



Hull

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City Council

**Hackney Carriage/  
Private Hire Licensing  
Conditions and Procedures  
Handbook**

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This handbook has been produced to give guidance to persons holding or wishing to apply for Hackney Carriage, Private Hire and Operator licences. Mention is made, in the handbook, of various statutory provisions, you are advised that these are summaries of the legislation and are not exhaustive. Full copies of the legislation, which cover licensing, are available from Her Majesty's Stationery Offices. Copies of bye-laws can be obtained from the Licensing Section for which a fee may be payable.

The Licensing Section is based at 33 Witham, Hull, HU9 1DB and can be contacted via the following methods:

Telephone: **(01482) 615462**

Email: [taxi@hullcc.gov.uk](mailto:taxi@hullcc.gov.uk)

Further information, guidance and downloadable application forms are also available from the City Council Website [hull.gov.uk](http://hull.gov.uk) or can be requested via the email address above.

Tests for Hackney Carriage and Private Hire Vehicles and Practical Driving Assessments are undertaken at the Council's testing station at Stockholm Road which can be contacted on **(01482) 615840**.

**LICENCES FOR VEHICLES, DRIVERS AND OPERATORS EXPIRE ON 31 OCTOBER, IRRESPECTIVE WHEN ISSUED DURING THE LICENSING YEAR.**



**GUIDANCE RELATING TO THE CONSIDERATION  
OF  
THE GRANT, RENEWAL OR REVIEW  
OF  
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES**

## **INTRODUCTION**

This document provides guidance on the relevance of convictions and cautions in respect of applications for the grant of new hackney carriage and private hire drivers' licences, and the renewal and review of existing drivers' licence and follows guidance published by the Institute of Licensing in the document "Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trade.

This guidance is in place to assist the members of the Licensing Authority's Licensing Committee in their decision-making and to maintain consistency of those decisions with each case being considered on its own merits. The guidance also aims to provide clear information to current licence holders and potential applicants regarding the relevance of convictions and cautions. Any necessary hearings will be held in private.

The Licensing Committee may depart from this guidance if the individual circumstances of any case merit such a decision and in such cases the Licensing committee will give full reasons for the departure.

The primary objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and trustworthy. It is not the intention of the Licensing Authority to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised. The Licensing committee will not consider the effect on the individual of any sanction imposed.

## **Legislation**

The Local Government (Miscellaneous Provisions) Act 1976 Section 51 deals with the grant of a driver's licence with regard to the suitability of the applicant The Act states that a:

"...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a ***fit and proper person*** to hold a driver's licence."

Therefore the wording of the legislation makes it clear that the Licensing Authority may grant a licence **ONLY** if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, **NOT** the Licensing Authority to demonstrate that they are not.

There is no absolute definition as to what constitutes a "fit and proper person". However, considering the range of passengers that a driver may carry, and other tasks that a driver may be required to perform, many of whom will be vulnerable, the Licensing Committee will want to have confidence that such people would be able to rely on the driver.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 deals with currently licensed drivers:

"...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds.

1. That he has since the grant of the licence –

- i) Been convicted of an offence involving dishonesty, indecency or violence. or
- ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of Part of this Act.

Or;

2. Any other reasonable cause.”

Some important areas that will be considered by the Licensing Committee are:

- Honesty and trustworthiness;
- Courtesy - The Licensing Authority considers that aggressive or abusive conduct on the part of the driver is unacceptable;
- Consistently good and safe driving - those paying for a transport service
- Rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all road traffic legislation and any conditions attached to the licence;
- Good physical and mental health;
- Good knowledge and awareness of any special requirements that disabled passengers may have.

### **Protecting the Public**

The over-riding consideration for the members of the Licensing Committee is to protect the travelling public. Having considered and applied the appropriate guidelines, if the Licensing Committee has any reasonable doubts, then an application must be refused, or consideration must be given to revocation or suspension of an existing licence.

In exceptional circumstances, authorised officers will exercise the powers granted under the Road Safety Act 2006 to suspend a licence with immediate effect where there are serious concerns regarding public safety following arrest or information provided by the Chief Officer of Police (or a body responsible for public or child protection). Where relevant, the case will be referred to a Licensing Committee for final determination following the conclusion of any legal proceedings.

### **Compliance with Conditions and requirements of Licensing Authority**

All applicants and currently licensed drivers are strongly advised to carefully read and familiarise themselves with the Hull City Council Hackney Carriage and Private Hire Licensing Conditions and Procedures Handbook.

The Licensing Committee may take into account an applicant’s relevant history while holding a licence, from this or any other authority in deciding whether a person is a fit and proper person to hold a licence, or whether they can continue to hold a licence.

Such matters as a licence holder’s record of complaints, or positive comments from members of the public, their compliance with licence conditions and their willingness to co-operate with Licensing Officers will all be taken into consideration.

### **Convictions and/or Cautions**

The licence application form requires that the applicant must disclose all convictions and cautions,. These include any convictions that are spent under the Rehabilitation of Offenders

Act 1974. Except those that are “protected”, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 2002 (SI2002/441). (The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are ‘protected’ and are not subject to disclosure and cannot be taken into account).

Any applicant who is arrested for, charged with or convicted of any offence, or issued with a formal caution for any offence, whilst their application is being considered by the Licensing Authority shall immediately inform the Licensing Authority in writing of the arrest, charge, conviction or caution.

All private hire drivers currently holding a licence must immediately disclose any conviction or caution imposed on them, for whatever reason, in writing to the Council. The Licensing Committee is required to look at any past indicators (convictions, speeding offences etc.) that may affect a person’s suitability to hold, or continue to hold, a licence and consider the possible implications of granting such a licence, or allowing an existing licence to continue.

If a licence is granted to a person on the basis of false or incomplete information supplied by them, the Licensing Committee may revoke the Licence.

The disclosure of any conviction will not necessarily preclude an applicant from being issued a licence. However, all convictions, spent or live, will be assessed, and may be taken into consideration. A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. If a pattern is found for any offences, then serious consideration should be made as to the suitability of that person to hold, or apply for, a licence.

### **Non-Statutory Rehabilitation Periods**

This guidance document has separated the various offences affecting an application into different categories, each detailing the period that normally elapse following conviction for a particular type of offence. If these requirements are not met, the matter will be referred to the Licensing Committee. If, after consideration by the Licensing Committee, a person is not considered suitable to hold a licence, then the application should be refused or, in the case of an existing driver, the licence should be revoked or suspended.

The Licensing Committee will not look behind the conviction or caution, but the applicant may, however, explain any mitigating factors, which they may consider led to them committing the offence. The Licensing Committee may choose to take these factors into account, together with all other relevant information, in deciding whether the applicant is suitable to hold or retain a licence.

The number, type and frequency of any offences will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct, or to give a similar warning to an existing licence holder. If a significant history of offences is disclosed, refusal of an application or a revocation or suspension may result.

### **Options available to the Licensing Committee**

Depending on the nature of the conviction, and any explanation offered by an applicant, the Licensing Committee may:

- Grant the licence;
- Grant the licence together with a written warning with regard to the

- applicant's future conduct
- Refuse the application; or

In the case of an existing licence holder:

- Take no further action;
- Allow the licence to continue but issue a strongly worded letter with regard to the person's future conduct;
- Suspend the licence for a period as decided by the Licensing Committee together with a Written warning with regard to the person's future conduct;
- In addition the Licensing Committee may order the driver to attend such training as deemed necessary in order to adequately carry out his/her duties;
- Revoke the licence;

There are statutory rights of appeal against a refusal to grant or renew a licence, and against a decision to suspend or revoke a licence that is in existence, as well as a right of appeal against any conditions which may have been imposed on any such licence by the Council.

The Licensing Committee determined to adopt the guidance issued by the Institute of Licensing "Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades".

## **CATEGORIES OF OFFENCES**

### **CAUTIONS**

#### **New applicants**

If an applicant has received a caution for an offence, and dependant upon the nature of the offence, they may be required to attend a meeting of the Licensing Committee to explain the caution.

A caution is regarded in the same way as a conviction.

#### **Existing Licence Holders**

If an existing driver has received a caution for an offence, and dependant upon the nature of the offence, the driver may be required to attend a meeting of the Licensing Committee to explain the caution.

