

# **Hackney Carriage and Private Hire Licensing Policy**

**8 December 2015 – 7 December 2020**

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## The Role of Licensing: Policy Justification

The aim of local authority licensing of Taxi and Private Hire Vehicle (PHV) trades is to protect the public. Maidstone Borough Council is also aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Maidstone Borough Council recognises that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver is “fit and proper” and that the vehicle is safe. However, on the other hand if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person’s safety might be put at risk by having to wait on streets late at night for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

Maidstone Council, therefore, wants to be sure that every licensing requirement is in proportion to the risk it aims to address; or to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to say that Maidstone Council does look carefully at the costs – financial and otherwise – imposed by all of its licensing policies.

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## **1.Introduction**

The Licensing Department at Maidstone Council ("the Council") is responsible for dealing with all applications for hackney carriage and private hire licences including drivers, vehicles and private hire operators. The Department also deals with complaints and enforcement in relation to hackney carriage and private hire matters.

The licensing of hackney carriage and private hire drivers, vehicles and operators aims to secure the following objectives:

- . That all licensed drivers/proprietors and operators are "fit and proper" persons to ensure the highest levels of public safety and good practice.
- . That all licensed vehicles are roadworthy and fit for use.
- . To encourage the use of environmentally friendly vehicles.
- . To encourage the use of vehicles that are accessible to persons who have disabilities.

The Council will ensure that these aims are met by setting minimum requirements for the licensing of drivers, vehicles and operators. These requirements include:

- . Up to three yearly licensing of drivers including medical checks, criminal record clearance, an appropriate level of driving ability and a sound knowledge of the area.
- . DVLA checks of all drivers licences at first application and at renewal.
- . Five yearly licensing of private hire operators from April 2016 with checks made on record keeping;
- . Annual licensing of vehicles, with routine inspections by council officers, checks of documentation such as insurance certificates and strict mechanical testing;
- . Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council's enforcement policy statement.
- . Ongoing training, development and monitoring of the Council's Licensing staff.
- . Provision of information to the private hire and hackney trades and members of the public through press releases and publications, the Council website and attendance at relevant forums.

## **2. Review of Policy and Procedures**

### **2.1 Legislation**

In undertaking its licensing function, the council will have particular regard for:

- 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
- Equalities Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Regulators Code

### **2.2 Taxi and Private Hire Licensing: Best Practice Guidance March 2010**

The Department for Transport has national responsibility for hackney carriage and private hire legislation in England and Wales. Following widespread consultation, the Department has produced Best Practice Guidance for licensing authorities which sets out standards which can be considered good practice in this area of licensing, although it also recognises that individual licensing authorities should produce their own policies in relation to specific licensing matters. This Guidance has been taken into consideration in preparing this policy. Also regard has been given to the Licensing Partnership and this has been seen as an opportunity to have some consistency across the three authorities. The Licensing Partnership currently includes Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council.

### **2.3 Consultation**

The Council incorporated the views of all persons and organisations that responded to the consultation in relation to this document. The Council consulted widely and invited comments from interested parties and those listed below.

- ▶ Representatives of Maidstone's licensed hackney & private hire drivers
- ▶ Representatives and trade groups of Maidstone's taxi proprietors and private hire vehicle licence holders.
- ▶ Representatives of Maidstone's taxi and private hire operators
- ▶ Maidstone's Ward Councillors
- ▶ Maidstone's Town and Parish Councils
- ▶ MPs and MEPs
- ▶ MBC - Internal transport strategy representatives
- ▶ Neighbouring Authorities
- ▶ Maidstone's Town Centre Partnership
- ▶ Maidstone's Community Safety Department

- ▶ Local businesses and residents
- ▶ The Primary Care Trust
- ▶ Chamber of Commerce
- ▶ Kent Police
- ▶ Kent County Council Traffic & Road Safety
- ▶ Kent County Council (School Contracts)
- ▶ Maidstone's Disability Action Group
- ▶ Citizens Advice Bureau
- ▶ Age Concern
- ▶ The National Private Hire Association
- ▶ The National Taxi Association
- ▶ Members of the Public through the Council Website
- ▶ Maidstone Women's Centre
- ▶ Passenger Transport Executive / Transport providers

## **2.4 Implementation**

The policy was adopted at the Communities, Housing and Environment Committee on 8 December 2015 and will remain in existence for a period of five years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change.

Upon implementation of this policy, the Authority expects licence-holders to comply with its terms immediately.

### **Online Forms**

Maidstone Borough Council has introduced online forms to facilitate applications. The authority is committed to keeping the cost of providing the licensing service down and online forms assist with this aim.

All new applications that are made online will require an applicant to meet with an officer to complete the application process.

We are happy to accept scanned accompanying documents or photograph images with online applications. However, if the submitted images do not match with the electronic images that are held by the authority, this authority reserves the right to require the original documentation to be presented to the Licensing Authority.

### **3. Hackney Carriage and/or Private Hire Driver Licence – New and Renewal applications**

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that a district council shall not grant a driver's licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person.

In order for the Council to establish whether an applicant is fit and proper the applicant must provide evidence of:

- . Honesty and trustworthiness
- . Driving standard
- . Medical fitness
- . Criminal history
- . Relevant knowledge of the borough
- . Understanding of English (spoken, written and reading)

All applicants are strongly advised to read the Council's Statement of Policy about Relevant Convictions before considering whether to apply for a Hackney Carriage or Private Hire Vehicle driver's licence.

Application forms must be completed in full. Any incomplete forms will be returned to the applicant as invalid.

Applications will only be accepted as valid if they include and/or are accompanied by the following:

1. Correct application form provided by the Council, completed in its entirety and signed by the applicant.
2. The appropriate fee. The current fees are available from the licensing department or at [http://www.maidstone.gov.uk/\\_\\_data/assets/pdf\\_file/0018/104364/Taxi-Licensing-Policy-December-2015.pdf](http://www.maidstone.gov.uk/__data/assets/pdf_file/0018/104364/Taxi-Licensing-Policy-December-2015.pdf)
3. The applicant's original DVLA driving licence.  
The applicant's original DVLA driving licence. Applicants must have held a full DVLA or EU licence for at least 1 year. (para.3.2) for a new application.
4. A completed medical certificate (para.3.4).
5. DSA practical taxi test and wheelchair test (where applicable) or the KCC transport test.
6. Evidence of having passed the relevant Maidstone knowledge test /alternative suitability and knowledge test for all new drivers
7. One recently taken, colour, passport sized photograph of the applicant (no hats unless worn for religious reasons, or sunglasses)
8. DVLA mandate completed and signed by the applicant

9. Application for a Disclosure and Barring Service Enhanced Check completed by the applicant with accompanying identification or a current valid disclosure certificate and obtained via an approved body which will allow an update service check to be performed (para.3.5)
10. For all applicants who have lived in the United Kingdom for less than 5 years continuously, a certificate of good conduct from the appropriate embassy is required. (new applications only) (para.3.5)
11. For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate Embassy/ Authority. In some instances Home Office checks will need to be made also.
12. items confirming the applicants address.

