
8.	HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES	22
9.	VEHICLE APPLICATION PROCESS – NEW AND RENEWAL APPLICATIONS	28
10.	GRANT AND RENEWAL OF VEHICLE LICENCES	32
11.	CONDITIONS OF VEHICLE LICENCES.....	32
12.	PRESTIGE VEHICLES AND EXECUTIVE HIRE	33
13.	ACCESSIBILITY	36
14.	SMOKE-FREE VEHICLES	39
15.	PRIVATE HIRE OPERATORS	40
16.	OPERATOR FITNESS AND PROPRIETY	42
17.	CRIMINAL CONVICTIONS, CAUTIONS AND REPRIMANDS.....	44
18.	HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS	47
19.	DRIVING ENTITLEMENT	50
20.	MEDICAL SUITABILITY.....	51
21.	KNOWLEDGE TEST	52
22.	CRIMINAL CONVICTIONS, CAUTIONS AND REPRIMANDS.....	54
23.	DRIVING LICENCE ENDORSEMENTS.....	56
24.	DRIVERS CODE OF GOOD CONDUCT.....	59
	APPENDIX 1 – RIGHT TO WORK IN THE UK.....	61
	APPENDIX 2 - PRIVATE HIRE VEHICLE SPECIFICATION.....	63
	APPENDIX 3 - HACKNEY CARRIAGE VEHICLE SPECIFICATION.....	68
	APPENDIX 4 - PRIVATE HIRE VEHICLE CONDITIONS	73
	APPENDIX 5 - HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS	79
	APPENDIX 6 – EXECUTIVE HIRE EXEMPTION GUIDELINES FOR PRIVATE HIRE VEHICLES ...	85
	APPENDIX 7 - PRIVATE HIRE OPERATOR LICENCE CONDITIONS	88
	APPENDIX 8 - HACKNEY CARRIAGE BYE-LAWS	96
	APPENDIX 9 – PRIVATE HIRE DRIVER LICENCE CONDITIONS	101
	APPENDIX 10 – ENDORSEMENT CODES AND PENALTY POINTS.....	105
	APPENDIX 11 – STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS.....	115

1. Introduction

- 1.1. The Local Government (Miscellaneous Provisions) Act 1976, as amended (“the 1976 Act”) and the Town Police Clauses Act 1847 provides the regulatory framework for Barrow Borough Council (the “Council”) as the Local Authority (the “Authority”) to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.
- 1.2. The overriding consideration in compiling and interpreting this policy, is the safety of the public. The Council has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 1.3. The same principle is applied to those licenced to operate vehicles and vehicle proprietors alike.
- 1.4. In exercising its responsibilities, the Council recognises both the needs of residents and the public at large to have access to safe, convenient and effective taxi services. It also recognises the importance of the taxi trade to the community and local economy.
- 1.5. In drawing up this policy, the Council has consulted with the following:
 - Representatives of the Hackney and Private Hire Trades
 - Cumbria Constabulary
 - Cumbria County Council (Schools Contracts)
 - Cumbria County Council (Highways Authority)
 - Driver Vehicle Standards Agency
 - Barrow District Disability Association
 - Barrow BID
 - Members of the public
 - Competition and Markets Authority

Proper weight has been given to the views of all those consulted prior to this policy taking effect.

This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force. It has been drawn up with regard to the Institute of Licensing Guidance on the Suitability of Applicants, Department for Transport's Statutory Guidance / Taxi and Private Hire Vehicle Licensing and Department for Transport Consultation on Statutory Guidance for Local Authorities.

- 1.5 However, it must be noted that each application will be considered on its own merits and where it is necessary to depart substantially from the policy clear

and compelling reasons will be given. Any enforcement action in accordance with Public Protection Services' general enforcement policy.

1.6 The Council will formally review the policy every 4 years and informally re-evaluate it from time to time. Any material changes will only be made after consultation with the Hackney Carriage and Private Hire Trade and other interested parties.

1.7 Upon approval, this policy supersedes all existing taxi licensing policies, specifications and vehicle requirements. The Licensing Authority expects licence holders to comply with the terms immediately unless otherwise indicated in the policy or conditions of licence.

1.8 This policy applies to:

- Hackney Carriage vehicles and proprietors;
- Private Hire vehicles and proprietors;
- Private Hire Operators;
- Hackney Carriage and Private Hire Drivers.

1.9 In undertaking its licensing function, the Council will comply with relevant legislative requirements including:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- The General Data Protection Regulation 2018

1.10 It is acknowledged that no attempt is made within the legislation to define the term "fit and proper person", and this policy likewise makes no attempt to formulate such a definition. The Council may consider any relevant issue when making its determination on this point, and this document contains examples of issues that may lead to the Council to determine that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.

1.11 The Council will adopt the following question when considering suitability to hold a licence:

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

If, on the balance of probabilities, the answer to the questions is 'no', the individual should not hold a licence.

- 1.12 The Council will also have regard to other strategies, policies and guidance in its decision making process. The Council will also have regard to wider considerations affecting visitors, employers and residents of the Borough.
- 1.13 The Licensing Authority has identified that from time to time there will be a need for specific training within the Hackney Carriage and Private Hire licensing trade, in order to continually improve driver standards, knowledge and awareness.
- 1.14 The Council will have 'Safeguarding' policies and procedures to ensure the public are protected. This includes policies and procedures the Council uses to vet licence holders and also a hackney carriage and private hire, drivers ability to identify those at risk, protect those who may be vulnerable or being exploited, ensure that their actions do not negatively contribute to such persons becoming victims and responsibility to report any concerns.
- 1.15 The Council will retain records in relation to drivers, operators and vehicles, in accordance with the Council's retention policy.
- 1.16 The Council will not accept the surrender of driver or operator licences, however the Council will consider the suspension of the licence until the end of its term, to avoid reminder letters etc being sent.
- 1.17 The Council will endeavour to send reminder letters via email/post at least one month prior to expiry dates. The onus does however remain on the licensee to ensure that they submit their application / medical / DBS / vehicle test on time.
- 1.18 In July 2020 the Department for Transport published 'Statutory Taxi and Private Hire Vehicle Standards'. This policy encompasses those standards and where the Council has not adopted the standards, the Council will state the reason why not. The Standards are attached as an APPENDIX 11.

2. Privacy Notification

Barrow Borough Council is committed to protecting people's privacy and complying with the General Data Protection Regulation, GDPR (Regulation EU 2016/679).

We will provide you with accessible information about how we will manage and process your personal data.

The Council is a data controller and if you have any concerns about the way the Council or its contractors are handling your personal data you can raise these with the Head of Legal & Governance who is the Council's Data Protection Officer.

Head of Legal & Governance,
Barrow Borough Council,
Town Hall,
Duke Street,
Barrow in Furness,
LA14 2LD
Email: dataprotection@barrowbc.gov.uk

Collecting your data

As a local authority the Council delivers a number of services. To do this we need to collect and process your personal data that we receive from you for example:

- If you apply for a Council service
- If you report something
- If you make a complaint
- If you want to pay for something
- If you apply for a job at the Council.

We will aim to collect the minimum amount of personal data that we need you to provide to process your request.

We will process all personal data lawfully, fairly and transparently.

Sometimes we may receive information from other sources such as credit reference agencies or the police or other government agencies if they are undertaking investigations.

We may be required to collect your information by law for example for Council Tax purposes or to register you on the Electoral Role.

We may also collect your information to obtain feedback or provide you with information about forthcoming events. In this case we will ask for your consent to allow us to process this information. We will explain why we need it and you have the right to withdraw your consent at any time.

We also collect sensitive data so we can monitor the Council's performance with regard to equality and diversity. If we do this your data will be anonymised and combined with other anonymised data to create statistics. If you provided this information you are giving your consent to allow us to process it but you have the right to withdraw your consent at any time.

Sharing your data

To perform some functions we will need to share your personal data with other departments or agencies. We will only share your information if we are satisfied that the other departments or agencies will protect your information to our standards. We will develop data sharing agreements which clearly state what data we will share and how it will be used.

By law we are required to share your information for the prevention, detection and investigation of criminal offences. There is also a duty for us to share your information for anti-fraud and fraud detection purposes.

Retention

We will endeavour to ensure that the personal data we hold about you is accurate and up to date and we will only keep it for as long as it is needed for the purpose it was collected for. We can hold your data for a longer period to help you access services more easily but we will not do this without your implicit consent.

Security

We will store and process your data securely using physical barriers such as locked doors and cupboards and technology such as usernames and passwords to prevent unlawful access to your data. If we need to share your data we will ensure it is transferred securely. We will not transfer your data outside the European Union.

Your rights

We will use our privacy notice to inform you of your rights under the General Data Protection Regulation (GDPR).

We will comply with your rights under GDPR, these include informing you of:

- The name of organisations that are processing your data.
- The types of data we are processing.
- The purpose and lawful basis for processing the data.

You have a right to your own personal data and you can request this under a Subject Access Request. Please contact the Data Protection Officer, as there is a charge for this request.

You have the right to rectify your data if it is incorrect.

You have the right to restrict processing unless we have lawful and legitimate grounds to continue processing.

You have a right to have your data erased in certain circumstances, these are detailed below:

- The personal data is no longer necessary in relation to the purpose for which it was originally collected / processed.
- You have a right to withdraw your consent.
- You may object to the processing of your data and we will stop processing it if there is no overriding legitimate interest for us to continue.
- You have the right to erasure; this applies if there is no overriding legitimate interest for continuing the processing.

3. Right to Work in the UK

- 3.1. All applicants for a hackney carriage or private hire driver's licence or a private hire operators licence, will be required to demonstrate that they have the right to live and work in the United Kingdom. We will follow the general advice given by the UK Border Agency, available at: www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/ in ascertaining this status.
- 3.2. A licence will not be granted to an applicant who is not entitled to work in the UK. It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to British, EEA and non-EEA nationals.
- 3.3. The UK Border Agency maintains a list of documents that can evidence such an entitlement, which is reproduced at APPENDIX 1. Documents in List A demonstrate that the person has an on-going entitlement to work in the UK; documents in List B indicate that the person has restrictions on their entitlement to be in the UK. Copies of documents produced will be retained.
- 3.4. In addition to requiring documents as identified above, the Council may also make direct enquiries to the Home Office (UK Visas and Immigration), to verify the details of an applicant's right to work.
- 3.5. Where an applicant's entitlement to work (or to remain in the UK) is time-limited, it is open to the Council to consider granting a licence that expires in accordance with the entitlement to work. Should that entitlement subsequently be extended during the validity of the licence, an application to renew the licence for a longer period may be made, to be accompanied by evidence of the revised entitlement.

4. Guidance on Suitability and the Disclosure & Barring Service (DBS)

- 4.1. As part of the application process for a driver, vehicle or operators licence, applicants will be required to complete and submit evidence of their criminality. This is done through the Disclosure and Barring Service.

Drivers

- 4.2. When submitting an application for a licence to drive a hackney carriage or a private hire vehicle, or to renew such a licence, applicants are required to declare on the application form ALL previous convictions, cautions, penalties and motoring endorsements they may have received. Applicants are also required to declare any on-going criminal investigations, prosecutions or similar legal proceedings of which they are the subject. A decision to refuse or revoke a licence, as the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the DBS.
- 4.3. As hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, subject to The Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) (Amendment) England and Wales Order 2013, convictions which would ordinarily be considered 'spent' must be declared and may be considered in the determination of the application. The 2013 Order introduced new categories of 'protected cautions' and 'protected convictions', which mean that after the passage of time an applicant must be treated as not having been charged with, convicted of or sentenced for any of those offences.

4.4. Protected Cautions

A caution is only a "protected caution" if:-

- It does not related to a listed offence;
- It was given to a person aged under 18 at the time of the caution and two years or more have elapsed;
- It was given to a person aged 18 or over at the time of the caution and six years or more have elapsed.

4.5. Protected Convictions

A conviction is only a protected conviction if:-

- It does not relate to a "listed offence" such as violence and sexual offences;
- No custodial sentence was imposed;
- It is the only conviction that the individual has received;
- It was received by a person aged under 18 at the time of the conviction and five and a half years or more have elapsed; and

- It was received by a person ages 18 or over at the time of the conviction and 11 years or more have elapsed.
- 4.6. All applicants for driver licences will be required to obtain an Enhanced level disclosure from the Disclosure and Barring Service (DBS) upon initial application and from the date of adoption of this policy they must also subscribe to the DBS Update Service (<https://www.gov.uk/dbs-update-service>), within the prescribed timescale, and maintain their certificates throughout the currency of their licence. The Council shall facilitate these applications, however it is the responsibility of the applicant / licence holder to sign up to the DBS Update Service and provide evidence of that to the Council.
- 4.7. This level of disclosure includes details of spent convictions and police cautions, as well as any non-conviction information deemed relevant to the application. This level of check is considered appropriate as a licensed driver may be left in sole charge of passengers under 18 years of age or other vulnerable adults, at any time and without prior knowledge.
- 4.8. Those already licensed by the Council who haven't signed up to the Update Service will be required to submit their DBS application to the Council at least 4 weeks before its expiry date. Those submitting applications less than 4 weeks prior to expiry will be issued with a suspension notice and they will not be able to continue working until they have submitted a satisfactory DBS certificate to the Council and proof that they have signed up to the Update Service.
- 4.9. As DBS disclosures can be considered accurate only on their issue date, and may contain additional, non-conviction information, specific to the application and released at the discretion of the Chief Police Officer, we will require all applicants / licence holders to maintain their Certificates via the DBS Update Service and failure to do so will result in the suspension of the drivers licence, until such time as a new DBS disclosure is obtained through the Council and the individuals fitness assessed. Subscription lasts for a year and must be renewed annually, before the current subscription ends.
- 4.10. Disclosures obtained previously through other bodies will be accepted providing it is an enhanced DBS certificate, is for other workforce, the job title is taxi driver and the applicant has signed up to the update service.
- 4.11. Bi-Annually, the Council will undertake an online check of the DBS Update Service in order to check a licence holders current status. Depending on what is revealed from the online status check, the Council may require an additional Enhanced DBS check to be undertaken. If the outcome of a valid Status check confirms that: **'This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information'**, this means that the individual's Certificate will not be relied upon as new information is now available and a new DBS check must be requested. It is open to the Council to suspend or revoke the licence depending on the individual circumstances.
- 4.12. DBS disclosures will not include details of any foreign convictions, unless the conviction has been recorded on the UK Police National Computer. To enable

the Council to properly consider an application, an applicant who has resided outside the UK for a period of more than 3 months (excluding holidays) will be required to produce a 'Certificate of Good Conduct' from the relevant country(ies) (generally issued through the relevant embassy or consulate) which details any convictions or other matters arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain such documents, and to pay any associated fees. This requirement is in addition to the DBS disclosure. Where an applicant is unable to obtain the above, they must give a statement outlining the reasons for this, and provide references to the satisfaction of the Council from appropriate individuals or bodies as to their conduct in the country.

- 4.13. All licensed drivers are required to give permission to the Council to undertake checks of their DBS certificate should the Council consider it necessary to do so, for example following receipt of intelligence / information or as part of an annual check process. The Council will use the update service to monitor the criminal records of licence holders.
- 4.14. The update service will routinely be used by the Council when a driver's licence is renewed; where no changes are recorded on the online check, no full Enhanced DBS will be required. In all other cases a full Enhanced DBS certificate will be required before a licence is renewed. Any enhanced DBS certificate will only be regarded as valid where the countersignatory is Barrow Borough Council.
- 4.15. Applicants, who have relevant convictions, may have their application determined by the Public Protection Manager. Where relevant convictions are revealed of a licensed driver, their licence will be reviewed, and action taken where necessary.
- 4.16. Barrow Borough Council has a policy Statement on Guidelines to Convictions which sets out how the Council will normally deal with convictions, cautions, complaints and other relevant matters. This can be found later in this policy at Section 5. Applicants and licenced drivers must declare any convictions, cautions or reprimands, including fixed penalty notices for traffic offences on application forms and on the Statutory Declaration (as applicable to some applications). Applicants and licensed drivers must also declare if they are currently being investigated by any authority, enforcement agency or the Police.
- 4.17. Drivers licensed by the Council are required to notify the Licensing Section within 48 hours, in writing, of any arrest/incident, convictions, cautions or similar proceedings during the period of the licence. It is open to the Council to reconsider a licence during its validity period if a conviction (or similar) would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.