If a caution is not declared, but is discovered by officers, the drivers will be required to attend a meeting of the Licensing Committee where they must explain why they failed to declare the caution.

### **TRAFFIC OFFENCES**

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.

## **New applicants**

Where an applicant has 7 or more penalty points or more on their DVLA licence for a \*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.

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.

In most cases if there are 6 or fewer points on an applicants licence, a licence may be granted (subject to any other necessary checks and tests) by the Licensing Section with or without a formal warning with regard to future conduct.

If an applicant has been disqualified from driving for any reason, other than the offences shown below, at least five years (after restoration of DVLA licence) should elapse before an applicant is considered for a private hire/hackney carriage driver's licence.

\*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).

\*\*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.

## **Existing Licence Holders**

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences could show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.

Convictions for traffic offences do not automatically prevent a person from proceeding with a renewal of their licence, or from keeping their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.

Any existing licence holder who has 7 penalty points or more on his driving licence will be required to appear before the Licensing Committee to explain their convictions.

The Committee then have the option of:

- Taking no further action
- Giving a written warning
- Request the driver to undertake a driving awareness course, **at the driver's own expense**, within 2 months of their decision.
- Suspend the Licence upon conditions or for a period of time, to be undertaken within 28 days of their decision.

- Revoke the licence.

In the case of an existing licensed driver being disqualified from driving under the totting up procedure, or for any other reason, their hackney carriage/private hire licence will be **immediately suspended** and referred to the next available meeting of the Licensing Committee for review.

## **USING A HAND-HELD TELEPHONE OR HAND-HELD DEVICE WHILST DRIVING**

Where an applicant has a conviction for using a hand-held 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.

## **INSURANCE OFFENCES**

### **New applicants**

With regard to convictions or cautions for driving or being in charge of a vehicle without insurance, any new applicant who has been convicted or cautioned for driving or being in charge of a vehicle without insurance a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

More than one conviction or caution for these types of offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence and the Licensing Committee may choose to reject the application for a licence. If an applicant has been disqualified for these offences, at least 7 years should elapse (after restoration of the DVLA driving licence) conviction free before an applicant is considered for a hackney carriage or private hire licence.

### **Existing Licence Holders**

The Council takes a serious view of convictions for driving or being in charge of a vehicle without insurance by one of its licensed drivers. An isolated incident may not always result in their licence being revoked or suspended.

More than one conviction for these types of offences would raise serious doubts as to the driver's continuing suitability to hold a hackney carriage or private hire licence.

Any existing licence holder who has been convicted of or cautioned for an insurance offence will be required to appear before the Licensing Committee to explain their conviction/caution.

In the case of an existing licensed driver being disqualified from driving for any insurance related offence(s) their hackney carriage/private hire licence will be **immediately suspended** and referred to the next available meeting of the Licensing Committee for review.

## **DRUNKENNESS**

This category has been divided into two separate sections; drink driving with a motor vehicle and drunkenness without a motor vehicle.

## **With a Motor Vehicle**

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit;
- Being in charge of a vehicle, driving or attempting to drive when unfit through drink;
- Refusal to provide a specimen of breath or blood for analysis

## **New applicants**

Where an applicant has a single conviction for drink driving a licence will not be granted, until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.

Any applicant with more than one conviction for any drink driving offence within seven years prior to the receipt of their application should expect their application to be rejected by the Licensing Committee.

## **Existing Licence Holders**

A licensed driver found guilty of driving whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis, and whose DVLA licence is suspended, will have their hackney carriage/private hire licence **immediately suspended**, and referred to the next available meeting of the Licensing Committee for review.

## **Without a Motor Vehicle**

### **New applicants**

An isolated conviction for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused, but an applicant who has been convicted within 3 years prior to receipt of his application will be required to appear before the Licensing Committee hearing to explain their convictions.

### **Existing Licence Holders**

An existing licence holder who has committed, or being cautioned for, any of these offences will be required to appear before the Licensing Committee hearing to explain their convictions.

## **DRUG OFFENCES**

### **New applicants**

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.

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.

Where an applicant has a conviction for 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.

### **Existing Licence Holders**

A hackney carriage/private hire driver found guilty of driving whilst under the influence of drugs and whose DVLA licence is suspended will have their hackney carriage/private hire licence immediately suspended and referred to the next available meeting of the Licensing Committee for review.

A driver convicted of, or cautioned for, any other drug-related offence will be required to appear before the Licensing Committee to explain their conviction.

### **EXPLOITATION**

Where an applicant 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, trafficking, psychological, emotional or financial abuse, but this is not an exhaustive list.

### **SEX AND INDECENCY OFFENCES**

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, applicants who are on the Disclosure and Barring Services (DBS) barred lists and/or are on the sexual offenders register will not be considered.

### **New applicants**

As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicant with convictions, or cautions, for a sexual offence, where there is cause for concern of a similar nature will be required to appear before the Licensing Committee to explain their conviction(s) or caution(s).

### **Existing Licence Holders**

Any existing licence holder, arrested for, charged with, convicted of, or cautioned for a sexual offence or where cause for concern of a similar nature arises whilst licensed with the authority may, where there is an immediate threat to public safety, have their licence immediately suspended and will be required to appear before the Licensing Committee.

Following revocation it is unlikely that anyone with convictions for the following offences will ever be licensed again:

- **Rape**
- **Indecent Assault**

- **Gross Indecency with a Female**
- **Gross Indecency with a Male**
- **Indecent Assault on a Child**
- **Buggery**

## **VIOLENCE/CRIMES RESULTING IN DEATH**

As hackney carriage/ private hire drivers maintain close contact with the public, any convictions for violence will be taken very seriously.

### **New applicants**

Where an applicant 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.

A licence will not be granted where the applicant has a conviction for one of the following offences until at least 10 years have elapsed since the completion of any sentence.

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm
- Robbery
- Racially-aggravated criminal damage
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-aggravated harassment
- Racially-aggravated fear of violence
- Common assault
- Common assault which is racially-aggravated
- Assault occasioning actual bodily harm
- Assault on the police
- Affray
- Battery
- Riot
- Obstruction
- Criminal damage
- Violent disorder
- Resisting arrest
- Any other offence involving violence

### **Existing Licence Holders**

An existing licence holder who is arrested for, charged with or convicted of, or cautioned for any of the offences listed above may, where there is an immediate threat to public safety, have their licence immediately suspended and will be required to appear before the Licensing Committee.

An existing licence holder, who is found guilty of the following offences, will have their licence immediately suspended and the matter referred to the Licensing Committee as a matter of urgency.

- Murder
- Manslaughter
- Causing death by reckless driving, including:
- Causing death by reckless driving when unfit through drugs:
- Causing death by careless driving when unfit though drink
- Causing death by careless driving with alcohol level above the limit
- Causing death by careless driving then failing to supply a specimen for analysis
- Manslaughter or culpable homicide while driving a vehicle
- Causing death by dangerous driving
- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Grievous bodily harm
- Robbery
- Racially-aggravated criminal damage
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-aggravated harassment
- Racially-aggravated fear of violence

## **DISCRIMINATION**

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.

## **POSSESSION OF A WEAPON**

### **New applicants**

Where an applicant has a conviction for possession of a weapon of any kind 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.

### **Existing Licence Holders**

An existing licence holder, who is convicted for possession of a weapon of any kind or any other weapon-related offence, will be referred to the Licensing Committee.

## **DISHONESTY**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

## **New applicants**

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

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Any other offence involving dishonesty

## **Existing Licence Holders**

An existing licence holder, who is convicted or cautioned for the above offences, will be referred to the Licensing Committee.

## **HACKNEY CARRIAGE/PRIVATE HIRE OFFENCES**

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**

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

## **COMPLAINTS AGAINST DRIVERS**

Any complaints made against hackney carriage and private hire drivers will be investigated by a Licensing Enforcement Officer.

Following that investigation the following course of action may be taken:

- No further action;
- Issue a warning letter with regard to the driver's future conduct;
- Refer the complaint to the Licensing Committee in order to review the driver's licence

In the case of the latter course of action, the driver will be required to appear before the Licensing Committee to explain their actions and the Licensing Committee will consider the complaint together with any history of complaints made against the driver to assess any patterns.