### **3.1 Fee**

All applications must be accompanied by the appropriate fee as prescribed from time to time by the Council. Licensing fees are reviewed on an annual basis and approved by the Council.

No refunds are payable where applications are not pursued or completed or where applications are refused e.g. as a result of relevant criminal records, where relevant information has been withheld or where applicants fail to meet application requirements. The Licensing Department can advise individual applicants who have queries in relation to this issue and any such information is strictly confidential.

Any outstanding application older than 12 months will be destroyed. Should the applicant wish to pursue the application after 12 months a new application will need to be submitted with a fee and a new DBS application will be required.

### **3.2 Driving Standards**

It is a statutory requirement that a licence will not be issued to any person who at the time of the application has not held a full driving licence for a continuous period of one year immediately prior to the date of receipt of a valid application by the Council.

Driving licences issued by EU / EEA States and Countries detailed in the Driving Licences (Exchangeable Licences) Orders are also permitted to count towards the 1 year period qualification requirement for the grant of a private hire and/or hackney carriage licence.

In order to establish that an applicant has reached an acceptable driving standard, new applicants will also be required to have successfully undertaken the Driving Standards Agency's practical taxi test or KCC transport test. Existing drivers may also be required to undertake this test where serious concerns are raised about the standard of their driving.



All new applications for a driver's licence will be required to successfully undertake a DSA practical taxi test without exception.

Applicants for a Hackney Carriage or Joint driver's licence must have undertaken the enhanced DSA practical taxi test which includes the wheelchair exercise. If a driver is licensed as a Private Hire Driver and converts to a Hackney Carriage Driver then they must undertake the element that includes the wheelchair exercise.

Driver assessments can be taken at your local Driving Standards Agency (DSA) test centre or KCC Transport. You can find your nearest DSA test centre on the DSA website.

A first time driver applicant must demonstrate by means of a test, an acceptable knowledge of places, road and routes within the Council's area. The Licensing Authority may also require the applicant to demonstrate knowledge of the Hackney Carriage byelaws, rules that apply to all drivers on the highway and conditions for the licence types.

### **3.3 Age**

All applicants for HC/PHV driver licences will be assessed on their individual merits. Maidstone Council does not consider it necessary to set a maximum age limit for drivers provided that regular medical checks are made (see 3.4), nor does it consider a minimum age limit, beyond the statutory limitations, to be appropriate.

### **3.4 Medical Fitness**

There is a general recognition that it is appropriate for HC/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- . they carry members of the public who have expectations of a safe journey;
- . they are on the road for longer hours than most drivers; and
- . they may have to assist disabled passengers and handle luggage.

Maidstone Council supports the widely held view that Group 2 medical standards applied by the DVLA in relation to bus and lorry drivers should also be applied by local authorities to HC/PHV drivers.

A Group 2 medical standards certificate signed by a doctor registered or practising in the United Kingdom or in any other EU/EEA country will be required from all applicants. Holders of current Passenger Service Vehicle (PSV) and/or Heavy goods Vehicle Licences (HGV), where the holder is able to produce proof of a current medical examination, less than 12 months old will not be required to undergo a further medical.

Once licensed, a new medical will be required to be undertaken at renewal (every 3 years) this option would be more in keeping with a partnership policy and would ensure the authority has checked the medical fitness of a driver at the time of the renewal of the licence.

The Group 2 medical standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles. It is the policy of Maidstone Council to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes. The criteria is summarised in Appendix 3.

Should concerns arise regarding the health of a licensed driver, the Council at any time may request further information or a further medical examination to be carried out and submitted. The Council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out his/her duties as a licensed driver.

### **3.5 Criminal Record**

Prior to consideration of any application, the Council will obtain from the applicant a Disclosure & Barring Service Enhanced Certificate in respect of the applicant, to be assessed in accordance with the Council's statement of policy about relevant convictions.

It is recognised that many vehicles are used for the carriage of children and vulnerable persons and the Enhanced Disclosure is most appropriate.

The licence holder will be responsible for paying the relevant fee. Existing Drivers will be required to submit an Enhanced DBS Certificate every 3 years at renewal (this assists with safeguarding of children and vulnerable adults). All applicants are strongly advised to sign up to the DBS online checking service as the cost every 3 years is less, the certificate is portable and may be taken to another Licensing Authority and applications for the renewal of their taxi driver's licence may be made more easily online without the need to make an appointment to see a Licensing Officer.

Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to an Enhanced Certificate from the Disclosure & Barring Service which includes whether an applicant is barred from working with children or adults.

A licence will generally not be granted to any applicant who does not comply with the minimum requirements as set out in the Council's Statement of Policy about Relevant Convictions (see Appendix 2). Where several minor offences have been committed the Council will take into consideration any pattern of offending. The Council can also take into consideration spent convictions and cautions when determining an application for a driver's licence.

A licence may be suspended pending the outcome of any investigation or trial where an existing driver is found to be awaiting trial or has been charged with a serious crime relating to;

- . Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- . A drug related offence
- . Indecent exposure, indecent assault or any of the more serious sexual offences or,
- . Grievous bodily harm, wounding or assault or,
- . Dishonesty

A licence may also be suspended or revoked where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.

Any application from a new applicant charged with a serious offence as outlined above will not be determined until the outcome of that matter has been determined.

Where an existing driver commits an offence and/or breaches the licence conditions/byelaws, the nature and number of incidents will be taken into consideration when considering if the driver continues to be considered "fit and proper".

Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt. Although where a further warning is issued during this period, the original warning will be kept on file from the date of the most recent warning. Where a licence is revoked for persistent breach of licence conditions a period of 3 to 5 years should generally elapse before a further application is favourably considered

A licence holder or applicant shall immediately notify the Council of any charges/convictions/cautions (including motoring offences) imposed during the term of their current licence or application.

### **3.6 Knowledge test**

First time applicants are expected to have passed the Maidstone Council written knowledge test or any subsequent test that has been introduced within 6 months of a submission of a driver's licence application. They will be allowed 4 attempts at passing it and if a driver fails to attend any test date without a reasonable explanation then that test will count as a failed test.