Operators

4.18. All applicants will be required to obtain a basic Disclosure and Barring Service certificate directly from the DBS, the costs of which are to be met by the applicant. The certificate must be dated within 1 calendar month of the application being made to the Licensing Authority. There is no current facility for those with a basic DBS check to sign up to the DBS Update Service, so a new DBS will be required annually. For applicants who are a company or partnership, a basic DBS must be provided for each director or partner.

Vehicle Proprietors

4.19. Applicants for hackney carriage and private hire vehicles must submit a basic DBS unless they are an existing licensed driver or operator with Barrow Borough Council. The cost of obtaining the basic DBS must be met by the applicant.

4.20. A basic DBS must be provided annually (upon renewal) and must also be provided upon any transfer. The basic DBS must be dated within 1 calendar month of any application/transfer.

5. Statement on the Relevance of Convictions

- 5.1. The Council will review all driver licences already issued in comparison with the new policy requirements. Where the driver has convictions which are outside the policy timeframe, that licence will be reviewed.
- 5.2. As a general rule, the Council will expect applicants for licences to be free from previous convictions, cautions and reprimands. However, a person with convictions, cautions or reprimands will not be excluded from holding a licence but should be expected to have:
 - remained free of conviction for an appropriate period and
 - shown adequate evidence of good character from the time of conviction.
- 5.3. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.
- 5.4. It should be noted that the Council may refuse an application (or suspend or revoke a licence) after considering a conviction, caution or reprimand for any offence, if it is not satisfied that the applicant is fit and proper to hold a licence.
- 5.5. Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.
- 5.6. On application to renew a licence, if no further convictions have been received since the previous application was considered, the Council will not consider it necessary to review convictions considered on the previous application. However, in cases where new convictions have been received, all convictions may be taken into consideration, even if they have been previously considered.
- 5.7. In determining the relevance of a conviction or caution, consideration will be given to the nature and seriousness of the offence involved, the period of time elapsed since conviction and the applicants or licensees conduct subsequent to that conviction.
- 5.8. In circumstances where previous convictions, cautions or other information relating to criminal matters is disclosed, the Council, when determining whether the person is a 'fit' and 'proper' person, will have regard to the following:-
 - The relevance of the offence(s) or other matters revealed in the application;
 - The seriousness of any offence(s) or any other matter revealed;
 - The class / nature of the offences(s);
 - The age of the offences(s);
 - The age of the person at the time of the offence(s);
 - Whether the disclosure reveals a pattern of behaviour;

- Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters; and
 - Any other information that is deemed appropriate for consideration in determining whether the person is a 'fit' and 'proper' person.
- 5.9. In addition to the above, the Council is also entitled to use all other records and information available to it in determining applications or the entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities and information held by the police and disclosed under Common Law Police Disclosure.
- 5.10. The Council will maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and being used. Where the Council receives a Common Law Police Disclosure, the Council will feedback the outcome of the action taken by the Council.
- 5.11. The overall offending history will be considered when assessing a person's suitability to be licensed or to continue holding a licence.
- 5.12. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 5.13. Where an applicant / licensee has been convicted of a criminal offence the Council cannot and will not review the merits of the conviction.
- 5.14. Where an applicant / licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use this policy as an indication of the approach that should be taken.
- 5.15. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction
- 5.16. The issue of summons or the arrest and release on bail with or without charge can indicate that there has been an event, which may cause the Council to review the suitability of an applicant or a licensed driver to hold a licence.
- 5.17. In the case if any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be up to the Council to decide what action to take in light of this policy.
- 5.18. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to

“conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

Drivers

- 5.19. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of private hire vehicles or hackney carriages will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 5.20. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver’s licence are identical to the criteria for a private hire driver’s licence, the two are considered together.
- 5.21. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 5.22. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 5.23. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes Resulting in Death

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

Exploitation

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

Offences Involving Violence

- 5.26. Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a Weapon

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

Sex and Indecency Offences

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

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

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

Drugs

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

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

Discrimination

- 5.32. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring Convictions

- 5.33. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or handheld device whilst driving.

- 5.34. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 5.35. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other Motoring Offences

- 5.36. A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 5.37. A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney Carriage and Private Hire Offences

- 5.38. Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle Use Offences

- 5.39. Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Driving Licence Endorsements

- 5.40. For certain driving offences, either where an individual has been convicted by a court or has admitted the offence by way of a fixed penalty notice, driving licences may be endorsed with details of the offence, and a number of penalty points can be imposed upon the individual's driving licence. Endorsements may indicate a poor driving record and give rise to concerns about the applicant's fitness to hold such a hackney carriage or private hire driver's licence. Full details on the Councils requirements are in Section 23 of this policy.

Vehicle Proprietors

- 5.41. The vehicle proprietor may not be driving a vehicle and if they are they will be subject to their own fitness and propriety test to obtain a driver's licence, however they clearly have an interest in the use of the vehicle. They may also be responsible for the maintenance of the vehicle and vehicles that are not properly maintained have a clear impact on public safety.
- 5.42. In its deliberations the Council shall apply the following test: "Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"
- 5.43. Where an applicant has been convicted of an offence serious consideration will be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 5.44. The same standard shall be applied to proprietors as those applied to drivers which are outlined above.

Operators

- 5.45. The role of the Private Hire Operator goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the Operator will obtain significant amounts of personal information. It is therefore vital that an Operator is as trustworthy and reliable as a driver, notwithstanding their slightly remote role.
- 5.46. To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for Private Hire Operators and a suitable variation on the test for drivers can be used: "Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"
- 5.47. Where an applicant has been convicted of an offence serious consideration will be given as to whether they are a safe and suitable person to be granted or retain an operators licence.
- 5.48. The same standard shall be applied to operators, as those applied to drivers which are outlined above.

6. Training Requirements

- 6.1. In order to continually improve standards, knowledge and awareness applicants / licence holders will be required to undertake appropriate training, as determined by the Licensing Authority.
- 6.2. Failure to undertake the required training within the specified time may result in suspension, revocation or refusal to renew a licence.
- 6.3. Where outside bodies, charitable organisations or professional providers are employed by the Council to deliver bespoke training, any costs incurred will be recovered through licensing fees. All costs will be kept to a minimum. Where possible the Licensing Authority will utilise in-house facilities to enable cost-effective training.
- 6.4. The Council will have 'safeguarding' policies and procedures to ensure the public are protected. This includes policies and procedures the Council uses to vet licence holders and also a private hire operators ability to identify those at risk, protect those who may be vulnerable or being exploited, ensure that their actions do not negatively contribute to such persons becoming victims and responsibility to report any concerns.
- 6.5. From the date of adoption of this policy, all applicants (new and renewal) and existing licence holders for vehicle proprietor, private hire operators' and drivers licences will be required to attend a safeguarding awareness training session. Failure to attend within the specified time will result in suspension, revocation or refusal to renew their licence.

7. Character and Licensing History

- 7.1. The Council requires applicants and licence holders to conduct themselves appropriately and honestly in their dealings both with the public and with the Council.
- 7.2. Although the Council will not seek character references in most cases, any other information may be taken into account, should the Council deem it relevant to the application in question.
- 7.3. Where an applicant has previously held (or currently holds) a licence, whether issued by Barrow Borough Council or another local authority, information about the applicant's conduct under the previous licence(s) will be taken into account in considering an application. This will include details of any complaints made against the applicant, warnings given to the applicant by officers, or records of adverse conduct by the applicant towards members of the public, other licence holders, or officers. If there is a substantial negative history of such issues, an application will generally be refused.
- 7.4. In addition to considering the outcomes of any individual legal actions, warnings or convictions for the above-mentioned issues, the Council may also draw appropriate inferences from repeat incidents or patterns of such issues which may not necessarily have resulted in formal action.
- 7.5. If an application has previously been refused (or a licence revoked), then any further applications made within the period of 36 months from the date of refusal (or revocation) will generally be refused. If the grounds for revocation or refusal are particularly serious, then this period may be extended at the discretion of the Council.
- 7.6. Knowingly or recklessly making a false statement or omitting material information in connection with an application, is likely to result in that application being refused. Such conduct is a criminal offence under s.57(3) of the Local Government (Miscellaneous Provisions) Act 1976 and legal action may also be taken against the applicant.
- 7.7. Where an existing licence holder is under an obligation to provide information to the Council (for example, details of any convictions or motoring endorsements received during the validity of the licence) and has failed to meet this obligation, it shall be open to the Council to investigate the reason for this failure, and to draw appropriate inferences. Where the failure related to a particularly serious matter, refusal of an application to renew the licence may be warranted.
- 7.8. Issues relating to criminal convictions are addressed later in this policy. However, the Council will pay particular attention to any convictions for offences with a public safety element. In seeking to safeguard the safety of the public, the Council will be concerned to ensure:-

That a person a safe and suitable; and

- That the person does not pose a threat to the public;

- That the public are safeguarded from dishonest persons; and
- The safety of children, young persons and vulnerable adults.

8. Hackney Carriage and Private Hire Vehicles

Vehicle Specification

- 8.1. All private hire vehicles must meet all relevant legislation and regulations, in particular the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof and are safe and fit for purpose AND meet the specifications stipulated by the Council under s.48 Local Government (Miscellaneous Provisions) Act 1976 prior to it being accepted as a licensed vehicle.
- 8.2. All hackney carriages must meet all relevant legislation and regulations, in particular the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof and are safe and fit for purpose. The Council may require any hackney carriage licensed by them under the Town Police Clauses Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage AND meet the specifications stipulated by the Council under s.47 Local Government (Miscellaneous Provisions) Act 1976 prior to it being accepted as a licensed vehicle.
- 8.3. The specification for private hire vehicles is set out at APPENDIX 2; and the specification for hackney carriages is set out at APPENDIX 3.
- 8.4. In addition to the specifications for both private hire vehicles and hackney carriages, the following provisions apply:

Tyres

- 8.5. The Council requires that all licensed vehicles adhere to the following provisions with regard to tyres:
 - Tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.
 - The tyre tread must not be less than the legal limit of 1.6 mm.
 - Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommended pressure.
 - All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle).
 - 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.
 - Tyre repair kits used in lieu of a spare wheel. If a tyre is able to be repaired and once inflated to the correct pressure, drive to the nearest garage or tyre fitters and replace the damaged tyre.

Taximeters

- 8.6. All Hackney Carriages must be fitted with a meter which is checked by the Local Authority at the time of test. Where private hire vehicles are fitted with a meter, they must also be checked by the Local Authority at the time of test.
- 8.7. Meters used to calculate fares must be accurate and be capable of displaying:
- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force. Additional tariffs are permitted, providing the final amount does not exceed that allowed within the Table of Fares.
 - In the case of Private Hire Vehicles, any scale of charges provided by the operator of the vehicle.
- 8.8. Meters must be calibrated and sealed / password protected in accordance with 8.7 above.
- 8.9. All applications for new vehicles where a meter is fitted (whether Hackney or private hire) must include a calibration certificate for the meter fitted to that vehicle. The certificate must contain the registration number of the vehicle, the date of calibration and the tariffs which it has been calibrated to.
- 8.10. Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.
- 8.11. Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been resealed and recalibrated by an approved meter company and presented to the Council for inspection. The condition of the meter will be included in the vehicle test.
- 8.12. Private Hire Operators and / or drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is to be no deviation from this price without the agreement of the customer. On occasions where a price has not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.
- 8.13. In the case of hackney carriages, the amount charged must not exceed the amount shown on the meter. Where a fixed price is agreed, there is no requirement for the meter to be on throughout the journey, however drivers must be aware they cannot charge more than the metered fare. It is therefore encouraged drivers have their meter on during the journey.
- 8.14. Where journeys finish outside of the Borough boundary, a fixed price may be agreed before the journey commences. If the amount on the meter is lower than the price agreed, the agreed amount can still be charged. If however no

price is agreed prior to the journey commencing, drivers cannot charge more than the amount shown on the meter.

Accidents

- 8.15. If at any time the vehicle is involved in a road traffic incident, the vehicle proprietor must inform the Council of this fact within 72 hours by completing an accident report form.

Identification of Vehicles as Private Hire or Hackney Carriage

- 8.16. The Council require hackney carriages and private hire vehicles to clearly indicate to the travelling public that they are licensed vehicles. They must also be clearly distinguishable from other vehicles and each other.
- 8.17. The Council has set standards on the acceptable type of signage for private hire vehicles and hackney carriages. These can be found in the Private Hire Vehicle / Hackney Carriages Specifications set out in APPENDIX 2 for private hire vehicles and APPENDIX 3 for hackney carriages.

Vehicle Type

- 8.18. All vehicles shall be either: a 4-door saloon or 5-door, hatchback, estate / multi-passenger vehicle, or a purpose-built taxi / London Cab. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors. A purpose-built style taxi / London Cab will not be licensed for Private Hire.

Signage

- 8.19. The Council has set standards on the accepted type of signage for private hire and hackney carriage vehicles. The specification for private hire vehicles is set out at APPENDIX 2 and at APPENDIX 3 is the specification for hackney carriages.
- 8.20. All vehicle renewal, 'change of vehicle' and new vehicle applications must meet the signage specifications for both hackney carriages and private hire vehicles immediately.

CCTV in Licensed Vehicles

8.21. Where vehicles are fitted with CCTV, the vehicle proprietor must notify the Council within 3 working days of it being installed.

The Council acknowledges the DfT standards requirement to consult on the mandatory use of CCTV in taxis. At present the Council is not adopting this standard however intends to consult in the future.

8.22. For those vehicle owners/proprietors wishing to install CCTV in their vehicles, these guidelines set out to ensure that CCTV systems installed in Hackney Carriages and Private Hire Vehicles licensed by the Council are properly managed whilst being used to:

- prevent and detect crime;
- enhance the health, safety and security of both Hackney Carriage / Private Hire Vehicle drivers and passengers; and
- assisting investigations.

8.23. Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines. For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

General Requirements

8.24. Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements and approved by the Council can be installed into licensed taxi and private hire vehicles.

8.25. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

8.26. If you install CCTV, you must tell people they may be recorded. This is usually done by displaying signs, which must be clearly visible and readable.

Privacy and Data Protection

8.27. The recording and storage of CCTV images is personal data and falls within the current General Data Protection Regulation (GDPR) and the Data Protection Act 2018.. The GDPR defines a "data controller" as the individual or organisation which has ultimate responsibility for how personal data is collected and processed.

8.28. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the company, organisation or individual which has decided to have a CCTV system installed and operating within the vehicle. The data controller

will be responsible for processing and exercising control over personal information together with how images are stored and how they should be disclosed. Data controllers must ensure that any processing of personal data for which they are responsible complies with GDPR. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals. Data controllers must register with the ICO and renew annually. Evidence of initial registration and annual renewal with the ICO may be requested by any council authorised officer. <https://ico.org.uk/for-organisations/register/>

The data controller must ensure that operation of the CCTV complies with the 'CCTV Code of practice' published on the ICO web site:

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

Using a CCTV service provider

8.29. Where a service provider is used for the remote storage and/or management of CCTV data they will act as a 'data processor' (as defined under the Data Protection Act 2018). A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor. There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. Documentary evidence of the contractual arrangements may be required to be presented to a Council official at any time during the term of the vehicle licence.