On the basis of the evidence, and subject to any explanation given by the driver, the Licensing Committee will then consider whether the driver is a suitable person to continue to hold such a licence.

## **APPEALS**

Any person aggrieved by the decision made by a District Council regarding a driver's licence held under Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976 has a right of appeal to a Magistrates' Court; this must be lodged within 21 days of the notice of the decision.

In addition, any applicant refused a driver's licence on the grounds that the Licensing Committee is not satisfied they are a fit and proper person to hold such a licence, has a right of appeal to the magistrates' court within 21 days of the notice of the decision.

It should be noted that following an unsuccessful appeal the Magistrates' Court can award such costs against the appellant as it thinks just and reasonable.

## **ALL CONVICTIONS AND CAUTIONS (OF WHATEVER KIND) MUST BE DECLARED**



# HACKNEY CARRIAGE DRIVER'S LICENCES

## ALL CONVICTIONS AND CAUTIONS (OF WHATEVER KIND) MUST BE DECLARED

Hackney Carriage drivers are licensed by the City Council under Section 46 of the Town Police Clauses Act 1847. Their activities are controlled under this Act, Local Government (Miscellaneous Provisions) Act 1976 and Local Government bye-laws and by conditions applied to the licence.

The following are extracts from the regulations and are not exhaustive.

### STATUTORY PROVISIONS

#### TOWN POLICE CLAUSES ACT 1847

##### Section 46 – Requirement to hold a licence

This section requires a person to hold a licence before driving a Hackney Carriage.

##### Section 47 – Actions of drivers

This section prohibits a person from driving a Hackney Carriage without a licence and prohibits a licensed Hackney Carriage Driver from lending his licence to another person or otherwise parting with it unless it is given to a Hackney Carriage proprietor whilst in his/her employ.

##### Sections 51 and 52 – Number of passengers to be carried

These sections prohibits the driver from carrying more passengers than that indicated on the licence plate but requires him/her to carry up to that number.

##### Section 53 – Refusing a hiring

This section prohibits the driver from refusing to carry a passenger to any destination within the city.

##### Sections 54 and 55 – Fares for journeys wholly within the city

An agreement may be made, with a hirer, to set the fare for a journey wholly within the city but that fare cannot exceed the fare shown on the meter.

##### Section 56 – Agreement to hire by distance

An agreement may be made to carry passengers a fixed distance for a specified fare but that fare cannot be greater than that allowed by the meter.

##### Section 58 – Charging more than the legal fare

Any person convicted of taking more than the meter fare is liable to a fine and an order to re-pay the overpayment

##### Section 59 – Carrying passengers other than the hirer

This section prohibits the driver from carrying any person other than the hirer without their express consent.

### Section 62 – Hackney Carriage unattended

It is an offence to leave any Hackney Carriage unattended on any street or place of public resort.

### Section 64 – Obstructing another driver

This section prohibits a driver from preventing another Hackney Carriage from being hired and causing any obstruction to another driver.

## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

### Section 57 – Providing information

It is an offence for a person to make a false statement or withhold information when making an application for a licence.

### Section 66 – Fares for journeys ending outside the district

Where a journey ends outside of the district the fare charged must not exceed that allowed on the meter.

### Section 67 – Hackney Carriages used as Private Hire Vehicles

Hackney Carriages can be used on pre-booked journeys but the fare charged must be calculated from the point that the journey commences and must not be greater than that allowed by the meter.

### Section 69 – Prolonging a journey

The driver of a hackney carriage cannot extend a journey by either time or distance.

- 1 Section 168 of the Equality Act 2010 requires the driver of any Hackney Carriage Vehicle which has been hired:
  - a) by or for a disabled person with their guide, hearing or prescribed assistance dog; or
  - b) by a person who wishes such a disabled person to accompany him/her in the licensed Hackney Carriage Vehicle.

will have a duty to:

- a) carry the disabled person's guide, hearing or prescribed assistance dog and allow it to remain with the passenger; unless a medical exemption has been granted by the Licensing Authority, and
- b) not to make any additional charge for doing so,

## **BYE-LAWS**

The following section contains extracts from the bye-laws with respect to Hackney Carriages.

A full copy of these bye-laws are available from the Licensing Section.

Bye-law 7 - No person shall tamper with the taximeter, its fittings or the seal.

Bye-law 8 - The soliciting of passengers by the driver, or any person acting on their behalf, is not permitted.

Bye-law 9 - Where a hiring has been agreed the driver should be at the required pick-up point at the time agreed.

Bye-law 10 - All licence holders are issued with a badge, by the City Council, which should be worn at all times.

Bye-law 11 - A driver should, when requested by the hirer:-

- a) Convey a reasonable amount of luggage
- b) Afford reasonable assistance in loading and unloading it
- c) Afford reasonable assistance in moving it to or from the entrance of any building, station or place at which he may take up or set down any hirer.

Bye-law 13 - When plying for hire, with the vehicle, the driver must proceed to a Hackney Carriage rank that is not fully occupied.

Bye-law 14 - The driver must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of passengers entering or leaving the vehicle.

Bye-law 15 - When hired the driver should complete the journey by the shortest route possible unless directed otherwise by the hirer.

## **HACKNEY CARRIAGE DRIVER'S STANDARD OF SERVICE**

The Bye-laws with respect to Hackney Carriages made by the Licensing Authority on 11<sup>th</sup> December, 1962 and confirmed on 6<sup>th</sup> February, 1963 (as subsequently amended) shall be fully complied with by the driver hereby licensed.

If so required by notice in writing from the Licensing Authority, the driver hereby licensed shall submit himself as soon as possible for a medical examination that demonstrates the driver's compliance with the Medical Aspects of Fitness to Drive Group 2 Entitlement (lorry or bus) as prescribed by the Department of Transport. The medical examination must be undertaken by a medical practitioner, at the driver's own expense, and the driver shall immediately thereafter forward the medical certificate obtained as a result thereof to the Licensing Section, provided that, if the Licensing Authority thereafter require further evidence as to the health of the driver and so require by similar notice in writing, the driver hereby licensed shall attend upon a medical practitioner appointed by the Licensing Authority at such a place and time as may be specified by the Licensing Authority.

**If the driver hereby licensed contracts or develops a serious illness or condition during the period of their licence, they shall forthwith notify the Licensing Section.**

Examples of serious illness are:

- Attention Deficit Disorder (ADD) and Attention Deficit-Hyperactivity Disorder (ADHD)
- Alcohol dependency
- Alzheimer's disease
- Arthritis (chronic) and other joint problems
- Dementia
- Depression and other mental health problems, like schizophrenia, bipolar disorder, psychosis
- Diabetes
- Drugs – illicit/prescription and over the counter
- Epilepsy
- Eye problems, like glaucoma, cataracts, macular degeneration
- Fainting
- Fits
- Giddiness
- Heart disease
- High/low blood pressure
- Injuries and physical disabilities, including limb amputation and partial or complete paralysis
- Lung disease
- Parkinson's Disease and other neurological disorders
- Sleep disorders, like sleep apnoea
- Stroke

The list is not exhaustive. If you are unsure whether your condition may affect your ability to carry out your responsibilities and affect your driving, you should contact the Licensing Section for further advice.

In the event of the licence holder being arrested, charged or convicted of an offence of whatever kind, or issued with a formal caution, during the currency of the licence, he shall

immediately notify the Licensing Section in writing of the conviction giving particulars of time and place of the conviction, the nature of the charge and the penalty imposed together with such information concerning the offence as the Licensing Authority may require.

The driver shall not sound any horn, gong, bell or siren fitted to, carried on, or in a Hackney Carriage vehicle to notify passengers of his/her presence.

The driver shall behave in a civil and orderly manner, both towards members of the public and drivers of other vehicles licensed by the Licensing Authority, whilst plying for hire from the City ranks.

If so required by notice, in writing, by the Licensing Authority the driver hereby licensed shall submit himself as soon as possible, at a date and time convenient to the Licensing Authority, for an examination by officers or agents of the Licensing Authority of the driver's local knowledge of streets, locations and routes in Kingston Upon Hull and its environs.