First time applicants will be tested on their knowledge of:

- Local Streets and Routes
- Hackney Byelaws (applicable to Taxi Drivers only)

Relevant testing criteria is provided with the application packs.

Where an application for a drivers licence is received from an applicant who has previously held an equivalent licence in Maidstone the applicant will not be required to sit a knowledge test unless their previous licence expired more than 3 years prior to the date of the new application. However, any previously licenced applicant who reapplies will have to be retested if the testing criteria has changed significantly since they were last a licensed driver.

### **3.8 Renewal of Licences**

It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.

A licence may be renewed up to 6 weeks prior to the expiry date.

Any licence that is not renewed within 1 month following expiry will not be renewed and a new application in full will be required. Any licence that is renewed within the 1 month grace period will be subject to a late fee.

Where a licence holder will not be available at the time of renewal, for example due to an extended holiday, then they may apply in writing to the Licensing Office, prior to the expiry date, explaining their circumstances and request a waiver. If granted, this waiver will allow the licence holder to renew their licence after the expiry date or depending on the circumstances the licence can be renewed early. The date of renewal of the licence will start from the day after the expiry of the previous licence

In any case, following expiry of a licence, the driver will not be considered licensed and will not be permitted to drive a licensed vehicle until such time as the licence has been renewed and a new licence has been issued.

The Council will endeavour to issue reminder letters at least six weeks prior to the expiry of a licence although there is no statutory duty for the Council to do so and the responsibility ultimately lies with the licensee to ensure that complete applications for renewal are submitted on time.

At each renewal a current correct driving licence, DBS check, Medical and DVLA Mandate will be required.

### **3.9 Change of Type of Licence**

Licensees wishing to change from holding either a private hire licence or a hackney carriage licence to a Dual (private hire and hackney carriage) licence will only be required to undertake any additional tests and checks that are relevant to the additional use being applied for.

In either of the above scenarios the published fee(s) will be required on application and no refund will be payable in respect of an existing licence

### **3.10 Surrender/Suspension/Revocation of Licence or Failure to Complete Application**

In the event of the surrender of a driver's licence before its expiry or failure to complete the application process, there shall be no refund of the licence fee.

In the event of a driver's licence being suspended or revoked there shall be no refund of the licence fee.

### **3.11 Drivers Dress Code**

Maidstone Council is committed to encouraging the professional image of the hackney carriage and private hire trade, and considers that drivers of licensed vehicles are vocational drivers. The Council considers, therefore, that drivers should conform to a minimum standard of dress, as set out in Appendix 4 , in order to raise and maintain the profile of the licensed trade. The Authority does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

### **3.12 Right of appeal**

Where refusal, suspension or revocation of an application/licence has been advised by an Officer, the applicant/driver will be entitled to request the matter be referred to the Licensing Committee to discuss the concerns, unless the driver has lost his driving licence in which case revocation will be automatic. During this meeting the applicant/driver will be given every opportunity to state their case in relation to the issue(s) of concern. The Committee on hearing all the facts will decide whether to grant any licence or not.

Any applicant who is aggrieved by the Council's refusal to grant/suspend/revoke a driver's licence may appeal to a Magistrates Court within 21 days of being notified in writing of the decision.

In line with s61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, as amended by s.52 of the Road Safety Act 2006, where it appears to the Council that it is in the interests of public safety for any revocation to have immediate effect there will be no right to drive as a private hire or hackney carriage driver pending an appeal. This power will only generally be invoked where there are allegations of serious violence offences, offences of a sexual nature or where there is considered to be a serious risk to passengers or members of the public in allowing the driver to continue as a private hire driver.

### **3.13 Duration of Driver's Licences**

All new drivers are given the option of a 1 or 3 year licences (unless, for administrative reasons, a shorter period is appropriate)

On renewal, all licence holders must apply for a 3 year licence unless they are over 65 or there is a need for medical assessment on a regular basis.

#### 4. Hackney Carriage / Private Hire Vehicle Licences

Section 47(2) of the Town Police Clauses Act 1847 permits a Borough Council to require that a hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

##### Numbers Limit

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The present legal provisions on quantity restrictions for hackney vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis **"if, but only if, the local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet"**. In the event of a challenge to a decision to refuse a licence, it would, therefore, have to be established that the authority had reasonably been satisfied that there was no significant unmet demand.

Maidstone Borough Council has a policy of limiting Hackney Carriage Vehicle numbers and that number currently stands at 48. Unmet Demand Surveys are undertaken every three years to reassess the situation and the results of the survey decides the increase and the issuing of further Hackney Carriage Vehicle licenses, if there are to be any. The last Unmet Demand Survey was completed in 2013 and no demand was found.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is

- . Suitable in type, size and design for the use of a Private Hire Vehicle;
- . Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- . In a suitable mechanical condition;
- . Safe; and
- . Comfortable;
- . That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Once licensed, a hackney carriage or private hire vehicle remains a hackney carriage or private hire vehicle until the licence either expires, is suspended or revoked. A licensed vehicle can, subject to very limited exemptions, only ever be legally driven by a driver who holds the relevant hackney carriage or private hire drivers' licence and appropriate insurance.

With regard to hackney carriages, it is currently the policy of Maidstone Council to only license purpose built hackney carriages and the Mercedes Vito Taxi and the Peugeot E7 which are wheelchair accessible and fitted with a partition between the driver and passenger compartments and which also follow the Conditions of Fitness set by the London Carriage Office.

Some of the vehicles that we currently licence may not cater to some specific wheelchair users. In view of this information the Head of Housing and Community Services will consider any additional Hackney Carriage Vehicles to be approved on a case by case basis in order to be added to an agreed list.

All applications submitted for the initial grant of a licence are advised to apply at least 10 working days before the licence is required to allow time for the vehicle to be tested and the licence to be processed.

Application forms must be completed in full, accompanied by all required documents and signed by the applicant and the operator where relevant. Any incomplete forms will be deemed invalid and returned immediately to the applicant.

Applications will only be acceptable as valid if they include and/or are accompanied by the following:

1. Application form provided by the Council completed in its entirety and signed by the applicant and operator where relevant .
2. The appropriate fee.
3. Original vehicle registration document showing the applicant to be the registered keeper or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles)
5. Certificate of insurance for the vehicle which covers the activity required (i.e. public or private hire - para.4.2) and which is valid on the date that the licence is due to come into force.