Using recorded CCTV images

8.30. The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation. Any images and/or audio recordings should only be used for these purposes:

- where a crime report has been made involving the specific vehicle and the Police have formally requested that data or,
- when a substantive complaint has been made to the licensing authority regarding a specific vehicle / driver and that complaint is evidenced in writing (and cannot be resolved in any other way),
- where a request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
- Subject Access Request compliant with the Data Protection Act 2018.

8.31. The data controller is responsible for responding to these requests in accordance within the Data Protection Act 2018.

8.32. Should the Licensing Authority consider mandatory installation of CCTV in Hackney and Private Hire Vehicles the data controller would be the Licensing Authority.

9. Vehicle Application Process – New and Renewal Applications

Intended use and licensing of hackney carriages

9.1. The Licensing Authority wishes to ensure that applications for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgment, and the declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008].

Applications for the grant of a new hackney carriage licence

9.2. Applicants for new licences will be expected to demonstrate a bona fide intention to trade within the administrative area of Barrow Borough Council under the terms of the licence for which application is being made.

9.3. There will be a presumption that applicants who do not intend to a material extent to trade within the administrative area of Barrow Borough Council will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its individual merits.

9.4. Even where the applicant intends to trade to a material extent in the administrative area of Barrow Borough 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 application, there will be a presumption that the application will be refused.

Applications for the renewal of a hackney carriage licence

9.5. Applicants for renewals of licences will be required to inform the council whether they have a bona fide intention to trade within the administrative area of Barrow Borough Council under the terms of the licence for which application is being made.

9.6. There will be a presumption that applicants who do not intend to a material extent to trade within the administrative area of Barrow Borough Council will not be granted a hackney carriage licence authorising them to do so. Section 60 of Local Government Miscellaneous Provisions Act 1976 gives the council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits. Even where the applicant intends to trade to a material extent in the administrative area of Barrow Borough 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 application, there will be a presumption that the application will be refused.

9.7. Where Barrow Borough Council are not satisfied that the applicant intends to operate within Barrow Borough Council's area, the application will be reviewed by the Public Protection Manager.

9.8. Applications for vehicle licences will only be accepted in relation to vehicles that comply with:-

- Barrow Borough Council's Hackney Carriage and Private Hire Licensing Policy (this Policy); and
- Barrow Borough Council's Specification for private hire and hackney carriage vehicles.

9.9. Vehicle Testing conditions:-

- a) Vehicle proprietors shall deal directly with the Councils approved vehicle testing stations to make arrangements to have their vehicles examined and tested.
- b) Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork satisfactory and the engine and full chassis clean for inspection.
- c) In respect of renewal applications vehicles should not be examined more than 4 weeks before its licence is due to expire. However, the examination and test must be arranged at least 14 days prior to the licence expiry date, in case the vehicle examination identifies the need for repair work and re-testing, which can then be undertaken prior to the expiry of the licence. Pass slips should be forwarded by the Test Centre at the end of each day.
- d) Vehicle proprietors may be subject to a re-charge fee by the vehicle testing station in respect of vehicles that fail the vehicle test and require a second examination and test.
- e) Vehicles which are not tested by their due date will be issued with a suspension notice.

Application Forms and Supporting Documentation

9.10. Vehicle licence application forms can be obtained from the Council's website or Licensing department. Vehicle proprietors will receive an application form to renew current vehicle licences at least one month prior to their expiry date.

9.11. Completed application forms must be submitted to the Authority together with:-

- (i) a copy of the relevant insurance certificate;
- (ii) V5 registration document.
- (iii) testing stations pass slips
- (iv) A valid MOT certificate.
- (v) A basic DBS dated within 30 days of application, unless the applicant is already licensed.

9.12. Should the applicant not be the registered owner of the vehicle, written permission from the owner giving consent for the vehicle to be licensed must be sought and submitted to the Licensing Authority upon application.

9.13. Applications will only be valid, when all the supporting documents have been submitted.

9.14. Payment is made upon grant and not at the time of application.

Testing Requirements

9.15. The Council needs to be satisfied that licensed vehicles operating within its area are safe to do so.

9.16. Hackney carriage and private hire vehicles are granted licences for a maximum period of 1 year. Prior to being granted a licence, the vehicle must have an approved taxi test which is dated no earlier than 4 weeks prior to the licence application date or expiry date for renewal applications. Vehicles aged 8 years or over will require 4 monthly tests; vehicles under 8 years will require a 6 monthly (mid term test).

9.17. The Licensing Authority has an "Approved List" of vehicle testing stations to carry out the taxi tests. This list will be reviewed every three years.

9.18. A valid MOT Certificate must accompany the application.

9.19. Licensed vehicles that fail an authorised examination and test, as being dangerous or having a 'major' category defect, must NOT be used as a Hackney Carriage or Private Hire Vehicle, until passing the re-test and those vehicles that are deemed dangerous or have a 'major' defect may result in the vehicle proprietor or driver being issued with a "Section 68 Stop Notice" which requires:

- The proprietor of the hackney carriage or private hire vehicle to take it for further inspection and testing at such reasonable time and place as may be specified in the notice; and
- Suspension of the vehicle licence until such time as such authorised officer or constable is so satisfied.

This measure is taken to prevent the vehicle being used to carry passengers until the defect(s) is / are remedied.

Insurance

9.20. A valid certificate of insurance or cover note must be for the correct category of use for the vehicle, either hackney carriage, private hire or both.

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A hackney carriage vehicle requires insurance to cover public hire and hire and reward.
- A private hire vehicle requires insurance to cover private hire and reward by pre-booked.

- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the relevant time. A failure to produce the certificate of insurance after the expiry of the cover note period, may result in the vehicle being suspended.

9.21. All insurance documents must be provided on application.

10. Grant and Renewal of Vehicle Licences

Consideration of New Applications

10.1. Once the Licensing Authority is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete, the Council shall seek to issue licences no later than 5 working days after the receipt of valid applications.

Renewal of Licences

10.2. Existing licence holders will be given prior notice of licence expiry dates, together with application forms to renew licences. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

10.3. Applications for renewal will be accepted by the Council up to 30 days before expiry and applicants must submit their renewal application at least 7 days before its expiry.

10.4. Failure to submit a renewal application within the 7 days required, may result in delayed processing, therefore re-licensing before expiry cannot be guaranteed. The Licensing Authority will aim to determine renewal applications within 5 working days.

10.5. Payment of the fee is made at the time of grant.

Change / Transfer of Vehicle

10.6. During the term of a licence it may be required to change from one vehicle to another, due to damage, upgrading of vehicle or being involved in an accident. The application and testing procedures for a change of vehicle is the same as for a new vehicle, although there is no direct fee, the cost is recovered as part of the grant fee itself. Plates must be returned to the Council prior to receiving new plates.

10.7. If the proprietor of a hackney carriage or private hire vehicle wishes to transfer the licence to another person, the Council must be notified within 14 days with the name and address of the person who the licence has been transferred to.

11. Conditions of Vehicle Licences

11.1. The Council is empowered under Sections 47 and 48 of "the 1976 Act" to impose such conditions as it considers reasonably necessary in relation to the grant of a hackney carriage or private hire vehicle licence.

11.2. The Council has set standard conditions with respect to hackney carriage and private hire vehicles. The conditions for private hire vehicles are set out at

APPENDIX 4; and the conditions for hackney carriage vehicles are set out at APPENDIX 5.

11.3. However, where it is considered necessary, additional conditions may be imposed by the Council. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy.

12. Prestige Vehicles and Executive Hire

12.1. Section 75(3) of “the 1976 Act” allows proprietors of prestige type vehicles licensed as private hire vehicles or private hire vehicles used in special circumstances may seek the permission of the Authority to waive conditions of their licence relating to door stickers, driver badges and the display of licence plates.

Executive hire exemption guidelines are attached at APPENDIX 6.

12.2. Exemptions will not be granted as a matter of course. A clear case for the exemption will have to be made by the proprietor. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the exemption should be granted. The high quality of the vehicle being used will be supportive of an application, but will not be the sole determining factor.

12.3. The vehicle will be inspected by an Authorised Officer prior to any Executive Hire Exemption being issued.

12.4. Examples of the type of work, which is considered to be Executive Vehicle Hire, are as follows:

- Corporate bookings to transport employees and clients on business related journeys.
- Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking.
- Transporting a wedding party or funeral.

12.5. Executive travel is considered to be a speciality private hire service in a luxury vehicle rather than a standard vehicle. Examples of luxury vehicle types include for example Mercedes, BMW, Audi, Jaguar and Lexus models.

12.6. The Council does not wish to provide a prescriptive list of acceptable vehicles because this may be subjective and also require frequent updates. Conversely, it does not wish to restrict the types of vehicles, which may be top of the range and therefore deemed to hold luxury status.

12.7. The following guidelines set out a range of general criteria that leave it open to the private hire vehicle trade to put forward vehicles of its own choice, which can be shown to meet the criteria. This will enable flexibility if the circumstances merit it.

- Each seat is of adequate dimension and permits direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. Vehicle types that are capable of seating more than four passengers will be considered for the exemption but will only be licensed for, in the opinion of the authority, the number of passengers who can travel comfortably. This consideration relates to the level of comfort that the average person may believe an executive hire car should afford.
- Evidence to show that the vehicle is a luxury or top of the range as represented by the vehicle manufacture.
- Relevant considerations as to whether a vehicle is an executive hire car include but are not limited to cost, reputation, specification, appearance, perception and superior comfort levels.
- The vehicle has a minimum specification of air conditioning/climate control, all electric windows, central locking and suitable front and rear headrests for each passenger.

Copies of these guidelines are available from the Licensing Department.

12.8. Applications must be made in writing to the Council for a Section 75(3) Exemption notice. Applications must also be made to the Council on renewal or during change of vehicle.

Special Events (Proms / Novelty vehicles) and Courtesy Cars

12.9. Vehicles which operate on the basis that they transport individuals to one off events such as proms will be required to obtain a private hire vehicle licence, the driver of such vehicle must be a licensed private hire driver and the vehicle must be dispatched from a private hire operator.

12.10. Novelty vehicles, such as refurbished army tanks, fire engines and party buses are also required to be licensed by the Council, along with the driver and operator of the vehicle.

12.11. Courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer, are considered to be private hire vehicles. These vehicles must be licensed as private hire vehicles, driven by private hire drivers and the journey must be booked via a private hire operator.

Limousines

12.12. For the purposes of this policy and licence conditions a stretched limousine is defined as follows:

A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that is:

- capable of carrying up to but not exceeding 8 passengers;
- not a decommissioned military or emergency service vehicle.

12.13. Stretched limousines and similar vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by these additional conditions and the local private hire licence fee shall be the same.

12.14. Provided that they have received written consent from the Authority, limousines may, in certain circumstances, not be required to display licence plates required by other private hire vehicles. In addition, No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council.

12.15. Limousines are not required to display a fare table or contain a taximeter. Where the limousine is fitted with a taximeter, a copy of the fare table must accompany any application.

12.16. The Limousine will be examined every 6 months, by one of the approved garages, authorised to carry out MOT test on vehicles licensed by Barrow Borough Council and shall hold a valid Single Vehicle Approval (SVA) Certificate or equivalent.

12.17. The proprietor of the vehicle shall:-

- ensure that the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by Barrow Borough Council;
- not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
- not convey any passengers in the front compartment of the vehicle;
- not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence permitting the sale or supply of the same;
- Confirm the limousine operator holds a private hire operators' licence with the Authority;
- Ensure all bookings for the limousine are booked through the licensed private hire operator.

13. Accessibility

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

The Authority considers it important that people with disabilities have access to all forms of public transportation.

Private hire operators shall endeavour to provide a wheelchair accessible vehicle at any time of the day / night; should it be requested.

13.2. In addition to all other licensing conditions, any applicants seeking the grant of a private hire vehicle in which it is intended to carry passengers who are seated in a wheelchair must present a vehicle which has:

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA)
- Suitable fittings for the securing of the wheelchair and any passengers seated in them
- Access and egress via suitable side or rear doors.

See APPENDIX 2 and APPENDIX 3 respectively for vehicles specifications.

Wheelchair Accessible Vehicles (WAV)

13.3. The Licensing Authority will maintain and publish a list of wheelchair accessible vehicles. S.165 of the Equality Act 2010 places duties on drivers (unless they have a medical exemption) of listed accessible taxis to transport disabled people in safety, whether the vehicle is hired by or for a disabled person who is in a wheelchair or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

13.4. Duties placed upon drivers of WAVs are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that they passenger is carried in safety and reasonable comfort;
- to give the passenger such mobility assistance as is reasonably required.

Mobility assistance is assistance:

- to enable the passenger to get in or out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passengers luggage into or out of the vehicle;

- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

A driver of a designated taxi or private hire vehicle commits an offence by failing to comply with the duties listed above.

Assistance Dogs

13.5. Hackney Carriage Vehicles

Under the s.168 Equality Act 2010, licensed drivers of hackney carriage vehicles must (unless they have a medical exemption) carry: -

- a) a disabled passenger who is accompanied by an assistance dog; or
- b) another person who wishes to be accompanied by a disabled person with an assistance dog.

13.6. Private Hire Vehicles

Under the s.170 Equality Act 2010, licensed drivers of private hire vehicles (unless they have a medical exemption):-

- a) Must carry a disabled passenger who is accompanied by an assistance dog;
- b) Must carry another person who wishes to be accompanied by a disabled person with an assistance dog;
- c) Cannot refuse a booking, or to carry out a booking, due to someone having an assistance dog with them.

An assistance dog means

- (i) a dog which has been trained to guide a blind person;
- (ii) a dog which has been trained to assist a deaf person;
- (iii) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
- (iv) a dog of a prescribed category which has been trained to assist a disabled person who has a disability.

When carrying such passengers, hackney carriage and private hire drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so.

It is best practice to ask the passenger where they want to be seated with their dog.

13.7. Offences

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On summary conviction for such an offence, drivers can be liable to a fine not exceeding level 3 on the standard scale, which is currently to £1,000. The local authority may also revoke the licence held by the driver.

To ensure that the relevant sections of the Equality Act 2010 are upheld, the Licensing Authority will:

- Have a zero tolerance policy to access refusals - investigating all reported violations of the Act with a view to pursuing a conviction.
- Undertake periodic test purchasing with assistance dog owners on licensed vehicles to ensure that licensing requirements are being complied with.

13.8. Medical Exemption Certificates

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

If the application is unsuccessful, drivers must comply with s.168 Equality Act 2010 and allow a disabled person to be accompanied by an assistance dog, or another person who wishes to be accompanied by a disabled person with an assistance dog.

There are no exemptions from the carriage of guide dogs for taxi or minicab operators. An exemption certificate is specific to a named driver of a specified vehicle. The certificate should not be left in a vehicle when the named driver is not using it. It is recommended that operators ensure they have drivers available who are not exempt from carrying assistance dogs.

13.9. Duty to provide a reasonable service

In addition to the duty to carry assistance dogs, hackney carriage and private hire drivers must also ensure that they do not discriminate against a person because of their disability including vision loss. They must not treat a disabled person less favourably or fail to make a reasonable adjustment to their service.

Reasonable adjustments may include:

- The driver guiding a blind or partially sighted customer to the vehicle, and assisting with entry into the vehicle. At the customer's destination, assisting the customer to exit from the car and guiding them to a safe location/destination point before departing.
- Operators having a standard training programme to include disability awareness for all drivers and booking staff.

14. Smoke-free Vehicles

14.1. Since 1 July 2007 virtually all enclosed public places and workplaces in England have been required to be smoke free. A smoke free England will ensure a healthier environment, so everyone can socialise, relax, travel, shop and work free from second-hand smoke.