The driver of a hackney carriage vehicle, when hired to drive to any destination, must complete the journey to that destination unless instructed differently by the hirer or prevented by some other reasonable cause determined by the Licensing Authority .

The driver shall notify, in writing within seven days, the Licensing Authority of any change of address and hand in the licence for endorsement of the change.

The driver of a hackney carriage vehicle must, if requested by the hirer, provide a written receipt for the fare paid at the end of the journey.

The driver, in order to adequately carry out his/her duties, shall attend such training as deemed necessary by the Licensing Authority unless prevented by some reasonable cause as determined by the Licensing Authority.

Licensed drivers' **MUST** apply for and retain registration with the Disclosure and Barring Services (DBS) update service at all times that they are licensed to ensure that their criminal record activity can be checked every six months and at other times as necessary to promote public safety.

## **PRIVATE HIRE DRIVER'S LICENCE**

### **ALL CONVICTIONS AND CAUTIONS (OF WHATEVER KIND) MUST BE DECLARED**

Private hire drivers are licensed by the City Council under section 51 of the Local Government (Miscellaneous Provisions) Act 1976. Their activities are controlled under sections of this Act, the Town Police Clauses Act 1847 and by conditions applied to the licence.

The following are extracts from the regulations and are not intended to be exhaustive.

### **STATUTORY PROVISIONS**

#### **Town Police Clauses Act 1847**

Plying for hire

The driver of a private hire vehicle cannot accept passengers who have not pre-booked

their journey nor can they park it on a street giving the appearance of inviting and/or being available for a hiring.

#### Local Government (Miscellaneous Provisions) Act 1976

##### Section 46 - Requirement to hold a licence

This section requires a person to hold a private hire licence before driving a private hire vehicle.

##### Section 48 - Displaying identification plate

This section makes it an offence to use a Private Hire Vehicle without displaying the plate in the way laid down by the Council.

##### Section 51 - Licensing of a private hire driver

The Council may grant a licence providing it is satisfied that the applicant is a fit and proper person

##### Section 54 - Drivers badge

Once a licence has been granted the applicant will be issued with a badge which must be plainly visible when driving a private hire vehicle.

##### Section 57 - Providing information

It is an offence for a person to make a false statement or withhold information when making an application for a licence.

##### Section 69 - Prolonging a journey

The driver of a private hire vehicle when hired to complete a journey, cannot prolong that journey by neither time nor distance.

#### **Provisions to ensure that a driver must carry assistance dogs**

Private Hire Drivers must allow assistance dogs to be carried in their vehicle.

Under Section 170 of the Equality Act 2010, it is an offence for a Private Hire Driver to refuse to carry out a booking that was accepted by the operator if:

- (a) the booking was made by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
- (b) the reason for the failure or refusal is that the disabled person is accompanied by his assistance dog.  
'Assistance dog' is defined in the DDA 1995, s37A(9) as one which:
  - (a) has been trained to guide a blind person;
  - (b) has been trained to assist a deaf person;
  - (c) has been trained by a prescribed charity to assist a disabled person who has a disability which-
    - (i) Consists of epilepsy; or
    - (ii) Otherwise affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects.

'Prescribed charity' is defined by reg 3 of the Disability Discrimination Act 1995 (Private Hire Vehicles) (Carriage of Guide Dogs etc) (England and Wales)

unless a medical exemption has been granted by the Licensing Authority.

## **PRIVATE HIRE DRIVER'S LICENCE CONDITIONS**

1. If the licence holder acts as a driver of a Private Hire Vehicle which is fitted with a taximeter, PDA or GPS system (unless the hirer expresses at the commencement of the hiring his/her desire to engage other than by the meter, in which case the charge will be a matter for negotiation with the hirer) he/she shall bring the machinery of the taximeter, PDA or GPS system into action at the commencement of the journey and neither he/she nor the proprietor or Operator of the vehicle shall be entitled to demand or take a fare greater than that shown on the meter, PDA or GPS system. In such cases a tariff card must be displayed in the vehicle at all times. Notwithstanding the above, in the event of a journey commencing in but ending outside the City boundary there may be charged for the journey such a fare or rate of fare, if any, as was agreed before the hiring was effected.
2. In the event of the licence holder being arrested, charged or convicted of an offence of whatever kind, or issued with a formal caution, during the currency of this licence, he/she shall immediately notify the Licensing Section in writing of the conviction, giving particulars of time and place of conviction, the nature of the charge and the penalty imposed, together with such information concerning the offence as the Licensing Authority may require and should the licence holder change the office from which he/she operates they must inform the Licensing Authority within 7 days.
3. Drivers hold a position of trust, especially with regard to members of the general public. The Licensing Authority therefore places a high value on the honesty of drivers in all matters. Failure to comply with condition No 2 will be viewed seriously and may of itself lead to a period of suspension of the driver's licence. Such a period may be in addition to any period of suspension or revocation imposed in respect of the criminal or driving conviction concerned.
4. If so required by notice in writing from the Licensing Authority, the driver hereby licensed shall submit himself as soon as possible for a medical examination that demonstrates the driver's compliance with the Medical Aspects of Fitness to Drive Group 2 Entitlement (lorry or bus) as prescribed by the Department of Transport. The medical examination must be undertaken by a medical practitioner, at the driver's own expense, and the driver shall immediately thereafter forward the medical certificate obtained as a result thereof to the Licensing Section, provided that if the Licensing Authority thereafter require further evidence as to the health of the driver and so require by similar notice in writing, the driver hereby licensed shall attend upon a medical practitioner appointed by the Licensing Authority at such a place and time as may be specified by the Licensing Authority.

**If the driver hereby licensed contracts or develops a serious illness or condition during the period of their licence, they shall forthwith notify the Licensing Section.**

Examples of “serious illness” are:

- Attention Deficit Disorder (ADD) and Attention Deficit-Hyperactivity Disorder (ADHD)
- Alcohol dependency
- Alzheimer's disease
- Arthritis (chronic) and other joint problems
- Dementia
- Depression and other mental health problems, like schizophrenia, bipolar disorder, psychosis
- Diabetes
- Drugs – illicit/prescription and over the counter
- Epilepsy
- Eye problems, like glaucoma, cataracts, macular degeneration
- Fainting
- Fits
- Giddiness
- Heart disease
- High/low blood pressure
- Injuries and physical disabilities, including limb amputation and partial or complete paralysis
- Lung disease
- Parkinson's Disease and other neurological disorders
- Sleep disorders, like sleep apnoea
- Stroke

The list is not exhaustive. If you are unsure whether your condition may affect your ability to carry out your responsibilities and affect your driving, you should contact the Licensing Section for further advice.

5. The licence holder shall not sound any horn, gong, bell or siren fitted to, or carried on a private hire vehicle to notify passengers of his/her presence at any time.
6. If so required by notice in writing by the Licensing Authority the driver hereby licensed



shall submit himself as soon as possible at a date and time convenient to the Licensing Authority for an examination by officers or agents of the Licensing Authority of the driver's local knowledge of streets, locations and routes in Kingston Upon Hull and its environs.