#### **4.1 Licence Fee**

All applications must be accompanied by the appropriate fee as prescribed by the Council; the current scale of fees is available from the Council or at <http://www.maidstone.gov.uk/business/licensing-and-permits/taxis-and-private-hire>

Licensing fees are reviewed on an annual basis and adopted by the Council following advertisement by a notice in a local newspaper. The notice will also be displayed at the Council Offices to allow for any comments to be made.

In the event of the surrender of a vehicle licence before its expiry there is no refund made.

#### **4.2 Insurance**

All hackney carriage and private hire vehicles must be insured for public hire and reward, such insurance to provide as a minimum requirement insurance cover for third party fire and theft and also to include legal liability for passengers and luggage.

The Council considers vehicle insurance to be a high priority and, therefore, requires all proprietors to provide evidence of continuous insurance cover throughout the period of the licence. Failure to provide evidence of insurance will result in the vehicle licence being suspended.

**4.3 Testing of vehicles**

In addition to the MOT testing requirements all licensed vehicles are required to be tested at the Council’s nominated testing station/s for compliance with the Council’s policy.

All vehicle licence applications/renewals must be accompanied by an original Compliance Test Report issued by the Council’s testing station/s.

Dependent on the age of the vehicle, interim testing may be required during the period of the licence. The testing frequency set out in the table below. The age of the vehicle will be determined on the start date of the licence from the date of first registration as stated on the vehicle registration document.

Licensing a vehicle for the first time (Hackney Carriage and Private Hire)

The vehicle should not have more than 30,000 miles on the clock or be older than 3 years at first licensing.

<u>Hackney Carriage</u>	<u>Test Frequency</u>
<u>Age of Vehicle</u>	
Less than 10 years	Annually
Over 10 years but less than 15 years	6 Monthly

<u>Private Hire</u>	<u>Test Frequency</u>
<u>Age of Vehicle</u>	
Less than 6 years	Annually

<u>Special Events Vehicle</u>	<u>Test Frequency</u>
<u>Age of Vehicle</u>	
Each vehicle is assessed on its own merit	6 Monthly

Where concerns arise during the period of the licence regarding the mechanical fitness of a licensed vehicle the Council may request a further test to be undertaken and a further certificate to be produced at the Licensee’s expense. However, the Licensing Authority cannot require a vehicle to have more than 3 tests per year.

In order to ensure that a vehicle remains continuously licensed the vehicle must be presented for test and pass on or before the next test due date.

Vehicles may be presented for test up to 1 month prior to the test due date.



Where an application for a vehicle renewal is made 28 days after the expiry of the licence the application will be considered as a new application and any age restrictions will apply.

Any vehicle failing its examination test will be required to undertake and pass a further examination test before it can be licensed or, in the case of an existing licensed vehicle, before it can continue to be used as a licensed vehicle. This further examination is known as a retest.

The applicant is responsible for the payment of all fees required for any mechanical inspections.

The Council will suspend a vehicle licence if the vehicle is not presented for its interim test (6 month) by the due date.

#### **4.4 Type of vehicle**

In order to assess vehicle suitability, the Council will take into account passenger safety, comfort and the design of the vehicle.

In order to be considered suitable to be licensed as a Hackney Carriage the vehicle must comply with the basic specification set out in Appendix 5A and 5B, comply with the conditions listed in Appendix 5C and pass the Council's vehicle inspection test.

Any vehicle complying with the basic specification set out in Appendix 5A and 5D will be considered suitable to be licensed as a Private Hire Vehicle subject to it complying with the conditions listed in Appendix 5E and passing the Council's vehicle inspection test.

In 2008 a special category called "Special Events Vehicles"(SEV'S) was agreed by the Licensing Committee, this category would allow certain vehicles to be licensed that fall outside the normal Private Hire Vehicle Policy. This category encompasses all vehicle's that are considered Luxury, Veteran, Vintage, Classic, Limousine (including Stretch models) and Other novelty vehicles i.e. fire engines. Some Private Hire Vehicles that can no longer be licensed because of the age limitation may be able to carry on being licensed under the SEV category (e.g. BMW's and Mercedes). Each case will be decided on its own merit and specific licence conditions will apply as listed in Appendix 7.

In exceptional circumstances the Council's basic requirements for vehicles may be waived to facilitate the licensing of Novelty Vehicles although confirmation should be sought from the Licensing Office prior to any application being made. Whilst all applications for Novelty Vehicles will be considered on their own merits the Council has produced model standards and conditions for Fire Engines and Horse Drawn vehicles as set out in Appendices 8 and 9 respectively.

In addition to meeting the relevant vehicle specifications all Private Hire Vehicles, including Novelty Vehicles, will have to comply with the private hire vehicle conditions. (Appendix 6D)

#### **4.5 Seating Capacity**

No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

In order to facilitate the licensing of a wide variety of vehicle types and to encourage more environmentally friendly vehicles the Council has not set a limit on the minimum number of seats but instead requires a minimum space standard per passenger as detailed in the basic specifications for vehicles.

It is the proprietor's and operator's responsibility to ensure that they established the number of passengers at the time of booking. This is particularly important for those proprietors and operators who choose to utilise smaller vehicles.

#### **4.6 Accessibility**

Maidstone Council is committed to social inclusion and ensuring a wide variety of vehicle types are available for disabled residents to avoid discrimination in terms of travel arrangements.

All Hackney Carriage Vehicles are required to be wheelchair accessible and in Maidstone 100% of vehicles are.

In private hire vehicles any equipment fitted for the purpose of lifting a wheelchair into the vehicle must comply with and have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 – or as amended from time to time.

Where the private hire vehicle is designed or adapted to carry a wheelchair, the operator shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

Signage is to be fixed to the outside of all private hire vehicles to convey to passengers that the vehicle has been designed or adapted to carry a wheelchair.

Drivers of any licensed vehicle cannot refuse to carry an assistance dog (for passengers with either restricted sight or hearing) unless they have a medical exemption issued by the Council. Such exemptions shall only be issued following receipt of a medical report produced by the driver's registered general practitioner.

The Council will take steps to ensure that any regulations that may be made by the secretary of state under the Equality Act 2010 for example Taxi Accessibility Regulations are complied with.

#### **4.7 Quantity Restrictions of Vehicle Licences**

Whilst the law prohibits the Council from setting a limit on the number of private hire vehicle licences it issues quantity restrictions can be set to regulate the number of licensed hackney carriages.