The key points:

- Virtually all enclosed public places and workplaces must be smoke free.
- Public transport and work vehicles used by more than one person must be smoke free.
- No-smoking signs must be displayed in all smoke free premises and vehicles.
- Staff smoking rooms and indoor smoking areas are no longer allowed, so anyone who wants to smoke must go outside.
- Managers of smoke free premises and vehicles have legal responsibilities to prevent people from smoking.

What are the penalties for breaking the smoke free law?

14.2. If you don't comply with the smoke free law, you will be committing a criminal offence. The fixed penalty notices and maximum fine for each offence are:

- **Smoking in smoke free premises or work vehicles:** a fixed penalty notice of £50 (reduced to £30 if paid in 15 days) imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.
- **Failure to display no-smoking signs:** a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) imposed on whoever manages or occupies the smoke free premises or vehicle. Or a maximum fine of £1000 if prosecuted and convicted by a court.
- **Failing to prevent smoking in a smoke free place:** a maximum fine of £2500 imposed on whoever manages or controls the smoke free premises or vehicle if prosecuted and convicted by a court. There is no fixed penalty notice for this offence.

14.3. Barrow Borough Council are empowered to issue fixed penalty notices and the Council will look to prosecute any driver or operator committing any of the listed smoke free offence.

14.4. The use of e-cigarettes and vaporisers are also prohibited from being used inside licensed vehicles.

15. Private Hire Operators

Requirements and Obligation

- 15.1. Any person who operates a private hire service must apply to the Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public, who will be using operator's premises and vehicles and drivers arranged through them.
- 15.2. Licences will be issued for a five year period, in the absence of any other limitation that causes the Council to issue a shorter duration licence.
- 15.3. A licensed private hire vehicle shall only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle. A private hire operator shall ensure that every licensed private hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence.
- 15.4. Before an operator's licence is considered, the applicant must satisfy the Council that the address from which they intend to operate is suitable and, where applicable, satisfy any conditions that may be attached to the licence in order not to disturb the ambiance of the area. Suitability will be assessed on:
- The number of vehicles the Operator intends to operate from that address;
 - Whether passengers will attend the Operators base in person;
 - Whether the premises is business or residential premises;
 - Any other factors which may give the Council the right to refuse to grant the licence.
- 15.5. The Council will not grant an operator's licence for an operating base outside of the Borough of Barrow-in-Furness. These premises must be manned at all times when bookings are being made and also made available for inspection by Authorised Council Officers or Police Officers at any reasonable time. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.
- 15.6. If an applicant or their associated partners are not already licensed by Barrow Borough Council as a hackney carriage or private hire driver, they will be required to submit a basic disclosure certificate (DBS) and a Statutory Declaration. This should be dated no later than 1 month prior to initial application and / or renewal.
- 15.7. Applications for an operator licence shall be made on the prescribed form, along with;
- A valid certificate of public liability insurance;
 - A valid certificate of employers' liability insurance; (if the applicant is employing staff)
 - A Basic DBS certificate issued within 1 month of the application;

- A list of all vehicles which are to be operated, which must include the vehicle licence number and vehicle registration number;
- A copy of the 'Artwork' showing the operators name / contact number; and
- The appropriate fee.

The Authority will then decide whether the applicant(s) are fit and proper persons to hold an operator licence.

15.8. Applicants for Private Hire Operators Licences will not be required to obtain planning permission before applying for a licence; however the grant of an operator's licence does not preclude the premises from the need to obtain planning permission.

Conditions of Licence

15.9. The Council is empowered under Sections 55 and 56 of "the 1976 Act" to impose such conditions as it considers reasonably necessary in relation to the grant of a Private Hire Operators Licence.

15.10. The Council has set standard conditions with respect to Private Hire Operators, which are set out at APPENDIX 8.

15.11. However, where it is considered necessary, additional conditions may be imposed by the Council. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy.

16. Operator Fitness and Propriety

16.1. The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal records (including convictions, cautions, warnings and reprimands);
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity;
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Barrow Borough Council);
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)

16.2. In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

16.3. In relation to the consideration of criminal records e.g. convictions and police cautions recorded against persons, the Authority has adopted the criteria set out in Section 17 of this policy.

16.4. In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merit. When considering information provided by the DBS the Council will take account of cautions and convictions, whether spent or unspent and any additional information received, but only in so far as they are relevant to an application for a licence or if it is capable of having real relevance to whether or not the applicant is a fit and proper person to hold a licence in line with this policy.

16.5. Information provided by applicants will be treated in confidence and will only be utilised by the Council to determine whether the applicant is a fit and proper person to hold a private hire operator's licence for the purposes of s.55 of the Local Government (Miscellaneous Provisions) Act 1976 and any management / review of such a licence should the need arise.

16.6. Before an application for a private hire operator's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. Licensed operators, who have employees, shall also produce evidence of a valid certificate of employers' liability insurance policy.

16.7. This policy will be taken into account by the Council when dealing with any of the following matters:

- a) An application for a new private hire operator's licence (ss.55 and 57 Local Government (Miscellaneous Provisions) Act 1976).
- b) An application to renew a private hire operator's licence (ss.55 and 57 Local Government (Miscellaneous Provisions) Act 1976).

- c) A proposal to suspend or revoke a private hire operator's licence (s.62 Local Government (Miscellaneous Provisions) Act 1976).

16.8. Section 62 of the Act does not contain the same reference to a "fit and proper person" as contained in Section 55(1), however the fact that such action may be taken due to "any other reasonable cause" will generally lead the Council to include similar considerations under that section. Any references in this document to the refusal of an application should therefore be read to include suspension or revocation of a licence.

17. Criminal Convictions, Cautions and Reprimands

17.1. When submitting an application for an operator's licence or to renew such a licence, applicants are required to declare on the application form ALL previous convictions, cautions, penalties and motoring endorsements they may have received. Applicants are also required to declare any on-going criminal investigations, prosecutions or similar legal proceedings of which they are the subject.

17.2. In addition to any other information required as part of the application process, the Council also require an applicant for an operator's licence to submit to them in pursuant of Section 57(2)(c) of the 1976 Act—

- (i) if the applicant is or has been a director or secretary of a company, information as to any convictions recorded against that company at any relevant time; any trade or business activities carried on by that company; any previous application made by that company for an operator's licence; and any revocation or suspension of an operator's licence previously held by that company;
- (ii) if the applicant is a company, information as to any convictions recorded against a director or secretary of that company; any trade or business activities carried on by any such director or secretary; any previous application made by any such director or secretary for an operator's licence; and any revocation or suspension of an operator's licence previously held by such director or secretary;
- (iii) if the applicant proposes to operate the vehicle in partnership with any other person, information as to any convictions recorded against that person; any trade or business activities carried on by that person; any previous application made by that person for an operator's licence; and any revocation or suspension of an operator's licence previously held by him.

17.3. A basic disclosure from the Disclosure and Barring Service (DBS) will be required from;

- The applicant;
- Any director or secretary of a company; or
- Any partner.

17.4. The basic disclosure is required upon initial application, annually, and prior to the licence renewal.

17.5. Applicants who are existing licensed hackney carriage or private hire drivers, licensed by Barrow Borough Council are not required to produce a disclosure as part of this application process. However, the Council reserves the right to conduct a check via the DBS Update Service.

17.6. Furthermore, annually upon the anniversary of the grant of the most recent licence, the Operator will be required to submit a new basic DBS and a statutory declaration.

17.7. DBS disclosures will not include details of any foreign convictions, unless the conviction has been recorded on the UK Police National Computer. To enable the Council to properly consider an application, an applicant who has resided outside the UK for a period of more than 3 months (excluding holidays) will be required to produce a 'Certificate of Good Conduct' from the relevant country(ies) (generally issued through the relevant embassy or consulate) which details any convictions or other matters arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain such documents, and to pay any associated fees. This requirement is in addition to the DBS disclosure. Where an applicant is unable to obtain the above, they must give a statement outlining the reasons for this, and provide references to the satisfaction of the Council from appropriate individuals or bodies as to their conduct in the country.

17.8. As a general rule, the Council will expect applicants for licences to be free from previous convictions, cautions and reprimands. However, a person with convictions, cautions or reprimands will not be excluded from holding a licence but should be expected to have:

- remained free of conviction for an appropriate period and
- shown adequate evidence that they are a fit and proper person to hold a licence.

Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

17.9. It should be noted that the Council may refuse an application (or suspend or revoke a licence) after considering a conviction, caution or reprimand for any offence, if it is not satisfied that the applicant is fit and proper to hold a licence.

17.10. Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

17.11. On application to renew a licence, if no further convictions have been received since the previous application was considered, the Council will not consider it necessary to review convictions considered on the previous application. However, in cases where new convictions have been received, all convictions may be taken into consideration, even if they have been previously considered.

17.12. Operators licensed by the Council are required to notify the Licensing Section in writing, within 3 days of:

- receiving a driving licence endorsement;
- warning;
- reprimand;
- police caution; and

- criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case);

The licence holder must notify the licensing authority within 48 hours of an arrest and release, charge or conviction of any offence, including motoring offences and cautions.

Failure to report to the Licensing Authority will raise questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

17.13. It is open to the Council to reconsider a licence during its validity period if a conviction (or similar) would cause the Council to consider whether to refuse an application and that licence may be suspended or revoked if deemed appropriate.

18. Hackney Carriage and Private Hire Drivers

- 18.1. Applications (new and renewal) for hackney and private hire drivers licences must be made in writing to the Council, by completing the Council's application form.
- 18.2. New applicants must complete their application within 3 months of applying for a licence – ie, they must have completed a DBS check, DVLA check, medical, driving test, shown proof of right to work, and passed the knowledge test. This can be varied dependent on individual circumstances, for example the time taken for the DBS certificate to be printed or time taken to pass the knowledge test.
- 18.3. For existing licence holders, a bi-annual Disclosure and Barring Service status check and a DVLA check will be undertaken. The Council may undertake checks at any time and drivers will be required to sign a mandate allowing the Council access.
- 18.4. Drivers are required to notify the Council within 3 working days any change in their name or address.
- 18.5. Applicants and licensees will be required to disclose if they hold or have previously held a licence with another authority. An applicant will also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.
- 18.6. Since 1 October 2015, the default licence term for new and renewal driver licences became three years. Licensing Authorities are able to grant shorter term licences as they consider appropriate to the circumstances of the case. This policy sets out our position to consider applications for shorter licence terms. It should be noted that licences with a duration of less than three years will only be granted in exceptional circumstances.
- 18.7. All applications for a shorter term [than three years] must be made in writing setting out the reasons why a shorter licence term is required and accompanied by supporting documentation or other evidence to support the request. Consideration will be given to the following circumstances:
 - a) Right to work in the UK – Where an applicants right to work status expires, licences will only be granted for the duration of their entitlement.
 - b) Medical/Health - The Council has adopted DVLA Group 2 standards as the medical fitness levels which drivers are required to comply with. This requires drivers to undertake medical examinations upon renewal up to age 65 and annually thereafter. Where a driver is suffering from a relevant medical condition which affects their ability to comply with the DVLA Group 2 medical standards for the licence term, or has a condition or is of an age requiring them to undertake medical examinations more frequently than Group 2 requirements, consideration will be given to allowing shorter term licences to

replicate the frequency of medicals (minimum annually). In these cases, supporting medical evidence will be required.

- c) Age/Retirement - It is considered appropriate for drivers aged 65 and over who are subject to annual medical examinations to apply for shorter licence terms. For example, a driver may plan to retire before the expiry of a three year licence. If on renewal of the licence that applicant has not relocated he/she will be required to apply for a 3 year licence.
- d) Relocation - A shorter licence term can be considered where applicants know in advance they will be relocating during a licence term. If a driver knows they will be relocating during a licence term, within their written application, they are required to confirm when they propose to relocate. If on renewal of the licence that applicant has not relocated he/she will be required to apply for a 3 year licence.
- e) Other exceptional circumstances - Each case shall be considered on its own merits. Where applications are not related to any of the above subjects, within their written application, the applicant must justify their request and provide supporting documentation.
- f) Good faith - Officers will consider requests and the supporting information in good faith. However, if a shorter term licence is granted and the reason for the granting of that licence does not materialise, the subsequent renewal licence will be issued on a three year basis. This will be explained in the covering letter issued with the licence document.

18.8. This policy will be taken into account by the Council when dealing with any of the following matters:

- a) An application for a new hackney carriage driver's licence (Section 46 Town Clauses Act 1847 / Section 59 Local Government (Miscellaneous Provisions) Act 1976).
- b) An application for a new private hire driver's licence (Section 51 Local Government (Miscellaneous Provisions) Act 1976).
- c) An application to renew a private hire or hackney carriage driver's licence (Section 51, 59 and 61 Local Government (Miscellaneous Provisions) Act 1976).
- d) A proposal to suspend or revoke a hackney carriage or private hire driver's licence (Section 61 Local Government (Miscellaneous Provisions) Act 1976).

18.9. Drivers will be issued with both a Hackney Carriage and Private Hire drivers Licence.

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

- 18.11. Any person refused a driver's licence on the grounds that the Council is not satisfied that they are a fit and proper person to hold a licence (or where a licence was suspended or revoked, as the case may be) has a right of appeal to the magistrates' court within 21 days of receiving notice of the decision.
- 18.12. Information provided by applicants will be treated in confidence and will only be utilised by the Council to determine whether the applicant is a fit and proper person to hold a hackney carriage or private hire drivers licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
- 18.13. Where existing licence holders are referred to Licensing Regulatory Sub-Committee for a matter which requires consideration, and their licence expires during the period between the expiration and the hearing date, the Council may look to issue a 'without prejudice' interim licence. This does not however suggest a licence holder is fit and proper to hold a licence and each case will be assessed on its own merits.
- 18.14. Applicants will be required to disclose on their application form details of any driver awareness courses, driving licence endorsements and criminal convictions.
- 18.15. Upon grant of a licence, new applicants will be required to sign a declaration, declaring any criminal convictions, cautions, pending prosecutions and driving endorsements since they completed their application form.
- 18.16. The Council will utilise the National Anti-Fraud Network's national register of taxi and private hire vehicle driver licence refusals and revocations (known as NR3). Any applicants who are refused a licence, or an existing licence holder is revoked, their details will be added to the register. The Council will also check the register for applicants prior to a licence being granted.

19. Driving Entitlement

- 19.1. In accordance with Sections 51(1)(b) and 59(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, licences may not lawfully be granted to any person who has not been authorised to drive a motor car for at least 12 months, or who is not so authorised at the time of application.
- 19.2. Applicants will be required to produce their current, full driving licence for inspection, with their application, bearing the applicants home address.
- 19.3. The Council will also carry out a separate check of an applicant's entitlement to drive in the UK via an appropriate verification agency. Applicants will be required to sign a consent form for this check as part of their application.
- 19.4. All applicants must hold either a full UK driving licence, or one issued by another Member State of the European Community (EC) or one of the other countries in the EEA. The Council will conduct a check on any Non-GB licence via an appropriate verification agency.
- 19.5. Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Council, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.
- 19.6. New applicants will be required to pass the DVSA Standard Driving Assessment - Practical Assessment OR an alternative practical driving assessment specifically for hackney carriage/private hire drivers, provided by a UK Government accredited organisation.

For further information and to book and pay for your driving test go to either of the following:

<https://www.gov.uk/book-driving-test>

<https://www.advancedmotoring.co.uk>

https://www.bluelamptrust.org.uk/taxi_homepage/

- 19.7. Driving test certificates will only form part of a valid application if they were carried out within 1 year of the completed application date.
- 19.8. Driving licence endorsements are covered later in Section 25. However, should a licence holder be disqualified from driving during the validity of a licence, either following a serious offence or under the 'totting-up procedures', the Council will generally look to suspend or revoke the licence(s) held by that person.