7. The driver of a private hire vehicle must, when the vehicle has been hired or instructed by the Operator, punctually attend at the appointed time and place, with the vehicle, unless delayed or prevented by some reasonable cause as determined by the Licensing Authority.
8. The driver of a private hire vehicle when hired to drive to any destination must complete the journey to that destination and do so via the shortest possible route unless instructed differently by the hirer or prevented by some other reasonable cause as determined by the Licensing Authority.
9. The driver hereby licensed shall notify, in writing within seven days, the Licensing Authority of any change of address and hand in the licence for endorsement of the change.
10. The driver of a private hire vehicle 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.
11. The driver of a private hire vehicle, when requested by the hirer shall :-
  - a) Convey a reasonable amount of luggage.
  - b) Afford reasonable assistance in loading and unloading the vehicle
  - c) Afford reasonable assistance in moving any reasonable quantity of luggage to or from the entrance of any house, block of flats, station or any other place where the hirer may be taken up or put down.
12. The driver of a private hire vehicle, which has been hired, shall not permit any person, other than the hirer, to be carried without the express consent of the hirer.
13. The driver of a private hire vehicle must, if requested by the hirer, provide a written receipt for the fare paid at the end of the journey.
14. The driver of a private hire vehicle shall not carry a greater number of persons than that specified on the private hire vehicle licence excluding the driver.
15. The driver hereby licensed shall not park, without reasonable cause as determined by the Licensing Authority, any private hire vehicle on any street within the city centre or outside any licensed premises within the boundary of Hull, between the hours of 10pm and 6am daily, unless such vehicle has been pre-booked by a hirer and where there is an entry in a booking record at the base office. On such occasions the driver may attend the pick-up point no sooner than ten minutes prior to the time of the hiring.
16. For the purposes of condition number 15 the city centre shall consist of any street within an area bounded by Castle Street, Ferensway, Anlaby Road, Park Street, Spring Bank, Freetown Way, Wilberforce Drive, High Street and Market Place.
17. The driver of a private hire vehicle must at the request of an authorised Officer of the Council, or Police Constable, stop the vehicle to enable a check to be made to prevent

or detect any contravention of any statutory requirements or licence conditions applicable to the vehicle or driver, whether or not passengers are being carried, and must not proceed until the Authorised Officer or Police Constable is satisfied that all requirements and licence conditions are being observed and complied with.

18. The driver hereby licensed, in order to adequately carry out his/her duties, shall attend such training as deemed necessary by the Licensing Authority unless prevented by some reasonable cause as determined by the said Authority.
19. Licensed drivers' **MUST** apply for and retain registration with the Disclosure and Barring Services (DBS) update service at all times that they are licensed to ensure that their criminal record activity can be checked every six months and at other times as necessary to promote public safety.

### **Voluntary Dress Code for all Licensed Drivers**

The purpose of a dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade, to enhance a professional image of licensed drivers, and ensure that the public and driver safety is not compromised

- Footwear (shoes/trainers/sandals) for all drivers shall fit around the heel of the foot – no flip flops.
- Clothing shall be kept in a clean condition free from holes and rips.
- Words or graphics on any clothing shall not be of an offensive or suggestive nature which might offend.
- Tops must cover the midriff and shoulders.
- Trousers shall be full length while shorts shall be knee length.
- Skirts shall be no shorter than knee length.
- No headwear, other than for religious purposes, or other items shall cover the head or face, other than when a uniform is worn for special occasions.
- Offensive tattoos must be covered, either by clothing or a band aid.
- Sportswear, e.g. footballs/rugby kits, track suits and beach wear shall not be worn, other than sports tops, which can be worn during significant sporting occasions, e.g. World Cup/Six Nations Rugby.

## HACKNEY CARRIAGE VEHICLE LICENCE

Hackney Carriage Vehicles are licensed by the City Council under Section 37 of the Town and Police Clauses Act 1847. The activities of the vehicle and its proprietors are controlled under this Act, the Local Government (Miscellaneous Provisions) Act 1976, local by-laws and by conditions attached to the licence.

### **Statutory Provisions**

#### Town Police Clauses Act 1847

##### Section 40 – Providing information

This section requires the applicant, for a hackney carriage licence, to sign the application form and provide the full name and address of all persons or companies who have an interest in the vehicle.

##### Section 44 – Change of address

Any owner of a hackney carriage must give notice in writing, within 7 days, of any change of address and return the licence for the change to be made.

##### Section 47 – Unlicensed driver

This section prevents the proprietor of a hackney carriage from permitting an unlicensed driver from driving the vehicle.

### **Bye-laws**

**No 4** - Requires the proprietor to provide a taximeter for the hackney carriage.

**No 7** - Prohibits the proprietor from tampering with the meter or its seals

**No 16** - Requires the vehicle identification plate to be fitted to the vehicle in a manner prescribed by the Council and prevents the proprietor from hiding it from public view.

#### Local Government (Miscellaneous Provisions) Act 1976

##### Section 49 – Change of ownership.

Requires the owner of the vehicle to notify the Council if it is transferred to another person.

##### Section 50 – Information required by the Council.

Requires the proprietor to inform the Council of the address where the vehicle is kept and to notify them, within 72 hours, of any accident to the vehicle.

##### Section 58 – Return of Hackney Carriage Vehicle identification plate.

On the expiry, revocation or suspension of a hackney carriage vehicle licence the licence holder should, if required by the Council, return the identification plate to them within 7 days.

## Section 60 – Removal of Hackney Carriage Licence.

The Council may suspend, revoke or refuse to renew any licence if the vehicle is deemed unfit or the owner or proprietor commits any offence under or fails to comply with any regulations laid down or for any other reasonable cause.

## Section 68 – Inspecting the Hackney Carriage.

This section provides the authority for the Council to inspect a hackney carriage at any time and suspend the licence if the vehicle is deemed to be unfit. In addition, the proprietor may be required to submit the vehicle for further examination.

### **HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS**

1 a) The Hackney Carriage hereby licensed shall be either a London – type taxicab or a minibus type vehicle with not more than eight passenger seats and at least three doors (including emergency doors). All vehicles newly licensed must be manufactured or suitably adapted to carry wheelchair bound passengers. In addition all vehicles must hold any of the following certificates:

- i) M1 European Whole Vehicle Type Approval Certificate
- ii) M1 National Level Low Volume Type Approval Certificate
- iii) M1 UK Low Series Type Approval Certificate
- iv) Statutory or Voluntary Basic IVA Certificate
- v) UK(NI) type approval
- vi) GB type approval

Applicable after the vehicles adaptation for carrying wheelchair-bound passengers and must comply with the Licensing Authority's current specification.

- b) All vehicles newly licensed must be in a manufacturers' single standard factory colour at the time of application.
  - c) All hackney carriage vehicles newly licensed must be fitted with a calendar controlled meter and the meter's time must be accurate to a tolerance of +-5 minutes.
  - d) Meters must be visible from the passenger compartment of the cab, so as to ensure passengers are able to view the fare details.
  - e) Meters must display any extras separately – so as to be clearly distinguishable from the distance and time aspect of the fare – for the duration of the journey.
  - f) The meter must be secured to the vehicle such that removal would necessitate the removal of seal. All seals must be intact and securely fitted when the vehicle is in use. Seals can only be fitted by Authorised Officers of the Council or their appointees.
- 2 a) No vehicle shall be licensed as a Hackney Carriage Vehicle unless the vehicle is no more than eight years old, from first registration as new and without previous usage, at the date of application for this licence.
- b) The proprietor of a Hackney Carriage may only apply for the renewal of a licence provided that the vehicle is not more than fourteen years old, from first registration as new and without previous usage, at the date of expiry of the current licence.

3. The Hackney Carriage hereby licensed shall have the following signs or markings on it:
- a) The identification plate described in the Hackney Carriage Bye – Laws, which MUST be affixed to the vehicle with a secure mechanical fitting, as approved by the Licensing Authority and in a manner prescribed by the Licensing Authority.
  - b) The “For Hire” sign described in the Hackney Carriage Bye – Laws
  - c) A uniform illuminated sign approved by the Licensing Authority on the roof of the vehicle bearing only the words indicating all of the following :-
    - i) that the vehicle is a taxi
    - ii) that the signs in (b) and (c) above shall be linked so that the roof sign is extinguished at the same time as the “For Hire” sign when the carriage is hired
  - d) Any registration or number plates required by any other statute

In addition, the Hackney Carriage Vehicle hereby licensed may have the following signs or markings on it but no others

- e) A self-adhesive identification sticker of the design as prescribed by the Licensing Authority shall be permanently affixed to the upper panel of each front door on the vehicle.
  - f) Commercial advertising may be displayed on the rear quarter panels and rear of the vehicle only. The advertising must have a transparent background and not detract from the main colour of the vehicle and must be approved by the Licensing Authority before being put on the vehicle.
  - g) Any other sign or marking approved by the Licensing Authority.
5. The proprietor of a hackney carriage vehicle must give 21 days notice in writing to the Licensing Section of their intention to modify or adapt the said vehicle so as to operate by means of Liquid Petroleum or Compressed Natural Gas, and if the Licensing Authority shall object in writing the modification or adaptation shall not be carried out.
6. During the currency of this licence, there shall be in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of part VI of the Road Traffic Act 1988, and, in the event of such policy of insurance or security ceasing to be in force in relation to use of the vehicle at any time during the currency of the licence, the proprietor shall immediately inform the Licensing Section in writing to that effect.
7. If the proprietor, named in this licence, transfers his interest in the Hackney Carriage or purports to transfer this licence to a third party, without giving notice in writing, in a form specified by the Licensing Authority, within fourteen days as required under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, this licence may be revoked.
8. The proprietor of the Hackney Carriage hereby licensed (or his driver if the vehicle is not being driven by himself) shall, at the request of an authorised officer of the Licensing Authority, stop his vehicle to enable a spot check to be made into the possible contravention of any requirement concerning the Hackney Carriage or its driver, whether or not passengers are being carried at the time, and shall not proceed

until the authorised officer indicates that he is reasonably satisfied that such requirements are being complied with.