In 2013 the Council commissioned an independent survey of Hackney Carriage usage. The 2013 study identified that there is no evidence of significant unmet

demand for hackney carriages in Maidstone. On this basis the Council has discretion in its hackney carriage licensing policy and may either:

- . continue to allow market forces to dictate the number of hackney carriage licences;
- . issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
- . introduce a limit on the number of vehicles.

It is the policy of Maidstone Council to impose quantity restrictions on the number of Hackney Vehicles in the Borough and currently that figure stands at 48.

#### **4.8 Environmental Considerations**

The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the Borough by, in particular, reducing the levels of CO<sub>2</sub> emitted from petrol vehicles and the equivalent from diesel. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

Clearly, emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

In view of the above detail, unless more urgent measures are introduced by central government in the meantime, this Council will monitor any research published and Government guidelines with a view to specifying vehicle emissions standards and promoting cleaner vehicles.

To help consider the environmental impact, any petrol electric vehicle with an engine size under 1400cc will be considered to be licensed on a case by case basis. Maidstone Borough Council suggests that, in order to promote a greener environment, any vehicle that promotes cleaner fuel emissions may be entitled to pay a reduced fee at the time of having the vehicle tested by Maidstone Borough Council's appointed workshop.

## **5. Private Hire Operators Licence**

The objective of licensing Private Hire Vehicle Operators is, again, the safety of the public, who will be using operators. premises, vehicles and drivers arranged through them. The Council will grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence

In order for an operator to prove that they are fit and proper they must provide evidence that they:

- . are of good repute;
- . are of appropriate financial standing (i.e. have enough money to run the business);
- . have adequate arrangements for monitoring drivers, vehicles and the keeping of records;
- . are capable of ensuring that both themselves and their staff/drivers obey all the rules.

All applicants for initial grant of a licence should allow at least four weeks before the licence is required to enable the local authority to undertake the necessary vetting procedures as detailed in this document.

Planning consent may be required and all applicants must ensure that they obtain all the correct and necessary permissions before trading.

Any application for the renewal of a licence which is not made before the expiry of the previous licence will be treated as an application for a new licence.

Applications will only be acceptable if they include the following:

1. Application form completed in its entirety and signed by the applicant along with all the information prescribed.
2. Application for a Disclosure and Barring Service Basic Check, which can be obtained from DBS or Disclosure Scotland, completed by the applicant with accompanying identification or a current valid disclosure certificate and obtained via an approved body which will allow an update service check to be performed.
3. The appropriate fee; the current scale of fees is available from the Council or at <http://www.maidstone.gov.uk/business/licensing-and-permits/taxis-and-private-hire>.

### **5.1 Criminal Records Checks**

PHV operators are not exceptions to the Rehabilitation of Offenders Act 1974, However, Private hire operators' that are not licensed drivers, cannot be required to produce an enhanced DBS disclosure. A Basic Disclosure from the DBS or Scottish Disclosure, or a certificate of good conduct from the relevant embassy for overseas applicants, is however, considered appropriate in promoting the objective of public safety.

Before an application for a private hire operators' licence will be considered, the applicant must provide a current (less than three months old) Basic DBS or Scottish Disclosure of Criminal Convictions (issued specifically for Maidstone Borough Council), or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current Drivers Licence with the Council will be exempt from this requirement.

Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to a Basic Disclosure Certificate. A certificate of good conduct authenticated by the relevant embassy will satisfy this requirement.

## **5.2 Record Keeping**

It is a requirement for operators to keep comprehensive records of each booking. All bookings will be kept for a period of 6 months.

## **5.3 Licence Duration**

The Department of Transport considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable. This appears to be an amendments made to the Deregulation Bill on 13 March 2014 by the Law Commission we currently only issue 1 year licences.

The Council will, therefore, issue a successful applicant for a Private Hire Operator's Licence with a five-year licence from the date of grant; subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances. (The issue of 5 year licences will not commence until April 2016.)

## **5.4 Fees**

The fee payable for an operators licence is based on a sliding scale on the number of private hire vehicles to be operated. On receipt of the appropriate fee, the permitted number of vehicles can be increased at any time during the period of the licence

## **5.5 Operation**

A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

All three licences:

- private hire operator's licence,
- private hire driver's licence and
- private hire vehicle licence
- 

Must be issued by the same Licensing Authority.

## **5.6 Conditions**

The Council has power to impose such conditions on a private hire operator's licence as it considers reasonable, necessary and proportionate.

The Council consider the conditions detailed in Appendix 7 to be reasonable, necessary and proportionate. All private hire operator's licences will be issued with these conditions attached.

## **5.7 Insurance**

It is considered appropriate for a Licensing Authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Before an application for a private hire operator's licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

The conditions applicable to Private Hire Operator's Licences, as detailed in Appendix 7 require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate as well as appropriate public liability insurance for their premises.

## **5.8 Address from which an Operator may operate**

Upon the grant of an operator's licence, the Council will specify on the licence the address from which the operator may operate. This address will be the address stated on the application form. The operator must notify the Council in writing of any change of address during the period of the licence, whether this is a home address or the operating address, within seven days of such a change taking place.

## **5.10 Gaming Machines**

Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005.

## **6. PENALTY POINTS (penalty points to remain for 1 year),**

### **Penalty Points Scheme**

Whilst the operation of a successful Hackney Carriage and Private Hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.

The Council clearly has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions, codes or adopted by the Council.

Together they identify what is required of the trade and help to ensure that a consistent approach is taken, by Council Officers, in their application.

A number of licensing authorities have found that an effective means of applying the conditions at a local level is through the adoption of a penalty point's scheme. This acts as a first step in ensuring compliance with the conditions, and serves as an "early warning" system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions. Points are accumulated on a sliding scale dependent upon the type of offence or breach of licence conditions. These penalty points then remain "live" for a period of one year from the date they are imposed so that only points accumulated in, a rolling 12 month period are taken into account. If a driver, proprietor or operator accumulates, twelve or more points within a period of one year from the date they are imposed, he/she would then be brought before the Council's Licensing Committee or a panel of the committee who would have a range of options available to them that will include suspension or revocation of the licence, where appropriate. If the Committee did not feel that the matter warranted suspension or revocation of the licence then other options include extending the period for which the points are to be remain "live" or issue a written warning to the driver as to his future conduct.

It is believed that the introduction of a penalty point's scheme will assist the trade in maintaining its high standards. It is, therefore, proposed that such a system be introduced and an example of the scheme suggested is set out more fully in Appendix 10. Adoption of the Penalty Points System will not however compromise the Council's ability to enforce breaches of statute or local conditions in the Courts should an offence warrant such action.

Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a Private Hire Driver, Private Hire Operator or Hackney Carriage Driver, "Licence Holder" will be assessed in terms of the „fit and proper" person test. The points system is predominately an internal management tool for ensuring that licence holders who repeatedly contravene regulation and/or this Policy are assessed. The licence holder's penalty offences will be re-considered in light of any mitigating circumstances the licence holder wishes to be considered.

A maximum of twelve penalty points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose penalty points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.

6.1 Points issued to a licence holder will be confirmed in writing within ten working days from the discovery of the contravention or the conclusion of an investigation into a complaint.

6.2 When issued, the penalty points will remain "live" for a period of one year from the date they are imposed so that only points accumulated in a rolling twelve month period will be taken into account.

6.3 If a licence holder accumulates twelve or more points within a period of one year from the date they are imposed, he will be required to attend a Committee hearing where the appropriate action to be taken in accordance with this Policy.

6.4. Where a licence holder is brought before the Committee their options available to him will include suspension or revocation of the drivers licence, where appropriate. If the Committee does not feel that the matter warrants suspension or revocation of the licence, other options include extending the period for which the points are to remain "live" or issue a written warning to the driver as to his future conduct.

6.5. Periods of suspension of a licence will be dependant on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.

6.6 More than one accumulation of penalty points in excess of the twelve point threshold in any **three** year period will normally result in the Committee revoking a licence where they believe the person not to be a "fit and proper" person.

6.7. Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a written warning given, however, the points will remain "live" for the normal one year period.

6.8. If, as a licence holder, you receive a Penalty Points Notice which you feel was not warranted, you may appeal. For example, you may feel that you had a reasonable excuse why the infringement took place, you may disagree that it took place at all or you may not be the person involved. In such a case, write to the Senior Licensing Officer within 21 days of the date of receipt of the points stating why you consider the points are not appropriate. The matter will then be put to the Licensing Committee for decision. The Committee are at liberty to impose more penalty points than stipulated in the Policy as they see fit.

6.9 A licence holder will retain the right to be represented at any meeting either legally or otherwise, and to state any mitigating circumstances he deems necessary.

6.10. Even though penalty points have been issued by an Authorised Officer of the Council, if it is subsequently found that the licence holder has previously been issued with penalty points, or has been formally cautioned, for similar offences,



the Council reserve the right to cancel the penalty points and deal with the matter in accordance with the Maidstone Borough Council Enforcement and Prosecution Policy.

6.11. Licensees retain the normal rights of appeal to the Courts when a licence is revoked.

6.12. Following a revocation (due to the accumulation of penalty points), a new licence application will not usually be entertained by the Council for a minimum period of six months.

6.13. The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this Policy.

## **7. TAXI RANKS**

### **7.1. Appointed Stands**

The Council will periodically review the provision of hackney carriage stands within the Borough and is being reviewed in 2015. In the event that there is evidence of the need to amend the existing provisions, a full consultation would be undertaken prior to any amendments.

Comments are welcomed from either the trade or the public on the need for additional bays in specific locations, the potential for re-locating or extending existing bays or indeed arguments for the removal of bays which no longer fulfil a useful purpose.

### **7.2 Waiting on Stands**

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any rank or stand for hackney carriages. Drivers of hackney carriages may only wait on a rank or stand whilst plying for hire or waiting for a fare; drivers who park on a rank or stand and leave their vehicle unattended are committing an offence.

Whilst the law states it is an offence to leave a vehicle unattended on a hackney stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example „comfort breaks“. Leaving a hackney carriage unattended on a bay for any other circumstances, for example „shopping“, will be dealt with as an offence in accordance with this Policy.

## **8. Plying for Hire**

For the avoidance of doubt, the Council does not have a by-law requiring hackney carriages to return to a taxi rank between fares. Hackney carriages can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Hackney carriages are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

## **9. Taxi/ Private Hire Meetings**

The Council wishes to encourage discussions between the trade and the Licensing Authority, in order to promote a successful working relationship and will endeavour to organise meeting to do so.

## **10. Departure from the Policy**

There may be instances whereby the Council may need to consider applications outside the policy. Where it necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing Committee.

## **11. Amendments to the Policy**

All changes to the Policy are made by the Licensing Committee only.

Appendix 1: Map of Maidstone Borough



## Appendix 2

### STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

When submitting an application for a licence to drive a hackney carriage or private hire vehicle you are required to declare any motoring offences and any non motoring convictions or cautions you may have in addition to completing a Disclosure & Barring Service check. The information received will be treated in confidence.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless the Authority considers that the conviction(s) renders you unsuitable. In making this decision the authority will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant. To facilitate a consistent approach the licensing authority has devised guidelines relating to the relevance of convictions and cautions. Any applicant refused drivers licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to Magistrates Court.

If you would like to discuss what effect a conviction might have on your application you may telephone the Licensing Department, in confidence, on 01622 602028 for advice.

#### **General**

Notwithstanding the existence of this Policy, each application will be determined on its own merits. Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons will be given for doing so. The purpose of this appendix is to formulate guidelines, consistent with national guidance, which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for hackney carriage and private vehicle, driver and operator licences.

If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

For the purpose of this Policy, the acceptance of a fixed penalty notice will be treated as a conviction depending on the individual merits and mitigating circumstances of each case.

The legislation clearly states that the Council may grant a licence only if it is satisfied that the applicant is a "fit and proper" person.

**The onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not.**

"Fit and proper" person

In the absence of a judicially approved definition of “fit and proper”, the Council use the test of:

*Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?*

The wording of this test originates from Mr J T H Button BA, Solicitor, MIL, MClarb, a well known and respected solicitor widely acknowledged as an authority in licensing legislation, particularly that of hackney carriages and private hire.

In order to further assist in understanding the interpretation of this definition, the Council will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving record, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.

It should be borne in mind that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol, lone women and foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:

- Honest and trustworthiness

Drivers often have knowledge that a customer is leaving a property empty; they have opportunities to defraud drunken, vulnerable or foreign person; or they have opportunities to abuse their position of trust. For example, all passengers would expect to be charged the correct fare of the journey and be given the correct change; they would expect any lost property to be handed over to the police; and they would expect confidentiality to be maintained between themselves and the driver.

- Professionalism

Drivers are often subject to unpleasant, abusive or dishonest behaviour, albeit from a small minority of passengers. Although this is clearly unacceptable behaviour by passengers does not excuse in any way aggressive or abusive conduct by drivers. Confrontation should be avoided and all disputes should be resolved through the formal legal channels. Under no circumstances must drivers take the law into their own hands.