20. Medical Suitability

- 20.1. Every application for a new and renewal licence will be required to be accompanied by a medical certificate, in a format specified by the Council, and completed by the applicant's own GP or by another suitably qualified medical practitioner who has had access to the applicant's medical records covering a minimum period of at least 5 years. The medical certificate must have been completed within 1 month of the completed application / renewal date.
- 20.2. Applicant's will be expected to satisfy the current medical standards of fitness to drive for Group 2 licences, as set by the Driver and Vehicle Licensing Agency (DVLA), and the Council's medical certificate will be drafted around these standards, requiring the medical practitioner to state whether, in their opinion, the applicant complies with the standards and is medically fit to drive hackney carriages or private hire vehicles. A summary of these standards can be viewed via:
www.dft.gov.uk/dvla/medical/ataglance.aspx
- 20.3. Medical certificates will be requested upon first application and thereafter every three years upon renewal of licence. From the age of 65, a licence-holder will be required to submit completed medical certificates annually. Licences will still be issued for a three year period or in the absence of another limitation that causes the Council to issue a shorter duration licence. Failure to submit the medical certificate as required may lead the Council to suspend/revoke or refuse to renew the licence.
- 20.4. Where an applicant does not fully comply with the standards, the Council will consider carefully whether this, in itself, will make the applicant an unfit person. For example, a condition that can be, and is being, controlled with corrective equipment or medication will not generally be considered to make a person unfit, although the Council may require further information or evidence from the applicant's doctor or consultant on the effect of such control measures, and the applicant's willingness to abide by the treatment programme.
- 20.5. Where the medical practitioner has stipulated that they do not consider the applicant to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will refuse the application.
- 20.6. Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, it shall be open to the Council to consider granting a licence for a shorter period commensurate with that recommendation, or to require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.
- 20.7. The cost of the Medical Examination is not included within the licensing fees and is paid directly to the Medical Practice / GP Surgery.

21. Knowledge Test

- 21.1. In addition to the general training requirements detailed in Section 6, applicants for hackney carriage and private hire drivers' licences will be required to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence. All new applicants will be required to pass a knowledge test as part of the application procedure.
- 21.2. All applicants will be given the necessary information needed to pass the knowledge test, prior to booking the test. An individual's learning needs will be taken into consideration and adjustments made where necessary.
- 21.3. The test will encompass questions, the majority of which are multiple choice, which will assess the drivers' knowledge in the following areas:

Local Geography

Applicants will be tested on their knowledge of Barrow Borough Council geography, recording the shortest routes between locations and identifying where local landmarks are.

Highway Code

Applicants will be asked to answer a number of questions as to driving skill, road information and etiquette as set out in the Highway Code.

Licensed driver responsibilities and Licence conditions

Applicants will be tested on their knowledge and understanding of the hackney carriage and private hire licensing, and a driver's responsibilities.

Numeracy

Applicants will be tested on their ability to carry out elementary mental arithmetic, as encountered in calculating the change to be paid to a potential customer who overpays a fare.

Disability awareness

All applicants will be tested on their knowledge on the carriage of assistance animals and interaction with disabled customers and any individual who has a protected characteristic under the Equality Act 2010 (or as Amended).

General

Questions covering vehicle maintenance, seat belts, smoking.

- 21.4. A maximum number of 3 attempts has been imposed for which applicants (for the grant of a new hackney carriage/private hire drivers licence) are able to undertake the Council's knowledge test (numeracy, highway code, local

geography, driver responsibilities etc.), after which there will be a minimum period of six months before any new testing may take place.

- 21.5. The knowledge test is conducted at the Council Offices, twice a month. A timetable of knowledge test dates is produced annually. Applicants will not be considered to be fit and proper to hold a licence unless or until they have achieved the requisite pass rate 75% in the test.
- 21.6. The knowledge test is only required to be passed once. However, undertaking and passing the knowledge test may be used as an option that is available to the Public Protection Manager and / or Members, when considering whether or not a driver is a fit and proper person, following justified complaints of conduct or poor character.
- 21.7. The DfT Statutory Standards requires a licensing authority to test both oral and written English. The Council is not adopting this standard as there is no evidence or concerns about applicants or existing licence holders standard of written/oral English.

22. Criminal Convictions, Cautions and Reprimands

22.1. When submitting an application for a licence to drive a hackney carriage or a private hire vehicle, or to renew such a licence, applicants are required to declare on the application form ALL previous convictions, cautions, penalties and motoring endorsements they may have received. Applicants are also required to declare any on-going criminal investigations, prosecutions or similar legal proceedings of which they are the subject.

22.2. As hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, subject to The Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) (Amendment) England and Wales Order 2013, convictions which would ordinarily be considered 'spent' must be declared and may be considered in the determination of the application. The 2013 Order introduced new categories of 'protected cautions' and 'protected convictions', which mean that after the passage of time an applicant must be treated as not having been charged with, convicted of or sentenced for any of those offences.

22.3. Section 4 of this Policy details the requirements for Enhanced level disclosures, from the Disclosure and Barring Service (DBS), for hackney carriage and private hire applicants and licensees and the subscription to the DBS Update Service.

22.4. As a general rule, the Council will expect applicants for licences to be free from previous convictions, cautions and reprimands. However, a person with convictions, cautions or reprimands will not be excluded from holding a licence but should be expected to have:

- remained free of conviction for an appropriate period and
- shown adequate evidence of good character from the time of conviction.

Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

22.5. It should be noted that the Council may refuse an application (or suspend or revoke a licence) after considering a conviction, caution or reprimand for any offence, if it is not satisfied that the applicant is fit and proper to hold a licence.

22.6. Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

22.7. On application to renew a licence, if no further convictions have been received since the previous application was considered, the Council will not consider it necessary to review convictions considered on the previous application.

However, in cases where new convictions have been received, all convictions may be taken into consideration, even if they have been previously considered.

22.8. Drivers licensed by the Council are required to notify the Licensing Section within 48 hours, in writing, of any convictions, cautions or similar proceedings during the period of the licence. It is open to the Council to reconsider a licence during its validity period if a conviction (or similar) would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.

22.9. In addition, licence holders must inform the Council within 48 hours of interview under caution and / or their arrest for any matter (whether subsequently charged or not). Failure to do so will raise questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

23. Driving Licence Endorsements

- 23.1. Driving licence endorsements may form part of the overall sentence arising from a criminal conviction, which will also be shown on the DBS disclosure. In such circumstances, the following guidelines should be read in conjunction with the appropriate paragraphs of the preceding section.
- 23.2. Endorsements will be checked by requiring an applicant to produce his driving licence to accompany an application, and by way of the verification check detailed in the 'Driving entitlement' section of this document.
- 23.3. All endorsements have a set validity period, and the Council will have regard to this period when determining which endorsements to take into account. The Council will have regard to both individual valid endorsements, and the cumulative total of penalty points from all valid endorsements on the licence.
- 23.4. Endorsements which fall outside of the stated validity period will not generally be taken into consideration, unless they demonstrate a pattern of poor driving.
- 23.5. A full list of endorsable traffic offences, including the corresponding endorsement codes, penalty points and validity periods, is included at APPENDIX 8.
- 23.6. On application to renew a licence, if no further endorsements have been received since the previous application was considered; the Council will not consider it necessary to review previous endorsements. However, in cases where new endorsements have been added, all valid endorsements appearing on the licence at the time of application may be taken into consideration, even if they have been previously considered.
- 23.7. Drivers licensed by the Council are required to notify the Licensing Department within 48 hours, in writing, of any endorsements received during the period of the licence. It is open to the Council to reconsider a licence during its validity period if an endorsement would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.

Major Endorsements

- 23.8. An endorsement which was subject to the award of four or more penalty points shall be regarded, for licensing purposes, as a major endorsement.
- 23.9. All such endorsements will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

- 23.10. More than one such valid endorsement will generally result in the application being refused.
- 23.11. An endorsement which was subject to the award of six or more penalty points shall be regarded with particular seriousness, and may constitute grounds for refusal on its own.

Minor Endorsements

- 23.12. An endorsement which was subject to the award of three or less penalty points shall be regarded, for licensing purposes, as a minor endorsement.
- 23.13. A single minor endorsement will not generally prevent an application from proceeding. However, a larger number of minor endorsements, particularly if incurred in a short period of time, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

Cumulative Total of Penalty Points

- 23.14. An application will normally be refused where the applicant has 12 or more penalty points from valid endorsements on his driving licence (whether or not the applicant was convicted by a court for the offences for which penalty points were imposed).
- 23.15. Applicants with 9 or more penalty points from valid endorsements on their driving licence, or three or more valid endorsements, will generally have their applications referred to the Licensing Regulatory Sub-Committee for careful consideration of the facts. If the Committee are not satisfied that the applicant can be considered a fit and proper person by virtue of his endorsements, it shall be open to them to refuse the application.
- 23.16. Applications from existing drivers for renewal with 9 or more valid endorsements on their licence will be referred to Licensing Regulatory Sub-Committee for decision.
- 23.17. Members of the Sub-Committee will usually be given the option to grant / refuse the licence or to request the applicant takes a re-test of the DVSA or an alternative practical driving assessment specifically for hackney carriage/private hire drivers, provided by a UK Government accredited organisation, before re-licensing is permitted.
- 23.18. All applicants with 6 to 8 penalty points from valid endorsements on their licence, or two valid endorsements, will generally be required to attend an interview with a licensing officer to review the facts behind the endorsements. It shall be at the Public Protections Manager's discretion as to whether to refer such applications to the Licensing Regulatory Sub-Committee for further

consideration of the pertinent facts, or to approve the application. Where applications are approved, it is expected that a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers will also be administered.

Other Traffic Offences

23.19. Penalties for other non-endorsable traffic offences, such as parking penalty notices, obstruction, waiting in a restricted road, etc., that have not resulted in a criminal conviction, will not generally be taken into account when considering an application. However, if the Council has received complaints in relation to non-endorsable traffic offences, this may give cause for concern as to whether they are a fit and proper person to hold a licence.

Disqualification

23.20. Where an applicant has been disqualified from driving because of a serious traffic offence, a licence application will generally be refused unless a period of 2 years free of conviction or endorsement has elapsed from the restoration of the driving licence.

23.21. Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the driving licence.

23.22. In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances) the Council is likely to refuse a hackney carriage or private hire driver's licence. This is because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

24. Drivers Code of Good Conduct

This Code should be read in conjunction with the other statutory and policy requirements set out in this document.

24.1 Responsibility to the Trade

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trades by:

- a) complying with this Code of Good Conduct;
- b) complying with all the conditions of their licence, byelaws and the Council's Hackney Carriage and Private Hire Licensing Policy;
- c) behaving in a civil, orderly and responsible manner at all times; and
- d) sign to acknowledge the Code of Conduct.

24.2 Responsibility to Clients

Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory condition at all times;
- b) keep their vehicles clean and suitable for hire to the public at all times;
- c) attend punctually when undertaking pre-booked hires;
- d) assist, where necessary, passengers into and out of vehicles; and
- e) provide passengers reasonable assistance with luggage.

24.3 Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) Horns must not be used between the hours of 11.30pm and 7am to indicate the vehicle has arrived for a hire.
- b) keep the volume of music to a minimum;
- c) switch off the engine if required to wait; and
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

24.4 Responsibilities at Ranks and Offices

Licence holders shall:

- a) rank in an orderly manner and proceed along the rank in order and promptly;
- b) remain in attendance of the vehicle;
- c) not allow their music players to cause disturbance to residents of the neighbourhood, which might arise from the conduct of their business.; and
- d) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

24.5 General

Drivers shall:

- a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- b) be polite, helpful and fair to passengers;
- c) drive with care and due consideration for other road users and pedestrians;
- d) obey all Traffic Regulation Orders and directions at all time;
- e) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- f) not drive while having misused legal or taken illegal drugs;
- g) ensure that they take sufficient breaks from work to prevent the effects of fatigue such as tiredness.;
- h) not eat in the vehicle in the presence of customers; and
- i) respect authorised officers at Council offices and elsewhere during their normal course of their duties.

24.6 Disciplinary Hearings.

Drivers should be aware of the powers the Authority has to take action, by way of suspension, revocation or refusal to renew a driver's licences where:

- a) the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence;
- b) the driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire Licensing Policy relating to taxi and private hire regulation; and
- c) there is a breach of licence condition or this code.

APPENDIX 1 – Right to Work in the UK

List A	
Documents showing an on-going right to work	
A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.	<p>An official document issued by a previous employer or Government agency, e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the person, and one of the following:</p> <ul style="list-style-type: none"> • An Immigration Status Document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom • A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents • A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents • A birth certificate issued in the Channel Islands, the Isle of Man or Ireland • An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland • A certificate of registration or naturalisation as a British citizen • A letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom.
A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.	
A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to a national of a European Economic Area country or Switzerland.	
A permanent residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.	
A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom	
A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.	

List B	
Documents showing a time-limited right to work	
A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question.	<p>A document issued by a previous employer or Government agency, e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder, and one of the following:</p> <ul style="list-style-type: none"> • An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question. • A letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.	
<p>A work permit or other approval to take employment issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency, and one of the following:</p> <ul style="list-style-type: none"> • a passport or other travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question • a letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder or the employer or prospective employer confirming the same 	
A Certificate of Application issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old (the Council must also undertake employment checks with UKBA in this situation).	<p>An Application Registration Card (ARC) issued by the Home Office, the Border and Immigration Agency or the UK Border Agency stating that the holder is permitted to take employment</p> <p>(The Council must also undertake employment checks with UKBA in this situation).</p>
A residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.	

APPENDIX 2 - Private Hire Vehicle Specification

s.48 Local Government (Miscellaneous Provisions) Act 1976

General/Policy

1. All private hire vehicles must meet all relevant legislation and regulations, in particular the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof and are safe and fit for purpose AND meet the following specification;
2. The vehicle must meet the criteria set out in the Council's Identification of Vehicles (Type / Signage) requirements.
3. The vehicle must display a notice detailing how passengers can make a complaint about the driver/vehicle to the Licensing Authority.
4. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
5. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) and that vehicle has been altered to seat eight or less passengers, the vehicle proprietor must notify the DVLA to [update the V5C registration certificate](#).
6. The (London Cab) and any purpose-built taxi type of vehicle shall not be permitted.
7. The vehicle must have a forward mounted motor, having sufficient power to effectively carry out the requirement of a private hire vehicle.
8. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement under categories A or B. Vehicles having sustained damage and disposed of under an insurance salvage agreement as a category S (formerly C) or N (formerly D), may be considered for a licence providing the vehicle has been repaired to a roadworthy condition and passes the Councils vehicle test for licensing as a private hire or hackney carriage.
9. The vehicle must not have any other feature which may suggest to a person seeking to hire that the vehicle is a hackney carriage.
10. The vehicle must have provided and maintained at all times, safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements
11. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and

government guidance or conditions. Such changes will be notified as appropriate to proprietors.