9. The proprietor shall report the loss of either of the identification plates to the Licensing Authority within 24 hours, or on the next licensing working day.
10. The Hackney Carriage hereby licensed shall be kept internally and externally clean, free from corrosion and other bodily defects and, shall be mechanically maintained to a high standard at all times.
11. The Bye - laws made by the Licensing Authority on 11<sup>th</sup> December 1962 and confirmed on 6<sup>th</sup> February 1963 (as subsequently amended) shall be fully complied with.
12. A notice of the design prescribed by the Licensing Authority shall be permanently affixed where it can be clearly seen inside the passenger area of the vehicle informing passengers of how they may complain or record a compliment.
13. All Hackney carriages must have an electronic payment facility to accept debit/credit card and contactless payments.
  - The electronic payment device must be kept in the vehicle, be fully operational and available for immediate use at all times the vehicle is being used for public hire or hire and reward (including whilst standing for hire).
  - All Hackney Carriages must display signage that is prominently on view to prospective passengers that states contactless card payments are accepted.
  - No additional costs as a result of card payments may be passed onto the passenger.

**All Hackney Carriage vehicles must have the facility to accept cashless payments within 12 months of 1 July 2023.**

## **PRIVATE HIRE VEHICLE LICENCE**

Private hire vehicles are licensed by the City Council under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. The activities of such vehicles are controlled by this Act and by conditions which are applied to the licence.

A private hire vehicle differs from a hackney carriage in a number of ways:-

1. The vehicle itself cannot resemble a hackney carriage so it can be readily identified, by members of the public, as a private hire vehicle.
2. A private hire vehicle cannot ply for hire i.e. cannot pick up passengers who have not pre-booked their journey.
3. A private hire vehicle cannot park up awaiting the approach of potential customers.
4. A private hire vehicle can only be driven by a person who has a private hire driver's licence issued by the Council that licensed the vehicle.

## **STATUTORY PROVISIONS**

Local Government (Miscellaneous Provisions) Act 1976

Section 46 – Driver to be licensed.

This section prohibits any person from driving a private hire vehicle without first obtaining a private hire drivers licence.

#### Section 49 – Change of ownership.

Requires the owner of the vehicle to notify the Council, if ownership, is transferred, to another person. If the proprietor named in this licence transfers their interest in the private hire vehicle they must give notice in writing in a form specified by the Licensing Authority within fourteen days.

#### Section 50 – Information required by the Council.

Requires the proprietor to inform the Council of the address where the vehicle is kept and to notify them, within 72 hours, of any accident to the vehicle.

#### Section 58 – Return of Private Hire Vehicle identification plate.

On the expiry, revocation or suspension of a private hire vehicle licence the licence holder should, if required by the Council, return the identification plate to them within 7 days. The penalty for failing to return the plate, as requested, will be a fine of up to £1000 and a daily fine of up to £10.

#### Section 60 – Removal of Private Hire Licence.

The Council may suspend, revoke or refuse to renew any licence if the vehicle is deemed unfit or the owner or proprietor commits any offence under or fails to comply with any regulations laid down or for any other reasonable cause.

#### Section 64 – Hackney Carriage Ranks

This section prohibits any vehicle, other than a hackney carriage, from parking or waiting on a taxi rank.

#### Section 68 – Inspecting the Private Hire Vehicle.

This section provides the authority for the Council to inspect a private hire vehicle at any time and suspend the licence if the vehicle is deemed to be unfit. In addition the proprietor may be required to submit the vehicle for further examination.

### **PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

- 1 a) The private hire vehicle hereby licensed shall be a four-door saloon, a five-door estate or hatchback with a luggage screen or guard, or a minibus type vehicle with no more than eight passenger carrying seats and shall not be a London style cab. All vehicles must comply with the specifications for private hire vehicles as set out in the Council's Taxi Licensing Policy.
  - b) Except in the case of vehicles suitably adapted to carry wheelchair-bound passengers, all private hire vehicles must have adequate seating accommodation for not less than four persons or not more than eight in addition to the driver.
  - c) All vehicles newly licensed must be in a manufacturers' single standard factory colour and to the specification laid down by the Licensing Authority at the time of application for this licence.
- 2 a) No vehicle shall be licensed as a private hire vehicle unless it is no more than eight years old, from first registration as new and without previous usage at the date of application for this licence.



- b) The proprietor of a private hire vehicle may apply for the renewal of a licence provided that the vehicle is not more than **fourteen years old**, from first registration as new and without previous usage, at the date of expiry of the current licence.
- c) All minibus type vehicles newly licensed which are manufactured or suitably adapted to carry wheelchair-bound passengers must hold any of the following certificates:
  - i) an M1 European Whole Vehicle Type Approval Certificate
  - ii) an M1 National Level Low Volume Type Approval Certificate
  - iii) an M1 UK Low Series Type Approval Certificate
  - iv) Statutory or Voluntary Basic IVA Certificate
  - v) UK(NI) type approval
  - vi) GB type approval

Applicable after the vehicle's adaptation for carrying wheelchair-bound passengers and must comply with the Licensing Authority's current specification.

- 3 The private hire vehicle hereby licensed shall have no signs, notices, advertisements plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever on or in it except the following signs which must be displayed unless authorised by the City Council.
  - a) the licence identification plate issued by the Licensing Authority for affixing to the rear of the vehicle (or such other identification disc as the Licensing Authority may require to be substituted therefore during the period of the licence) which **MUST** be fitted to the vehicle with a secure mechanical fitting, as approved by the Licensing Authority and in a manner prescribed by the Licensing Authority;
  - b) any registration or number plates required by any other statute.
  - c) a self-adhesive identification sticker of the design as prescribed by the Licensing Authority shall be permanently affixed to the upper panel of each rear door on the vehicle. In addition a painted, magnetic or transfer type sign, approved by the City Council, may be affixed on the metal parts of both front doors, bearing only (in 50mm to 100mm (2 to 4 inch) lettering) the name of the Private Hire Company, address and telephone number. In addition, there may be displayed, at the top of the front and rear windscreens, a transparent strip, approved by the City Council, containing the name and telephone number of the Private Hire Company in lettering not exceeding 50mm (2 inch) in height and not encroaching more than 10mm (two-fifths of an inch) into the swept area of the screen. The Proprietor must not display or permit to be displayed signs in a cut down or otherwise mutilated form;
  - d) For minibuses only, a sign, professionally adhered directly on to the side panels of the vehicle, and excluding any windows, displaying the name of the Private Hire Company, address, telephone number and services provided by the operator. The sign must be approved by the Licensing Authority before being put up on to the vehicle.
  - e) Commercial advertising may be displayed on the rear of the vehicle only. The advertising must have a transparent background and not detract from the main colour of the vehicle and must be approved by the Licensing Authority before being put on the vehicle.

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5. The proprietor of a private hire vehicle must give 21 days notice in writing to the

Licensing Section of their intention to modify or adapt the said vehicle so as to operate by means of Liquid Petroleum or Compressed Natural Gas, and if the Licensing Authority shall object in writing the modification or adaptation shall not be carried out.