- Good and safe driving ability

Passengers are paying for a service whereby they expect to reach their chosen destination promptly and safely. Drivers must be fully conversant with all road traffic legislation and this Policy and drive in a professional, lawful and safe manner at all times.

## ■ Protecting the Public

The over-riding consideration for the Council in its determination of applications is the promotion of the licensing objectives detailed within this policy, in particular the protection of public safety.

### **History**

The Council may take into account an applicant's history as a licence holder with this, or any other, Council. In considering whether or not a person is "fit and proper" the Council may consider such matters as the applicant's complaint history, their compliance with this Policy, their co-operation with Licensing Officer's requests, and any other reasonable matters.

### **Driving Offences**

Hackney carriage and private hire drivers should provide a professional service to the public and must be aware of the safety of passengers and other road users at all times. Any traffic offence shows a lack of responsibility whilst driving either in terms of vehicle maintenance or the level of driving standards.

Convictions or cautions for traffic offences will not automatically preclude any applicant from obtaining a licence, however, the number, nature and frequency of such offences will be considered. In some circumstances it may be appropriate to issue a licence together with a written warning as to future driving standards detailing the likely effect of further offences. Where there is a significant history of driving offences, an application is likely to be refused.

In cases of six penalty points or less on an applicant's DVLA driving licence, an application will be granted.

A licence granted under these circumstances is likely to be issued together with a verbal warning as to future driving standards detailing the likely effect of further offences.

Seven or more penalty points on a current DVLA driving licence

In cases of seven penalty points or more on an applicant's DVLA driving licence, an application will be referred to the Licensing Committee for decision.

Major traffic offences

For the purposes of this section, major traffic offences includes, but is not limited to, dangerous driving, driving whilst disqualified, failure to stop after an accident, driving with no/invalid insurance, careless driving, and driving a vehicle with mechanical defectives (such as brakes, steering, tyres, etc.)

The driving offences of causing death by dangerous or careless driving, due to their nature, will be considered by the Council to be violent offences and should be considered in conjunction with the section of this appendix relating to violent offences.

If the applicant has been convicted of more than one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least five years free from conviction. Where the combination of offences are considered to be of increased risk to the public, a period longer than five years may be substituted by the Council dependant of the extent of the risk to the public.

“Totting Up” under section 35 of the Road Traffic Offenders Act 1988

Where an applicant has been disqualified from driving by the courts under the “totting up” procedure, the Council will normally refuse an application until there has been a period of twelve months free of relevant convictions.

If the applicant has demonstrated to the court “exceptional hardship” and avoided a driving disqualification, applications will still normally be refused until there has been a period of three years free of relevant convictions. The Council believe that the risk to the public is sufficient to maintain this consistent stance.

#### Motor Insurance Offences

An isolated motor insurance offence will not automatically preclude an application form being granted, however the Council deem such offences to be serious given the risk to the public.

More than one conviction for motor insurance offences will be considered to raise serious doubts as to an applicant’s suitability to hold a hackney carriage/private hire driver’s licence. Ordinarily in these circumstances, an application be refused until such time as a period of three years has elapsed since the restoration of the applicant’s DVLA driving licence.

#### Failure to Declare Motoring Offences

Where an applicant fails to disclose motoring offences on their application form, even if they have been declared on previous applications or are spent, the Council will normally deal with this by way of issuing of penalty points.

If, however, the Council determines that there was a premeditated intention to deceive, the matter will be considered as an offence of dishonesty and dealt with in accordance with that section of this Policy.

### **Drunkness**

Separate consideration will be given to convictions for drunkness whilst in charge of a vehicle as opposed to drunkness whilst not in charge of a vehicle due to the differing risk to the public.

#### In Charge of a Motor Vehicle

The Council considers driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence causing a high element of risk to the public.

An isolated incident will not automatically preclude an application from being granted. A single conviction for any alcohol-related driving offence will normally preclude an application from being granted for a period of five years from the restoration of the DVLA driving licence.

If there is a suggestion that the applicant is an alcoholic, a special medical examination is likely to be required before the application is considered. If the applicant is confirmed as an alcoholic, a period of three years must elapse after treatment is complete before an application can be considered.

More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will normally be refused.

#### Not in Charge of a Motor Vehicle

An isolated conviction for drunkenness not associated with driving or being in charge of a motor vehicle will not automatically preclude an application.

Where there is an isolated conviction for disorder and/or drunkenness, a licence will normally be granted together with a verbal warning as to future driving standards detailing the likely effect of further offences.

More than two convictions for disorder and/or drunkenness will normally lead to refusal of an application until such time as a period of three years free of convictions has elapsed.

#### **Drug Offences**

The Council considers all offences related to controlled substances as a serious risk to the public.

An applicant with a conviction of any Class A or Class B drug related offence, including supplying or trafficking, will be required to show a period of five to ten years free of convictions before an application is considered. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

An applicant with a conviction of any Class C drug related offence will be required to show a period of at least three years free of conviction

In all cases, where an applicant has been medically classed as an addict, an application will be precluded until such time as a period of five years has elapsed since the completion of a recognised detoxification programme.

#### **Sexual or Indecency Offences**

As hackney carriage and private hire drivers often carry unaccompanied and/or vulnerable people, any applicant with a conviction or caution for any sexual or indecency offence will normally be refused a licence until such time as they have been free of convictions for a period of at least 10 years. The length of period over and above the minimum ten years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.



Existing licence holders should be aware that if the Council receives notification from the police that the driver is being investigated for a sexual or indecency offence, their licence will normally be revoked with immediate effect pending the outcome of the investigation.

### Major Sexual or Indecency Offences

For the purpose of the Policy, the following offences will be considered as major sexual or indecency offences with the highest of risk to the public.

- rape;
- indecent assault;
- gross indecency;
- possession of child pornography;
- buggery; or
- indecent assault of a child

Any applicant with a conviction for a major sexual or indecency offence will be considered an unacceptable risk to the public and any application will be refused, save for exceptional circumstances

### **Violent Offences**

The Council considers all violence related offences as a serious risk to the public.

An application will normally be refused where the applicant has been convicted of murder, manslaughter or causing death by careless or dangerous driving.

An application will normally be refused where the applicant has a conviction for a violent offence, other than those listed above (D7.2), unless there has been a period of five to ten years free of convictions. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

Offences of criminal damage and public order will be treated as violent offences for the purposes of this Policy.