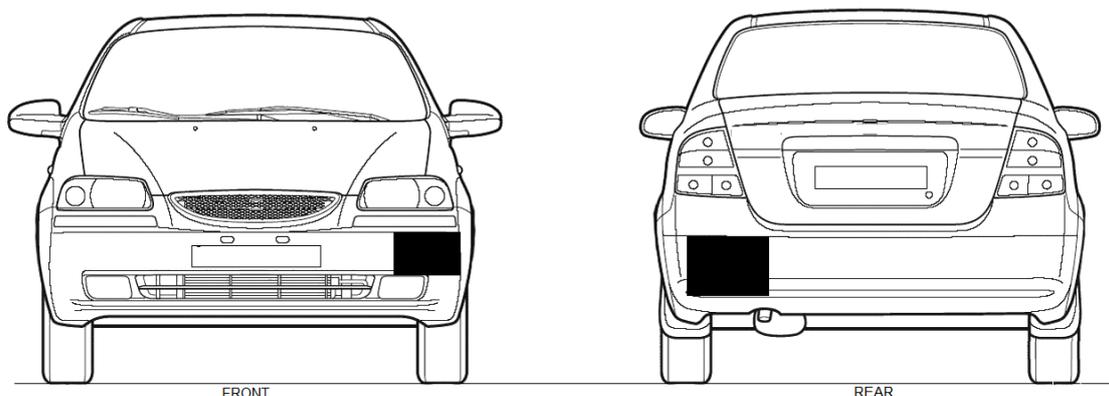
12. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Exterior

13. Vehicles of any colour are permitted to be licensed as a private hire vehicle.
14. Roof signs of any form are not permitted on Private Hire Vehicles.
15. (a) Private hire vehicles must display approved magnetic/permanent signs which state the operator name and/or contact number of the vehicle operator.
(b) Any signage is only permitted on the front and rear doors.
(c) Vehicles currently licensed by the Council will have grandfather rights and there will be no requirement to remove any advertising [of the operator] which is already on the vehicle.
(d) Advertising of external businesses is not permitted.

The Council will consider requests in writing for the conditions (a) and/or (b) to be relaxed.

16. Private Hire vehicles shall display 2 pre-booked fares only signs, one on each passenger window. A minimum of one no smoking sign must also be displayed.
17. The vehicle must not have displayed on or from the vehicle any sign or notice, mark or illumination which consists of or includes the word 'taxi', "for hire or 'cab' or leads a person to believe the vehicle is a hackney carriage.
18. The licence plates issued by the Council shall at all times be kept securely affixed to the exterior of the vehicle, one to the rear nearside and one to the front nearside in such a position and in such condition as to be readily visible and legible from the outside. Deviation from these positions must be approved, in writing by an authorised Council officer. Consideration will be given to allow for parking sensors, vehicle shape etc.



Licence plate positions

19. Wing mounted driving mirrors on both sides of the vehicle and an interior rear mirror shall be fitted and maintained.
20. No fittings, other than those fitted from time of manufacture of that vehicle, may be attached to or carried upon the interior or exterior of the vehicle, without written approval of the Council. These include roof racks, roof mounted luggage containers, roof signs etc (this list is not exhaustive).

The use of aerials for radio communication is permitted.

Interior

21. The rear boot compartment must be adequate to carry luggage for each of the passengers which it is authorised to carry.

Doors

22. The vehicle must have a minimum of 4 doors.
23. Door catches must be at all times be secure and yet capable of operation by passengers.

Seats

24. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers.
25. Not more than one passenger shall be accommodated in the front of the vehicle next to the driver and the seat for such passenger shall be an individual seat, not one used in common with the driver. Unless the vehicle is equipped with a factory fitted twin passenger seat. This seat must be separate from the driver's seat.
26. There must be sufficient space between the lowest part of the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort. This must be at least 845mm (33 inches).
27. The minimum leg room available, to any passenger must be 200mm (8 inches). The measurement will be taken from the edge of the seat cushion to the rear of the seat/object in front. Where there is no seat/object in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
28. Each seat must not be less than 406mm (16 inches) in width at its widest point.
29. Where bench seats are provided, then the seat must provide at its widest point a minimum of 406mm (16 inches) seating space for each passenger i.e. a bench seat must not be less than 1218 mm (48 inches) in order to accommodate 3 passengers.
30. Seat Belts

All vehicles with not more than two rear seats are fitted with either:

- (i) a 3 point inertia reel belt for each seat; or
- (ii) a 3 point belt, lap belt, disabled person's belt or child restraint for each seat.

All vehicles with more than two rear seats are fitted with either:

- (i) a 3 point inertia reel belt on an outboard seat and a static or inertia reel belt, lap belt, disabled person's belt or child restraint for at least one seat; or
- (ii) a static 3 point belt for one seat and a disabled person's belt or child restraint for at least one other seat; or
- (iii) a 3 point belt, lap belt, disabled person's belt or child restraint for each seat.

Windows

- 31. The Council shall refuse any vehicle submitted for licensing which if fitted with tinted windows to the rear of the driver, that are not factory fitted at the time of manufacture of the vehicle. Requests may be made in writing to the Council for additional tints to be added, following the manufacture of the vehicle.

Additional requirements for Wheelchair Accessible Vehicles

Wheelchair Facilities

- 32. Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage 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.
- 33. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.
- 34. The clear height of the doorway must be not less than 120 cm.
- 35. Grab handles must be placed at door entrances to assist the elderly and disabled.
- 36. The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.

37. The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
38. Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
39. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear or rear 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.

APPENDIX 3 - Hackney Carriage Vehicle Specification

s.47 Local Government (Miscellaneous Provisions) Act 1976

General/Policy

1. All hackney carriages vehicles must meet all relevant legislation and regulations, in particular the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof and are safe and fit for purpose.
2. The vehicle must meet the criteria set out in the Council's Identification of Vehicles (Type / Signage) requirements.
3. The vehicle must display a notice detailing how passengers can make a complaint about the driver/vehicle to the Licensing Authority.
4. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).

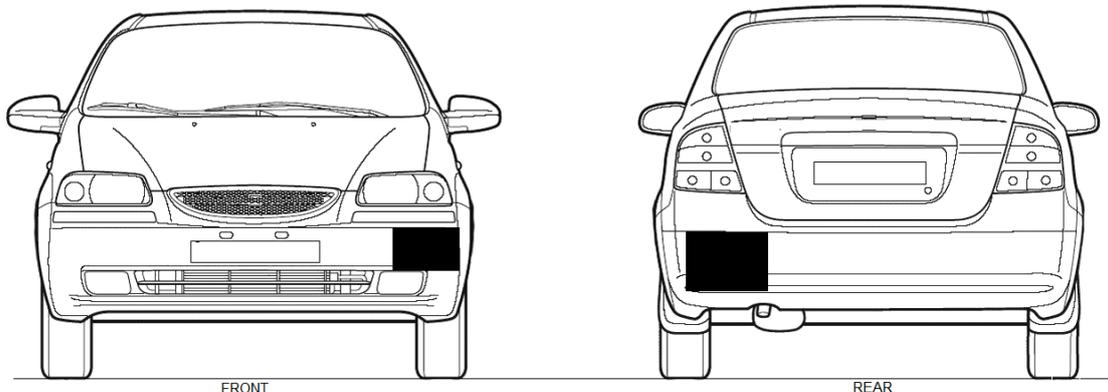
If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) and that vehicle has been altered to seat eight or less passengers, the vehicle proprietor must notify the DVLA to [update the V5C registration certificate](#).

5. The (London Cab) and any purpose built taxi type of vehicle shall be permitted.
6. The vehicle must have a forward mounted motor, having sufficient power to effectively carry out the requirement of a hackney carriage.
7. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement under categories A or B. Vehicles having sustained damage and disposed of under an insurance salvage agreement as a category S (formerly C) or N (formerly D), may be considered for a licence providing the vehicle has been repaired to a roadworthy condition and passes the Councils vehicle test for licensing as a private hire or hackney carriage.
8. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements
9. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.

10. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Exterior

11. The roof sign on a hackney carriage MUST be either yellow or white in colour to the front and display the word "TAXI". The sign shall, when illuminated, be red to the rear and show the words "FOR HIRE", the colour of the text shall be black. The roof sign may contain advertising of the operator for whom the vehicle is working for.
12. Vehicles already licensed by the Council will have grandfather rights and the roof signs will need to meet point 11 above when new vehicles are licensed.
13. If the Hackney Carriage is undertaking Private Hire work they must also advertise the firm of whom they are operating for, by displaying approved magnetic / permanent door signs on the rear doors of the vehicle.
14. The licence plates issued by the Council shall at all times be kept securely affixed to the exterior of the vehicle, one to the rear nearside and one to the front nearside in such a position and in such condition as to be readily visible and legible from the outside. Deviation from these positions must be approved, in writing by an authorised Council officer. Consideration will be given to allow for parking sensors, vehicle shape etc.



Licence plate positions

15. Wing mounted driving mirrors on both sides of the vehicle and an interior rear mirror shall be fitted and maintained.
16. No fittings, other than those fitted from time of manufacture of that vehicle, may be attached to or carried upon the interior or exterior of the vehicle, without written approval of the Council. These include roof racks, roof mounted luggage containers, etc (this list is not exhaustive). The use of aerials for radio communication is permitted.

Interior

17. The rear boot compartment must be adequate to carry luggage for each of the passengers which it is authorised to carry.
18. A minimum of one no smoking sign and tariff of fares must be displayed inside the vehicle.

Doors

19. The vehicle must have a minimum of 4 doors.
20. Door catches must be at all times be secure and yet capable of operation by passengers.

Seats

21. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers.
22. Not more than one passenger shall be accommodated in the front of the vehicle next to the driver and the seat for such passenger shall be an individual seat, not one used in common with the driver.
23. There must be sufficient space between the lowest part of the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort. This must be at least 845mm (33 inches).
24. The minimum leg room available, to any passenger must be 200mm (8 inches). The measurement will be taken from the edge of the seat cushion to the rear of the seat/object in front. Where there is no seat/object in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
25. Each seat must not be less than 406mm (16 inches) in width at its widest point.
26. Where bench seats are provided, then the seat must provide at its widest point a minimum of 406mm (16 inches) seating space for each passenger i.e. a bench seat must not be less than 1218 mm (48 inches) in order to accommodate 3 passengers.
27. Seat Belts

All vehicles with not more than two rear seats are fitted with either:

- (i) a 3 point inertia reel belt for each seat; or
- (ii) a 3 point belt, lap belt, disabled person's belt or child restraint for each seat.

All vehicles with more than two rear seats are fitted with either:

- (i) a 3 point inertia reel belt on an outboard seat and a static or inertia reel belt, lap belt, disabled person's belt or child restraint for at least one seat; or
- (ii) a static 3 point belt for one seat and a disabled person's belt or child restraint for at least one other seat; or
- (iii) a 3 point belt, lap belt, disabled person's belt or child restraint for each seat.

Windows

28. The Council shall refuse any vehicle submitted for licensing which if fitted with tinted windows to the rear of the driver, that are not factory fitted at the time of manufacture of the vehicle. Requests may be made in writing to the Council for additional tints to be added, following the manufacture of the vehicle.

Additional requirements for Wheelchair Accessible Vehicles

Wheelchair Facilities

29. Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage 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.
30. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.
31. The clear height of the doorway must be not less than 120 cm.
32. Grab handles must be placed at door entrances to assist the elderly and disabled.
33. The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
34. The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
35. Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.

36. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear or rear 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.

London Taxi / Black Cab - Passenger Capacity

37. The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
38. The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
39. The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.
40. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

London Taxi / Black Cab - Driver's Compartment

41. The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
42. The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
43. Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.

APPENDIX 4 - PRIVATE HIRE VEHICLE CONDITIONS

1. The Licence

In this licence:

- 'the Council' means the Barrow-in-Furness Borough Council;
- 'the 1976 Act' means the Local Government (Miscellaneous Provisions) Act 1976;
- 'the 1847' Act' means the Town Police Clauses Act 1847; and
- 'the vehicle' means the licensed private hire vehicle.

- 1.1. This licence shall continue in force for a period of one year unless suspended or revoked.
- 1.2. The vehicle must meet the Councils Private Hire Vehicle Specification, at all times.

2. Vehicle type and design

- 2.1. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the Council approved testing stations at any time while the licence is in force.
- 2.2. The colour of the vehicle must not be altered during the period that the vehicle is licensed.

3. General condition, cleanliness and appearance of vehicle

- 3.1. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- 3.2. Seats must still be fully `sprung`, free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- 3.3. Luggage and storage areas must be kept as free space for passengers luggage, unless previously agreed by the Council.
- 3.4. If at any time the vehicle is involved in a road traffic collision, the vehicle proprietor must inform the Council as soon possible and in any event within 72 hours, by completing the Council's accident report form.

- 3.5. If the vehicle is so damaged that it cannot be driven, then the proprietor must inform the Council of this fact – the Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicles condition that clearly illustrates the reasons why the vehicle cannot be driven/presented for examination.
- 3.6. All repairs must be carried out without undue delay and may require the vehicle to be inspected by a Council officer.
- 3.7. Bodywork must be maintained to a good condition, free of damage and paintwork must be sound and well maintained and free of corrosion, inferior re-spray work and `cover up` temporary repairs.
- 3.8. The proprietor / driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this should be a visual check on all lights, oil, water, tyres, mirrors and seat belts.

4. Identification plate, signs, notices etc

4.1. The following must be in place at all times:

- (a) A licence plate permanently affixed to the rear nearside of the vehicle.
- (b) A licence plate permanently affixed to the front nearside of the vehicle.
- (c) Private hire vehicles must display approved magnetic / permanent signs which state the operator name and/or contact number of the vehicle operator. The signs are only permitted on the rear doors with no more than one on each side.
- (d) Private Hire vehicles shall display 2 pre-booked fares only signs, one on each passenger window.
- (e) A minimum of one no smoking sign must also be displayed.

4.2. The signs and plates referred to above will be issued or approved for use by the Council.

The signs and plates must be affixed to the vehicle in accordance with the requirements set out by the Council.

4.3. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions. However, this condition will not apply to any indication on a taximeter fitted to the vehicle.

4.4. At times of significant importance (i.e., Christmas, Remembrance Day) vehicles are permitted to adorn the inside of their vehicle with minimal decorations.

Decorations must not cause a visual distraction to the travelling public or driver. If vehicle proprietors wish to add further decorations, a request must be made in writing to the Public Protection Manager at least one month prior to the proposed fitting of the decorations. The Public Protection Manager may refer the matter to Licensing Regulatory Sub-Committee.

- 4.5. No lights, flashing or otherwise are permitted inside or outside of the vehicle, save those fitted at time of the vehicle manufacture.
- 4.6. In certain circumstances (such as cases of executive hire), the Council will permit a deviation from these conditions – however a request for such a deviation will need to be made in writing to the Public Protection Manager and may be referred to Licensing Regulatory Sub-Committee.
- 4.7. The vehicle must display a notice detailing how passengers can make a complaint about the driver/vehicle to the Licensing Authority.

5. Equipment and fittings

- 5.1. The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- 5.2. The vehicle must carry at all times one 1kg Fire Extinguisher of the BCF or dry powder type which is in-date, maintained in good working order and fitted in the driver's compartment of the vehicle or in the rear of the vehicle in a safe, convenient and visible location. and one fully equipped first aid box. Both clearly labelled with the vehicle licence number, e.g. HV123 / PV456.
- 5.3. Where vehicles are fitted with CCTV, the vehicle proprietor must notify the Council within 3 working days of it being installed.

6. Meters, fares and tariffs

- 6.1. Any meter fitted to the vehicle must be installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the tariff.
- 6.2. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and the driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- 6.3. If a fare has not been agreed between the driver (operator) and the customer then the fare charged must be that which is shown on the meter (if fitted). A

statement to this effect must be made on the notice referred to in the point listed above.

- 6.4. The vehicle should display a fare card with the rates of the Private Hire Operator(s) they are working for.

7. Seats and Passengers

- 7.1. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- 7.2. Where the seating in the licensed vehicle can be re-arranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for temporary accommodation of a wheelchair in vehicles approved for such purpose.

8. Wheelchair passengers

- 8.1. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- 8.2. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

9. Communication equipment

- 9.1. Radio communication equipment may be fitted for use in connection with the private hire operators' base station.
- 9.2. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

10. Insurance and insurance cover

- 10.1. Private Hire insurance which complies with Part VI of the Road Traffic Act 1988 must be in force at all times for the duration of the licence.

10.2. Any change in respect of the insurance must be notified to the Council, including any change of policyholder(s). The Council will require production of satisfactory documentation from the insurance company/broker confirming that although the vehicle is owned by the proprietor the insurance affected by the policyholder is nevertheless fully effective for private hire purposes.