6. During the currency of this licence, there shall be in force in relation to the use of the vehicle, a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act, 1988, and, in the event of such policy of insurance or security ceasing to be in force in relation to the use of the vehicle at any time during the currency of the licence, the proprietor shall immediately inform the Licensing Section in writing to that effect.
7. The proprietor of the private hire vehicle hereby licensed (or his driver if the vehicle is not being driven by himself) shall, at the request of an authorised officer of the Licensing Authority, stop his vehicle to enable a spot check to be made into the possible contravention of any requirements concerning the private hire vehicle or its driver, whether or not passengers are being carried at the time, and shall not proceed until the authorised officer indicates that he is reasonably satisfied that such requirements are being complied with.
8. The proprietor shall notify the Licensing Authority, in writing, within seven days, of any change of address of any proprietor and hand in the licence for endorsement of the change.
9. The proprietor shall report the loss of either of the identification plates to the Licensing Authority within 24 hours, or on the next licensing working day.
10. The private hire vehicle hereby licensed shall be kept internally and externally clean, free from corrosion and other bodily defects and, shall be mechanically maintained to a high standard at all times.
11. If the vehicle hereby licensed is fitted with a taximeter:-
  - (i) the taximeter shall be set to a tariff stated in the notice required under Condition 11 (ii) below;
  - (ii) a notice approved by the City Council shall be displayed, so as to be clearly visible to all passengers in the vehicle, stating the tariff to which the meter is set;
  - (iii) the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle, and for that purpose the letters shall be capable of being suitably illuminated during any period of hiring;
  - (iv) the dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined in the Road Transport Licensing Act, 1957 and also at any other time at the request of the hirer;
  - (v) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances so that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. The meter shall be sealed by any authorised officer of the Council.
12. If the private hire vehicle hereby licensed is fitted with a taximeter, PDA or GPS system

(unless the hirer expresses at the commencement of the hiring his desire to be engaged other than by the meter, PDA or GPS system, in which case the charge will be a matter for negotiation with the hirer) the machinery of the taximeter, PDA or GPS system shall be brought into action at the commencement of the journey and neither the proprietor, driver nor Operator of the vehicle shall be entitled to demand to take a fare greater than that specified in the approved tariff notice.

13. If the vehicle licensed is not fitted with a taximeter then at all times whilst the vehicle is being used as a private hire vehicle, there shall be exhibited inside the vehicle, so as to be plainly visible to passengers carried therein, a notice indicating that the hire charges for the vehicle are not prescribed by the Council but are a matter for negotiating with the hirer. The notice shall not be affixed to or displayed upon the windows of the vehicle.
14. The proprietor or driver shall not fit, or permit to be fitted, any seat which would cause the number of passenger seats to exceed the passenger carrying capacity as indicated on the licence and vehicle identification plate and shall not carry any number of persons in excess of the said licence and plate without the prior written consent of the Licensing Authority.
15. The proprietor of the vehicle licensed shall cause, at all times, the vehicle identification plate to be fixed externally on the rear of the vehicle, in an upright position so as to be clearly visible and not obstructed by any car equipment or otherwise.
16. The proprietor of the vehicle must notify the Council of the names and addresses of all drivers engaged in the use of the vehicle and notify the Council of any change to such drivers within 7 days.
17. A notice of the design prescribed by the Licensing Authority shall be permanently affixed where it can be clearly seen inside the passenger area of the vehicle informing passengers of how they may complain or record a compliment.

## **PRIVATE HIRE OPERATOR'S LICENCE**

Private Hire Operators are licensed by the City Council under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. This Act empowers the council to set conditions which apply to the licence and provides powers to control the activities of an Operator.

The following are extracts from the regulations and are not exhaustive.

An applicant who intends to operate more than 1 vehicle from any premise must obtain planning permission for the use of that premise.

### **STATUTORY PROVISIONS**

#### Local Government (Miscellaneous Provisions) Act 1976

##### Section 46 – Requirement to hold a licence

Requires a person to obtain a licence before operating a vehicle as a Private Hire vehicle. When a licence has been issued to an Operator, the Operator can then only use drivers and

vehicles which have licences granted to them by the same Council that issued the Operator's licence.

### Section 56 – Responsibility for and recording of bookings

Requires an Operator, who accepts a booking, to be responsible for it even though it may be sub-contracted, to another Operator licensed by the City Council or to an Operator who is licensed in another controlled district or in London and the booking is accepted by that other Operator in that district or London as appropriate. In addition, a record has to be kept of every booking accepted by the Operator and of every vehicle under his/her control.

## **PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS**

### **RECORDS**

The Operator must keep a record of all bookings and keep them for 12 months. This record should be kept in a book with the pages consecutively numbered or in a computer database.

The following details should be entered in the record prior to the start of each journey:

- a) The name of the hirer and the address of the hirer (if known).
- b) The date and time the booking was made.
- c) The date and time of the journey.
- d) The pick-up point
- e) The destination
- f) The licence number of the vehicle used.
- g) The name or identifying code of the driver.
- h) Whether a price was agreed, a taximeter or a PDA/GPS system was used to record mileage/time as per the Operator fares set by the Operator.

### **DRIVERS AND VEHICLES**

1. The Operator must keep a record of all drivers and vehicles working from the office and ensure that they are correctly licensed. The records should be kept in a loose-leaf folder or on a computer database and contain the following information:

- a) The name, address and licence number of the driver.
- b) The registration and licence number of the vehicle.
- c) The name and address of the vehicle licence holder if different from the driver.
- d) Confirmation that the vehicle is correctly insured.
- e) Suitable checks must be undertaken to ensure that all drivers are correctly licensed and a proforma in a design approved in writing by the Licensing Authority to be completed and signed by the driver.
- f) Proforma must be retained whilst the driver is running from the operator and for 12 months thereafter.

2. The Operator must notify the Licensing Section with a weekly return detailing:

- a) any new driver(s) working from the office.
- b) or a NIL return if there haven't been any new drivers.

And must include the start date, name and licence number of each of those drivers.

### **PREMISES**

- a) The Operator is required to provide a booking office during the life of the licence. The applicant must obtain planning approval for the premises and not contravene any other statutory requirements. The office must remain in the location described in the application unless he/she applies and is given approval, by the Licensing Authority, for a change of location.
- b) The booking office should be clean and in good decorative order both inside and outside. The soft furnishings, furniture and curtains should comply with current fire safety regulations.
- c) Where the office is used for walk-in trade an adequate waiting room should be provided with seating available for customers use.
- d) An enlarged copy of the licence should be displayed in the office for the benefit of drivers.
- e) The sign associated with the office must not display the words cab, taxi or any variation of these words. Any sign placed over or above the highway, adjacent to the office must be properly authorised.
- f) The operator must not provide facilities, either electronic or otherwise, that would allow any licensed private hire driver acting in that capacity to directly input details of an immediate hiring.

### **DOOR SIGNS**

Door signs, in sets of two, should be made available to drivers. The lettering should be between 50mm to 100mm in height and should contain the name of the company, the telephone number and/or the address of the booking office. Any sign to be used by the Operator must be approved by the Licensing Authority prior to their use.

### **INSURANCE**

The Operator should have in place any insurance required to cover the operation of the business. In particular a Public Liability and Employers Liability Insurance must be maintained and the respective certificates should be displayed at the booking office.

### **FARES**

Details of the fares and charges applicable to the hirer should be displayed on a properly printed notice at the booking office or be made available to customers on request. The notice must contain the words "These charges are not controlled by Hull City Council".

### **RADIO LICENCE**

The use of a two-way radio system requires a licence that is issued by the Department of Trade and Industry. A copy of the licence must be displayed at the booking office.

### **SOLICITING**

The Operator must not attract customers by calling out or otherwise and must not permit anyone to do so on their behalf.

### **INSPECTIONS**

All drivers, vehicle and booking records must be produced on request to any authorised officer or police officer. All other conditions of the licence are subject to inspection by authorised officers of the council to ensure compliance.

### **GUIDE, HEARING OR PRESCRIBED ASSISTANCE DOGS**

Under Section 170 of the Equality Act 2010, the operator must at all times accept a booking (making no additional charge), from a disabled person who wishes to travel with their guide, hearing or prescribed assistance dog, unless prevented by some reasonable cause as determined by the Licensing Authority.