11. Convictions

11.1. The proprietor of a private hire vehicle must notify the Council in writing within 48 hours and provide full details of any conviction, binding over, caution, warning, reprimand, interview under caution or arrest for any matter (whether or not charged) imposed on him/her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence.

12. Transfer of vehicle and Control of vehicle

12.1. The licence holder must ensure that he has control of the vehicle at all times.

12.2. The proprietor must not assign or in any way part with the benefit of the licence without notifying the Council and effecting a formal transfer within 14 days. The proprietor must return the plate and the licence to the Council immediately if the vehicle is sold or otherwise disposed of without such transfer having first been affected.

13. Change of address

13.1. The Proprietor shall within 48 hours of any change of address of the place where a vehicle is kept when not in use, notify the Council in writing of the new address and further shall at every address where a vehicle is so kept if so required by the Council afford to them such facilities as may be reasonably necessary to enable them to cause the vehicle to be tested there.

13.2. Any notice required to be served by the Council under this licence or under any of the provisions of the Acts shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the holder of the licence.

14. Renewal applications

14.1. Applications to renew this licence will only be accepted by the Licensing Authority up to 30 days before expiry, although you must submit your renewal application at least 7 days before its expiry.

14.2. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry

14.3. Should your application for renewal be submitted after the licence expiry, a new application must be submitted to the Licensing Authority.

APPENDIX 5 - HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

1. The Licence

In this licence:

- 'the Council' or 'Licensing Authority' means the Barrow Borough Council;
- 'the 1976 Act' means the Local Government (Miscellaneous Provisions) Act 1976;
- 'the 1847' Act' means the Town Police Clauses Act 1847; and
- 'the vehicle' means the licensed hackney carriage.

- 1.1. This licence shall continue in force for a period of one year unless suspended or revoked.
- 1.2. The vehicle must meet the Councils Hackney Carriage Vehicle Specification, at all times.
- 1.3. In addition to the conditions below, licence holders must also comply with the provisions of the Hackney Carriage Bye-laws.

2. Vehicle type and design

- 2.1. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the Council approved testing stations at any time while the licence is in force.
- 2.2. The colour of the vehicle must not be altered during the period that the vehicle is licensed.

3. General condition, cleanliness and appearance of vehicle

- 3.1. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- 3.2. Seats must still be fully `sprung`, free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- 3.3. Luggage and storage areas must be kept as free space for passengers luggage, unless previously agreed by the Council.

- 3.4. If at any time the vehicle is involved in a road traffic collision, the vehicle proprietor must inform the Council as soon possible and in any event within 72 hours, by completing the Council's accident report form.
- 3.5. If the vehicle is so damaged that it cannot be driven, then the proprietor must inform the Council of this fact – the Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicles condition that clearly illustrates the reasons why the vehicle cannot be driven/presented for examination.
- 3.6. All repairs must be carried out without undue delay and may require the vehicle to be inspected by a Council officer.
- 3.7. Bodywork must be maintained to a good condition, free of damage, paintwork must be sound and well maintained and free of corrosion, inferior re-spray work and `cover up` temporary repairs.
- 3.8. The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this should be a visual check on all lights, oil, water, tyres, mirrors and seat belts.

4. Identification plate, signs, notices etc

4.1. The following must be in place at all times:

- (a) A licence plate permanently affixed to the rear nearside of the vehicle
- (b) A licence plate permanently affixed to the front nearside of the vehicle
- (c) If the Hackney Carriage is undertaking Private Hire work they must also advertise the firm of whom they are operating for, by displaying magnetic / permanent door signs on the rear doors of the vehicle.
- (d) The roof sign on a hackney carriage **MUST** be yellow or white in colour and display the word "TAXI or FOR HIRE" to the front of the sign and be, when illuminated, red to the rear and display the words "TAXI or FOR HIRE", the colour of the text shall be black. This sign must be connected to the hackney meter whereby when the carriage is plying for hire the sign will be illuminated and be extinguished when the hackney carriage is hired and the meter is set.
- (e) A minimum of one no smoking sign must also be displayed.

4.2. The signs and plates referred to above will be issued or approved for use by the Council.

The signs and plates must be affixed to the vehicle in accordance with the requirements set out by the Council.

- 4.3. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions. However, this condition will not apply to any indication on a taximeter fitted to the vehicle.
- 4.4. The vehicle must display a notice detailing how passengers can make a complaint about the driver/vehicle to the Licensing Authority.
- 4.5. At times of significant importance (i.e., Christmas, Remembrance Day) vehicles are permitted to adorn the inside of their vehicle with minimal decorations. Decorations must not cause a visual distraction to the travelling public or driver. If vehicle proprietors wish to add further decorations, a request must be made in writing to the Public Protection Manager at least one month prior to the proposed fitting of the decorations. The Public Protection Manager may refer the matter to Licensing Regulatory Sub-Committee.
- 4.6. No lights, flashing or otherwise are permitted inside or outside of the vehicle, save those fitted at time of the vehicle manufacture.
- 4.7. In certain circumstances (such as cases of executive hire), the Council will permit a deviation from these conditions – however a request for such a deviation will need to be made in writing to the Public Protection Manager and may be referred to Licensing Regulatory Sub-Committee.

5. Equipment and fittings

- 5.1. The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- 5.2. The vehicle must carry at all times one 1kg Fire Extinguisher of the BCF or dry powder type which is in-date, maintained in good working order and fitted in the driver's compartment of the vehicle or in the rear of the vehicle in a convenient, safe and visible position. The extinguisher should only be used to assist in the evacuation of the vehicle. and one fully equipped first aid box containing appropriate dressings and appliances for immediate use in an emergency. The kit carried is to ensure compliance with the Health and Safety (First Aid) Regulations 1981 which requires employers to provide a first aid kit to enable employees to receive first aid if they become injured at work and self-employed persons to provide first aid to themselves whilst at work . Both clearly labelled with the vehicle licence number, e.g. HV123 / PV456.
- 5.3. Where vehicles are fitted with CCTV, the vehicle proprietor must notify the Council within 3 working days of it being installed.

6. Meters, fares and tariffs

- 6.1. A meter must be installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter.
- 6.2. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and the driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- 6.3. A hackney carriage must always use its meter for all journeys, unless the fare has been agreed prior to the journey commencing. No pre agreed price can be charged that is higher than that displayed on the meter, within the Barrow Borough Council district.
- 6.4. If a fare has not been agreed between the driver (operator) and the customer then the fare charged must be that which is shown on the meter (if fitted). A statement to this effect must be made on the notice referred to in the point listed above.

7. Seats and Passengers

- 7.1. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- 7.2. Where the seating in the licensed vehicle can be re-arranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for temporary accommodation of a wheelchair in vehicles approved for such purpose.

8. Wheelchair passengers

- 8.1. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- 8.2. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

9. Communication equipment

- 9.1. Radio communication equipment may be fitted for use in connection with the private hire operators' base station, and for personal use.
- 9.2. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

10. Insurance and insurance cover

- 10.1. Public Hire and Private Hire, if undertaking private hire work, insurance which complies with Part VI of the Road Traffic Act 1988 must be in force at all times for the duration of the licence.
- 10.2. Any change in respect of the insurance must be notified to the Council, including any change of policyholder(s). The Council will require production of satisfactory documentation from the insurance company/broker confirming that although the vehicle is owned by the proprietor the insurance affected by the policyholder is nevertheless fully effective for public hire / private hire purposes.

11. Convictions

- 11.1. The proprietor of a hackney carriage vehicle must notify the Council in writing within 48 hours and provide full details of any conviction, binding over, caution, warning, reprimand, interview under caution or arrest for any matter (whether or not charged) imposed on him/her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence.

12. Transfer of vehicle and Control of vehicle

- 12.1. The licence holder must ensure that he has control of the vehicle at all times.
- 12.2. The proprietor must not assign or in any way part with the benefit of the licence without notifying the Council and effecting a formal transfer within 14 days. The proprietor must return the plate and the licence to the Council immediately if the vehicle is sold or otherwise disposed of without such transfer having first been affected.

13. Change of address

- 13.1. The Proprietor shall within 48 hours of any change of address of the place where a vehicle is kept when not in use, notify the Council in writing of the new address and further shall at every address where a vehicle is so kept if so required by the Council afford to them such facilities as may be reasonably necessary to enable them to cause the vehicle to be tested there.

13.2. Any notice required to be served by the Council under this licence or under any of the provisions of the Acts shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the holder of the licence.

14. Renewal applications

14.1. Applications to renew this licence will only be accepted by the Licensing Authority up to 30 days before expiry, although you must submit your renewal application at least 7 days before its expiry.

14.2. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

14.3. Should your application for renewal be submitted after the licence expiry, a new application must be submitted to the Licensing Authority.

APPENDIX 6 – EXECUTIVE HIRE EXEMPTION GUIDELINES FOR PRIVATE HIRE VEHICLES

The Local Government (Miscellaneous Provisions) Act 1976 requires that a District Council must issue a private hire vehicle with an identity plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a district Council the discretion to grant a proprietor an exemption from displaying the licence plates on their licensed private hire vehicle. Each application for an exemption will be considered on its own merits. The overriding consideration will be public safety.

Exemptions will not be granted as a matter of course. A clear case for the exemption will have to be made by the proprietor. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the exemption should be granted. The high quality of the vehicle being used will be supportive of an application, but will not be the sole determining factor.

THE TYPE OF WORK, WHICH MAY BE DEEMED EXECUTIVE HIRE

Examples of the type of work, which is considered to be Executive Vehicle Hire, are as follows:

- Corporate bookings to transport employees and clients on business related journeys.
- Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking.
- Transporting a wedding party or funeral.

TYPES OF VEHICLE, WHICH MAY GRANTED EXEMPTION

Executive travel is considered to be a speciality private hire service in a luxury vehicle rather than a standard vehicle. Examples of luxury vehicle types include for example Mercedes, BMW, Audi, Jaguar and Lexus models.

The Council does not wish to provide a prescriptive list of acceptable vehicles because this may be subjective and also require frequent updates. Conversely, it does not wish to restrict the types of vehicles, which may be top of the range and therefore deemed to hold luxury status.

These guidelines set out a range of general criteria that leave it open to the private hire vehicle trade to put forward vehicles of its own choice, which can be shown to meet the criteria. This will enable flexibility if the circumstances merit it.

- Each seat is of adequate dimension and permits direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. Vehicle types that are capable of seating more than four passengers will be considered for the exemption but will only be licensed for, in the opinion of the authority, the number of passengers who can travel comfortably. This consideration relates to the level of comfort that the average person may believe an executive hire car should afford.
- Evidence to show that the vehicle is a luxury or top of the range as represented by the vehicle manufacture.
- Relevant considerations as to whether a vehicle is an executive hire car include but are not limited to cost, reputation, specification, appearance, perception and superior comfort levels.
- The vehicle has a minimum specification of air conditioning/climate control, all electric windows, central locking and suitable front and rear headrests for each passenger.

PRIVATE HIRE (EXECUTIVE HIRE) VEHICLE – ADDITIONAL CONDITIONS

1. The decision to grant/refuse an exemption for the display of the current private hire licence plates will be that of the Public Protection Manager.
2. To qualify as exempt, the vehicle must be of a higher specification than standard model vehicles.
3. Any bookings for the undertaking of a journey in an exempt vehicle must be made by way of a written contract. Such contracts must be in place for no less than 24hrs prior to the commencement of the journey. Written contracts shall be made available for inspection by an authorised Officer or Constable at any reasonable time and be retained for a period of not less than 12 months.
4. Exempt vehicles that conduct private hire work without a written contract in place as per condition 3 will have their exempt vehicle status withdrawn. They will then be required to display Barrow Borough Councils standard private hire plates on the front and rear of the vehicle.
5. Exempt vehicles shall not display any external markings eg. Operator details or advertisements.
6. Exempt vehicles can only be driven by a licensed private hire driver who is licensed by the same authority from which the exempt vehicle licence was issued.
7. At all times when the vehicle is being used on work covered by the exemption from the display of the private hire plate, the letter of authority must be carried on the vehicle and produced for inspection if requested. When not engaged on work covered by the exemption, the vehicle must display the licence plate in accordance with licensing conditions.
8. Any breach of the exempt vehicle conditions could result in the vehicle having its exempt vehicle status withdrawn; from which point, assuming it continues to

be used as a private hire vehicle, the vehicle will be required to display the current standard private hire licence plates.

9. All other private hire conditions will apply to both the vehicle and the driver whilst he/she is undertaking executive hire.
10. Appeal to Licensing Regulatory Sub-Committee regarding the type of vehicle and contracts of use if refused or deemed inappropriate by the Public Protection Manager.

PRIVATE HIRE (EXECUTIVE HIRE) DRIVERS – ADDITIONAL CONDITIONS

11. Drivers shall wear smart clothing and are required to wear a suit with jacket or equivalent. Male drivers shall wear a tie. This dress code must be followed at all times the vehicle is being used to undertake a booking. Jackets may be removed for the comfort of the driver or where weather conditions require it.
12. The driver shall at all times when hired have his/her badge available to identify him/herself to the hirer.

APPENDIX 7 - Private Hire Operator Licence Conditions

S.55(3) of the Act provides the Licensing Authority power to impose such conditions on an operator's licence, as it considers reasonably necessary. The standard conditions are set out below (additional conditions may be applied):

CONDITIONS RELATING TO OPERATOR'S LICENCE OF PRIVATE HIRE VEHICLES AND DRIVERS

In this licence:

“the Council” or “Licensing Authority” means Barrow Borough Council.

“the Act” means the Local Government (Miscellaneous Provisions) Act 1976.

“the Operator” means the person(s) licensed under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

“Authorised Officer” means any officer of the Council for the purposes of this Part of the Act.

1. Operator Licence

- 1.1. This licence shall continue in force for a period of 5 years from the date of issue unless otherwise stated, it is the responsibility of the licence holder to renew the licence. Failure to renew the licence before the expiry date will result in the operator needing to complete a new application.
- 1.2. The Operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, booking agents / telephone operators are used (and continue to be used) in the course of their business. The failure of the Operator to ensure that appropriate checks are carried out may call into question the Operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the Operator.
- 1.3. The Operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Council for amendment or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
- 1.4. A separate licence will be issued in respect of each approved secondary booking office, if any.
- 1.5. Application must be made in writing in relation to any intended change of business premises and approval obtained before being so used.

- 1.6. The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 48 hours of any change occurring.
- 1.7. The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
- 1.8. The Operator must not at any time operate more private hire vehicles than are specified on his/her licence without the prior consent of the council and by applying to increase the number of vehicles allowed to be operated on his/her licence.
- 1.9. The Operator must inform the Council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the Operator must give the name of the person that will be responsible for the running of the business on their behalf.
- 1.10. The Operator(s) must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation and equalities legislation.
- 1.11. The Operator(s) will be required to obtain a basic Disclosure and Barring Service certificate directly from the DBS, the costs of which are to be met by the applicant, on initial applications and upon renewal. The certificate must be dated within 1 calendar month of the application being made to the Licensing Authority.
- 1.12. The Operator must provide the Council with all tariffs (if different from the approved Table of Fares for Hackney Carriages) they operate where a meter is used.
- 1.13. The Operator must keep a register of all staff who take bookings or dispatch vehicles.

2. Standards of Service

The Operator shall:

- 2.1. Provide a prompt, efficient and reliable service to members of the public at all reasonable times;
- 2.2. Ensure that office staff behave in a civil and orderly manner at all times;
- 2.3. The Operator must require all staff listed on their register, including office staff, booking agents, telephone operators any other person who has access to passengers personal information to provide a basic DBS upon commencing their employment and this is compatible with their policy on employing ex-offenders;

- 2.4. Ensure that when a vehicle has been hired, it arrives punctually at the appointed place, unless delayed by unforeseen circumstances;
- 2.5. Where any property is left by a customer in the business premises, or in any vehicle used for any hiring, it should be returned to the Operator's base. The Operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements.
- 2.6. The Operator shall have a Complaints Policy clearly detailing how they will deal with complaints about the service and/or a driver/vehicle, which must be made available upon request.
- 2.7. The Operator must share all complaints received about vehicles and/or drivers with the Licensing Authority on a weekly basis.

3. Business Premises

- 3.1. The Operator must only conduct business from the office at the address specified on the licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's Licensing Department and await approval before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.
- 3.2. The Operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the Operator.
- 3.3. The Operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council.
- 3.4. The Operator must provide at the business premises an area to which the public have access for the purpose of making a booking for the services of a licensed private hire vehicle, and for the purpose of awaiting the arrival of such vehicle subsequent to any booking. This condition will not apply if the business premises is the residential address of the licensed operator or bookings are made via a mobile app.
- 3.5. If the Operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006; the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations.

4. Records

- 4.1. The Operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.
- 4.2. All records must be in English.
- 4.3. All records shall be in legible form and kept for at least 12 months following the date of the last entry and shall be capable of being produced for inspection on request, by any Authorised Officer or Police Officer.
- 4.4. The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises if so required.
- 4.5. Records must be kept in one of the following forms:-
 - (i) a bound book with consecutively numbered pages (loose leaf registers are not acceptable); or
 - (ii) on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed; or
 - (iii) a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamperproof; and once inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.
 - (iv) The removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by an Authorised Officer or Police Officer. Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 5a above) and notes must be included; including the name of the sub-contractor and contact information).

- (v) No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- (vi) Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.
- (vii) The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.
- (viii) Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted/updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the Operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

- (ix) The Operator must keep records of the particulars of all private hire vehicles and drivers operated by him/her. Such records must include details of the owners, registration numbers and drivers of such vehicles, together with any radio communications equipment fitted.

4.6. The Operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

5. Bookings

5.1. At the time the booking is taken the Operator shall enter the following particulars of every booking in the above records:

- (i) the date and time of the booking, any subsequent cancellation and the signature (or in the case of a computer system, the identity) of the person taking the booking;
- (ii) the name of any individual that responded to the booking request
- (iii) the name of the hirer;
- (iv) the time and date of pick-up;
- (v) the address of the point of pick-up;
- (vi) the destination;

- (vii) any fare quoted at the time of booking;
- (viii) the plate number of the vehicle allocated;
- (ix) the badge number (or other identification) of the driver allocated; and
- (x) the details of any booking sub contracted to another licensed operator or hackney carriage in the district.
- (xi) the name of any individual that dispatched the vehicle;
- (xii) the Driver name;
- (xiii) Only licensed private hire vehicles and licensed private hire drivers be used for bookings involving less than nine persons unless expressly requested by the hirer.

5.2. The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.

5.3. The Operator must not accept any booking for a particular private hire vehicle/hackney carriage which would require that vehicle to carry more passengers that is licensed to carry.

6. Vehicles

6.1. The operator shall keep a copy of licences issued by the Authority, for private hire vehicles it operates.

6.2. The licence holder shall withdraw from operation any vehicle which the private hire/hackney carriage vehicle licence is for any reason withdrawn; suspended or not renewed.

6.3. The Operator must not operate a private hire vehicle/hackney carriage without the driver thereof being licensed by the Council. The Operator must personally examine the drivers' licences issued by the Council and satisfy himself / herself as to their validity.

6.4. The operator must not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-

- (i) Concealed from public view
- (ii) Defaced
- (iii) Disfigured

6.5. The Operator must also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.

7. Drivers

7.1. The operator shall keep a copy of licences issued by the Authority, for drivers it operates.

- 7.2. The operator shall keep records of driver call signs; date of when a new driver begins service; and date when a driver ceases service.
- 7.3. If the operator becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to drive then they shall inform the Authority immediately.
- 7.4. The licence holder shall not employ or dispatch any job to a driver who has allowed their private hire/hackney carriage driver's licence to expire, or had their licence suspended or revoked by the Licensing Authority.
- 7.5. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking is not permitted.

8. Change of Address

- 8.1. The operator shall notify the Authority in writing of any change affecting this licence, including change of address, whether permanent or temporary, (including any address from which he operates or otherwise conducts his business), which takes place during the currency of the licence. Such notice shall be given within 48 hours of the change to the Licensing Section.

9. Disclosure of Convictions

- 9.1. The Operator shall, within 48 hours notify the Council in writing of any conviction caution, warning, reprimand or arrest (whether or not charged) or fixed penalty notice imposed on him during the currency of his/her operators licence. If the operator is a company or partnership, this requirement shall apply if any of the directors, secretary or partners receive a conviction or fixed penalty notice.

10. Insurance

- 10.1. The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated under the licence, which is compliant with The Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.
- 10.2. If the Operator has premises to which the public have access in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.
- 10.3. A valid certificate of employers' liability insurance; (if the applicant is employing staff)

11. Service of Notices

11.1. Any notice required to be served by the Council under this licence or under any of the provisions of the Act, shall be deemed to have been properly served, if sent by them by post or left at the last known address of the premises from which the licence operates.

12. Display of Terms and Conditions

12.1. The Operator shall keep a copy of these conditions at all premises used for a private hire business and shall make the same available for inspection by customers and on request by Authorised Officers and Police officers.

APPENDIX 8 - HACKNEY CARRIAGE BYE-LAWS

HACKNEY CARRIAGE BYE-LAWS

Made under Section 68 of the Town Police Clauses Act, 1847 and Section 171 of the Public Health Act, 1875, by the Council of the Borough of Barrow-in-Furness with respect to hackney carriages in the Borough of Barrow-in-Furness.

INTERPRETATION

1. Throughout these bye-laws "the Council" means the Council of the Borough of Barrow-in-Furness and "the district" means the Borough of Barrow-in-Furness.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED.

2. The proprietor of a hackney carriage shall
 - a) 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 respectively of the carriage or on plates affixed thereto.
 - b) 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.
 - c) not cause or permit the vehicle to ply for hire with any such plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall
 - a) provide sufficient means by which any person in the carriage may communicate with the driver.
 - b) cause the roof or covering to be kept water-tight.
 - c) provide any necessary windows and a means of opening and closing not less than one window on each side.
 - d) cause the seats to be properly cushioned or covered.
 - e) cause the floor to be provided with a proper carpet, mat or other suitable covering.

- f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service.
 - g) provide means for securing luggage if the carriage is so constructed as to carry luggage.
 - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.
 - i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements that is to say:-
- a) the taximeter shall be fitted with a key flag or other device, the turning of which will bring the machinery of the taximeter into action and use the work "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 figures clearly legible a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the bye-law in that behalf for the hire of the carriage by distance.
 - 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 letter and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for the 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 sealed or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENT 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 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 Transport Lighting Act, 1957, 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. 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.
9. 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.
10. 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 a position and manner as to be plainly visible.

11. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:-
 - a) convey a reasonable quantity of luggage.
 - b) afford reasonable assistance in loading and unloading.
 - c) afford reasonable assistance in removing it to or from the entrance or any building station or place at which he may take up or set down such person.
12. A proprietor or driver of a hackney carriage when standing or plying for hire shall not be 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.
13. 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.
14. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
15.
 - a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaws in that behalf to be exhibited inside the carriage in clearly distinguishable letters and figures.
 - b) the proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall if any property accidentally left therein by any person who may have conveyed in the carriage be found or handed to him.
 - a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or behalf of its owner to the office of the Council and

leave it in the custody of the officer in charge of the office on his giving a receipt for it.

- b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to FIVE PENCE in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than FIVE POUNDS.

PENALTIES

- 18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding TWENTY POUNDS and in the case of a continuing offence to a further fine not exceeding FIVE POUNDS for each day during which the offence continues after conviction therefore.

REPEAL OF BYELAWS

- 19. The byelaws relating to hackney carriages which were made by the Council on the 16th day of April, 1951, and which were confirmed by one of the Principal Secretaries of State of His Majesty King George VI on the thirtieth day of April, 1951 are hereby repealed.

The byelaws relating to hackney carriages which were made by the Council on the 20th day of October, 1971, and the 5th day of October, 1973, and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 23rd day of December, 1971, and the 21st day of December, 1973, respectively, are hereby repealed.

THE COMMON SEAL OF THE COUNCIL OF
THE BOROUGH OF BARROW-IN-FURNESS
was hereunto affixed this 17th day
of October, 1974, in the presence of

F CHRISTIE, Mayor

J T BURDEKIN, Deputy Clerk and Chief Executive

The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which they are to come into operation as the 25th day of November, 1974.

N P WITNEY
An Assistant Under Secretary of State

Home Office
Whitehall
22nd November, 1974

APPENDIX 9 – Private Hire Driver Licence Conditions

S.51(2) of the Act provides the Licensing Authority power to impose such conditions on an driver's licence, as it considers reasonably necessary. The standard conditions are set out below (additional conditions may be applied):

CONDITIONS RELATING TO A PRIVATE HIRE DRIVERS' LICENCE

1. The Licence

In this licence:

“the Council” or “the Licensing Authority” means Barrow Borough Council.

“the Act” means the Local Government (Miscellaneous Provisions) Act 1976.

“the Operator” means the person(s) licensed under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

“Authorised Officer” means any officer of the Council for the purposes of this Part of the Act.

- 1.1. The holder of a private hire vehicle drivers' licence shall observe and perform all the following terms and conditions which shall be attached to and form part of his/her private hire vehicle drivers' licence, which should also be read in conjunction with the Driver Code of Conduct.
- 1.2. This licence is personal to the licensee named herein and the licensee may not in any circumstances assign it or in any way part with the benefit thereof to any other person.
- 1.3. The driving licence shall be in force for three years, unless it is suspended or revoked, or for such lesser period, specified in the licence, as the council think appropriate in the circumstances of the case.

2. Driver Badge

- 2.1. The licensee shall at all times when acting as a driver of a private hire vehicle wear the drivers' badge issued by the council in such a position and manner as to be plainly and distinctly visible.
- 2.2. The drivers' badge issued by the council remains the property of the council and shall be returned to the council within 7 days of the date of the suspension or revocation of or refusal or failure to renew this licence.

3. Driver Conduct

- 3.1. The licensee shall not, whilst driving or in charge of a vehicle licensed for private hire:
- (i) Stand on any place provided as a stand for hackney carriage vehicles;
 - (ii) Change to hackney stand or ply for hire or solicit any person to hire or to be carried for hire or reward on any road or in any public place or in any place readily accessible and visible from a road;
 - (iii) Cause or procure any person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle or offer that vehicle for immediate hire while the licensee or that vehicle is on a road or other public place; or
 - (iv) Accept an offer for the hire of the vehicle whilst the licensee or that vehicle is on a road or other public place except where such offer is first communicated to the licensee by a telephone or by wireless telegraphy apparatus fitted to that vehicle.
- 3.2. The licensee shall not permit or cause or offer to be carried in any vehicle licensed for private hire a greater number of persons than that specified in the licence for that vehicle.
- 3.3. The licensee, if he/she is not the operator of the vehicle, shall report to the operator of any vehicle licensed for private hire and the Council, as soon as practicable, and in any case within 72 hours of its occurrence, details of any accident in which such vehicle is involved.
- 3.4. The driver of a private hire vehicle which has been hired to be in attendance at an appropriate time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at the appointed time and place.
- 3.5. The driver shall be respectably dressed and clean and tidy in appearance and the vehicle shall be presented in a clean and tidy condition for each journey.
- 3.6. The licensee shall, when requested by the hirer, convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in removing to and from the entrance of any house or other place where he collects or sets down his/her passengers.
- 3.7. The driver, when hired to drive to a particular destination, shall proceed to that destination by the shortest route.

- 3.8. The driver is required to carry a guide, hearing or other assistance dog belonging to a passenger, free of charge, unless the driver has been granted exemption by the council on medical grounds, and the notice of exemption is displayed in the vehicle.
- 3.9. Where any property is left by a customer within the vehicle, it should be returned to the Operator's base. The Operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements.

4. Driver Fitness

- 4.1. A licensed driver must inform the Council without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future. Examples are: giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, parkinson's disease, heart disease, angina, high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking and loss of a limb or use of a limb. ***This list does not include all the disabilities that must be reported and these examples are given only to indicate the types of disabilities.***
- 4.2. Drivers who are in doubt about whether or not their health condition is one which should be reported, should consult their doctor.
- 4.3. A licensed driver must inform the Council within 48 hours, of any issue of summons, interview under caution or the arrest and release on bail with or without charge, during the period of the licence.
- 4.4. A licensed driver must inform the Council within 48 hours, in writing, of any convictions, cautions or similar proceedings during the period of the licence.
- 4.5. The licensee shall, at the request of any authorised officer or any police constable produce for inspection his drivers' licence either or before the expiration of 3 days beginning with the day following the date of the request:
 - (a) In the case of a request of an authorised officer of the council at the offices;
 - (b) In the case of a request of a police constable at any police station within the council's area which is nominated by the driver when the request is made.

5. General

- 5.1. This licence may be suspended, revoked or not renewed by the council:

- (a) If the licensee commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) If the licensee has been convicted of an offence involving dishonesty, indecency or violence;
 - (c) If the licensee becomes disqualified from driving under any of the Road Traffic Acts in which case the licence shall be automatically revoked;
 - (d) On any other reasonable grounds.
- 5.2. If any of the particulars (such as change of name and/or address) supplied in the drivers application change during the currency of the licence, details of the change(s) must be notified in writing to the Council within 48 hours.
- 5.3. The licensee shall at all times when acting as a driver, abide by the Drivers Code of Conduct.
- 5.4. The council may at any time add to, delete or alter any of the foregoing conditions and upon notice thereof having been served upon the licensee such additions, deletions or alterations shall, as from the date of such service, be deemed to be incorporated herein.
- 5.5. Any notice required to be served by the council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by it by prepaid post to, or left at, the last known address of the holder of the licence.

6. Wheelchair Accessible Vehicles

- 6.1. All drivers of wheelchair accessible vehicles must:
- a) Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
 - b) Before any movement of the vehicle takes place ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.
 - c) Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with Regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986.

APPENDIX 10 – Endorsement Codes and Penalty Points

Accident offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

Disqualified driver

Codes BA10 and BA30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

Codes BA40 and BA60 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11

Careless driving

Codes CD10 to CD30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
------	---------	----------------

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

Construction and use offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3 to 6

Reckless/dangerous driving

These codes must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
------	---------	----------------

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Drink

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4

Drugs

These codes must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

These codes must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DG40	In charge of a vehicle while drug level above specified limit	10

Code	Offence	Penalty points
DR90	In charge of a vehicle when unfit through drugs	10

Insurance offences

Code IN10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

Licence offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been cancelled (revoked) or refused on medical grounds	3 to 6

Miscellaneous offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
------	---------	----------------

Code	Offence	Penalty points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6

Motorway offences

Code MW10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian crossings

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
------	---------	----------------

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

Speed limits

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Traffic direction and signs

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
TS10	Failing to comply with traffic light signals	3

Code	Offence	Penalty points
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Special code

Code TT99 must stay on a driving record for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

Theft or unauthorised taking

Code UT50 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11

'Mutual recognition' codes

You'll get an 'MR' code on your driving record if you're disqualified while driving in Northern Ireland or the Isle of Man. Your disqualification period will also be valid in GB and will stay on your record for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your driving record if you have helped someone to do this.

Causing or permitting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your driving record if you've incited someone to do this.

APPENDIX 11 – Statutory Taxi and Private Hire Vehicle Standards

A copy of the Statutory Taxi and Private Hire Vehicle Standards are available here:

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>