### **STANDARD OF SERVICE**

- a) The Operator shall behave in a civil and orderly manner and should take all reasonable precautions to ensure the safety of their customers.
- b) Once a booking has been accepted the Operator should ensure the booking is fulfilled punctually and correctly.
- c) The operator, controller(s), driver(s) or anyone else connected with the business must not refuse a booking or otherwise discriminate against a customer or other member of the public either directly or indirectly on the grounds of gender, age, marital status, social class, race colour, ethnic or national origin, religion, disability (including the carriage of assistance animals), or sexual orientation.
- d) There must be in place a complaints policy giving details of what procedures will be followed if a complaint is made. This document should be available to all members of staff and should be displayed for the benefit of customers. The document must be made available for inspection by an authorised officer or police officer.
- e) Any complaints made against the operator, driver(s), vehicle(s), or any aspect of the business, must be recorded either electronically or by any other method and should show the name and address of the complainant, the nature of the complaint and the name of the person whom the complaint is made and the details of any vehicle involved. The record must be retained for at least one year from the date of the complaint.
- g) Any complaint received should show what action has been undertaken and if the complaint has been resolved. This document must be made available for inspection by an authorised officer or police officer.
- h) A Basic DBS Disclosure will be required in respect of all employees who have access to customer data and a register of those members of staff must be kept,
- i) the Operator must notify a person making a booking, and obtain their consent, should they be utilising a Public Carriage Vehicle (PCV) or PCV Driver, i.e. a vehicle that is of a larger capacity than a Private Hire Vehicle to carry out the booking

## **ENFORCEMENT**

Enforcement of laws and conditions relating to Hackney Carriage and Private Hire licences is conducted by authorised officers of the Council. The powers of these officers extends not just to licence holders but also to any other person. These powers are drawn from Section 73 of the Local Government (Miscellaneous Provisions) Act 1976 which is summarised as follows:

Any person who:-

- a) Obstructs
- b) Fails to comply with a request
- c) Fails to give information or give assistance to
- d) Or gives false information to

an authorised officer of the council or police officer; shall be guilty of an offence.

### **Enforcement Policy**

The following is a copy of the Licensing Section's Enforcement policy, it sets out and highlights the aims of the Council.

#### **The Council's Aim**

- The Council aims to ensure that all licensed activity within the city is carried on in a safe and professional manner.
- The Council will seek to achieve this through enforcement of legislation, attaching conditions to licences and through the provision of advice and education to consumers and licence holders
- The object of this document is to detail for businesses and other service users what they may expect from the Council's Enforcement Officers and the decision making framework which the Council apply in deciding what, if any, of its powers to exercise in enforcing the provisions of the law.

#### **Policy – Public Protection Division**

- Has formally adopted the Government's concordat on Good Enforcement and is committed to following the policies and procedures contained therein. A separate leaflet 'Enforcement Policy Statement' is available on request.
- Takes into account guidance set out in the Code for Crown Prosecutors.
- Recognises where there is a shared enforcement role with other authorities and enforcement bodies and has in place arrangements to promote co-operation and consistency.

- Takes into account the needs of all stakeholders in the area including businesses, employees and the public.

## **Your Questions Answered**

### **1. Who will inspect/visit my premises?**

Authorised Officers have the right to enter and/or inspect all premises, vehicles, stalls and any such place that holds a licence, registration, consent or permit issued by the Council at all reasonable hours. They do not have to make an appointment and will usually visit without notice.

### **2. What will they look for?**

Officers will look at the way you operate your business or activity to ensure that the law is being complied with.

Officers will also look to see that all licensing conditions and local by-laws are being complied with.

### **3. How often will my premises be visited?**

The frequency of inspection will normally depend upon the potential risk posed to the public by the particular license holder. The City Council's Licensing Committee has however, instructed that certain types of premises receive scheduled inspections.

Where scheduled inspections are required, the Council will try, wherever possible, to arrange mutually agreeable appointments so as to limit any inconvenience.

Other inspections may occur as a result of a complaint.

### **4. What can I expect from the Officers?**

- To be shown identification.
- To be treated courteously
- To be able to discuss the findings of any inspections and to receive advice and guidance.
- To receive details of the inspection detailing any breaches of the law, with a clear distinction being made between recommendations of Best Practice and any action necessary to comply with the law, local by-laws and licence conditions.
- To be given an appropriate timescale to take any action necessary to comply with the law.
- To be informed of any likely follow-up action.
- To be allowed to discuss any relevant circumstances before any formal enforcement



action is taken unless immediate action is required.

- To be given reasons for immediate action at the time it is taken and to receive written confirmation within 10 working days.
- To be treated in a consistent and fair way in accordance with statutory Codes of Practice and Government guidance.
- To be notified in writing of any rights of appeal against formal action at the time it is taken.

## **5. What Powers do Officers have and what action will they take?**

Powers vary with different licensed activities but the following are applicable to all: -

- Officers can take photographs and videotape activities; they can ask questions and inspect premises, vehicles and records. You must not obstruct these actions.

The action they take will include one or more of the following: -

### **(i) Take no enforcement action.**

When the premises are found to be satisfactory. This will be confirmed in writing.

### **(ii) Take informal enforcement action.**

When there is no serious breach of the law. This may be done by offering oral or written advice, issuing requests and giving verbal warnings.

### **(iii) Take formal enforcement action but not prosecution.**

When, in the officer's opinion, a license condition is not being followed, a local by-law is not being adhered to, or a minor non-compliance with the law is observed, or when a prosecution is not in the public's interest

This may include the sending of formal letters, a formal interview by the officer or with the Licensing Committee, suspension of the licence, or revocation of the licence.

### **(iv) Take formal enforcement action through prosecution.**

When in an Officer's opinion, an offence has been committed and there is sufficient evidence to initiate a prosecution, he/she shall take into account a number of factors in accordance with the Code for Crown Prosecutors before deciding to prosecute. These factors may include: -

- The seriousness of the alleged offence.
- The history of the business or individual.
- The willingness of the business or individual to prevent a recurrence of the problem and co-operate with officers.
- Whether it is in the public interest to prosecute.

- The likelihood of the prosecution succeeding.
- Whether any other action (including a formal caution) would be more appropriate or effective.
- These factors are not listed in order of priority or significance and their rating will vary with each situation under consideration.
- The final decision to prosecute offenders rests with the Licensing Authority who will consider the policies and procedures in the Enforcement Concordat before giving his authorisation to proceed with formal action.

## **6. What rights of Appeal are there against Statutory Notices and other Formal Action?**

You will be notified in writing of any rights of appeal against formal action (including the service of a statutory notice) at the time it is taken.

## **7. What if I do not agree with the action taken and want to complain?**

- Contact the Officer directly or his/her Section Manager stating why you do not agree and any proposed alternative action.

If you are still not satisfied, please contact:

- Hull City Council's Customer Feedback Team  
P.O. Box 15  
Hull  
HU1 2AB

Email: [customerfeedback@hullcc.gov.uk](mailto:customerfeedback@hullcc.gov.uk)

### **Local Government Ombudsman and Social Care Ombudsman**

If having been through all the previous stages of complaint and you are still unhappy, the matter can be referred to the Local Government Ombudsman.

This is an independent organisation and can be written to or contacted via telephone.

**Local Government and Social Care Ombudsman**  
53-55 Butts Road  
Coventry  
CV1 3BH

**0300 061 0614 (Mon – Fri 8.30am – 5pm)**

[www.lgo.org.uk](http://www.lgo.org.uk)

## **PROMISES**

- To enforce the law in such a way as to be supportive and helpful to businesses and individuals and to achieve compliance by means of a partnership approach.
- To undertake our enforcement responsibilities in an open, fair and consistent manner.
- To distinguish clearly between legal requirements and best practice advice.
- To make sure that businesses and individuals are aware of their responsibilities and the consequences of failing to meet their obligations.
- As far as the law allows, to discuss enforcement issues with proprietors and to consider business needs before taking enforcement action.
- To target resources and enforcement actions according to the need for public protection.
- To ensure that enforcement action is proportionate to risk and to use the full sanctions of the law only where there is significant contravention, persons have been put at risk, there is a history of non-compliance, or lack of confidence in management, where conditions are serious and deteriorating, there has been a failure to comply in full or in part with a statutory notice, and that it is in the public interest to prosecute.