Whilst an isolated conviction for a violent offence, other than those listed above will not normally permanently preclude an application, the Council will have grave concern for public safety if an applicant has committed multiple violent offences.

### Multiple Offences

In all cases where an applicant has more than two convictions for violent offences, as application will normally be refused. In the case of an existing driver, their licence will normally be revoked.

### Possession of a Weapon

If an applicant has been convicted of an offence involving the possession of a weapon, or any other weapon-related offence, the Council considers this to be an unacceptable risk to members of the public and the application will normally be refused. In the case of an existing driver, their licence will normally be revoked.

## **Dishonesty**

Hackney carriage and private hire drivers are expected to be persons of trust. It is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become vulnerable to an unscrupulous driver. Equally, any customers can be defrauded by a driver taking them by any other than the shortest route or by them retaining lost property left in the vehicle.

As members of the public entrust themselves to the care of licensed drivers, the council consider offences involving dishonesty as a serious risk to public safety.

An applicant that has been convicted of an offence related to dishonesty will normally be refused a licence until such time as they have been free of convictions for a period of five to ten years. The length of period over and above the minimum five years will be dependent of factors such as the nature and severity of the offence, and the length of any custodial sentence.

## **Other Offences**

If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, the application may be referred to the Licensing Committee for determination in line with the Policy Objectives.

Receipt of any of the following may result in the licence holder being required to provide annual DBS disclosures until a period of five years has expired.

- criminal conviction;
- final warning letter from the Council;
- period of suspension of an existing licence.

## **Summary**

Except in the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently precluded from obtaining a hackney carriage/private hire driver's licence.

The Council believe that a person convicted of an offence, who is required to wait for the expiry of a rehabilitation period prior to their application being considered, is more likely to value their licence and ensure that future convictions are avoided.

The Council consider that there are, however, certain offences that are so serious in nature or frequency that an applicant should be precluded from obtaining or retaining a licence. The Council's over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed drivers are safe, competent, and are able to maintain their vehicles to an acceptable standard.

By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of hackney carriage and private hire drivers, proprietors and operators within Maidstone.

## Existing Licence Holders

Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of convictions. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.

## Principles of the Rehabilitation of Offenders Act 1974 ("the 1974 Act")

Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation, and the length of time before the rehabilitation occurs, depends on the sentence imposed and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty months, the convictions can never be spent.

Despite the above general principles, the Act does not apply to applicants for hackney carriage and private hire driver's licences. This is because the driving of these vehicles is listed as a "regulated occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

Although the 1974 Act does not prevent any judicial authority, including the Council acting as the licensing authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a "fit and proper" person to hold a licence.

### Appendix 3:

#### **Assessing applicants and existing drivers for a Hackney Carriage Private Hire Vehicle driver licence in accordance with C1 standard.**

The following arrangements mean that those with good diabetic control and who have no significant complications can be treated as “exceptional cases” and are not therefore precluded from being licensed as HC/PHV drivers. The criteria are:

- . To have been taking insulin for at least 4 weeks
- . Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- . To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- . To provide evidence of at least twice daily blood glucose monitoring at times when driving either a hackney carriage or PHV vehicle;
- . To have no other condition which would render the driver a danger when driving a hackney carriage or PHV; and
- . To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to the Maidstone Licensing Authority any significant change in condition.

## **APPENDIX 4:**

### **DRIVERS VOLUNTARY DRESS CODE**

In order to raise and maintain the profile of the licensed trade Maidstone Council is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below. Whilst the Authority does not wish to impose such standards by way of conditions to any licence it expects, however, that such standards will be maintained at all times.

#### **Acceptable Standards of Dress**

- Shirts, blouses, T-shirts or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.
- Shorts of knee length or trousers / jeans may be worn.
- Footwear for all drivers shall fit around the heel of the foot.

#### **Unacceptable Standard of Dress**

The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g. football/rugby kits, track suits) or beach wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed (see above).
- Baseball caps

## **Appendix 5: A**

### **MAIDSTONE BOROUGH COUNCIL**

#### **SPECIFICATION RELATING TO HACKNEY CARRIAGE VEHICLES**

**No vehicle shall be licensed as a hackney carriage unless it is fit for public service and complies with the specifications set out below.**

##### **1. GENERAL**

- (i) All hackney carriages must have a minimum of four wheels and must have at least four doors, excluding the tailgate.
- (ii) All Hackney vehicles must be right hand drive
- (iii) The engine capacity of all vehicles submitted to be tested for the first time shall not be less than 1400cc. However, in some instances vehicles may be assessed on a case by case basis.
- (iii) No hackney carriage shall be accepted for testing for the first time if the vehicle is over three years old or has mileage of more than 30,000 miles.
- (iv) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example vehicles that are known in the trade as "cut & shut" will not be licensed.

##### **NOTES:**

- 1) Vehicles submitted for testing for the first time must comply with the age specifications. Any vehicle currently compliance tested, shall, at the expiry of that compliance period, if the vehicle falls outside of the age policy, not be re-licenced.
- 2) Once the expiry date of any vehicle compliance has expired, if the vehicle specifications are outside of the policy where age is concerned as set out in these specifications, the vehicle may not be re-licensed.
- 3) A compliance test may be arranged for a vehicle and carried out up to one month prior to the expiry date of its current compliance certificate. If the vehicle passes the compliance test, a certificate may be issued for a period of up to thirteen months (in line with Department of transport procedure) or whatever period within the month prior to its expiry, so long as the period does not exceed thirteen months and so long as the current compliance certificate is produced for inspection by the vehicle examiner.

##### **2. GENERAL CONSTRUCTION**

- (i) Every vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.
- (ii) Vehicles offered for type approval must be so constructed as to facilitate the carriage of disabled persons and be capable of

accommodating a disabled person in a wheelchair within the passenger compartment.

### **3. STEERING**

- (i) The steering wheel must be on the offside of the vehicle.
- (ii) The steering mechanism must be so constructed or arranged that no overlock is possible and the road wheels do not in any circumstances foul any part of the vehicle.
- (iii) The steering arms and connections must be of adequate strength and as far as possible protected from damage by collision.

### **4. BRAKE AND STEERING CONNECTIONS**

Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt pin is uppermost.

### **5. TYRES**

All tyres at normal pressure under load must be approved as having suitable minimum circumference for correct operation of the taximeter.

### **6. BRAKES**

- (i) All brakes must act directly on the wheels of the vehicle.
- (ii) The brakes of one of the braking systems must be applied by pedal.
- (iii) The pedal operated braking system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.
- (iv) Cable connections are not permitted in the pedal operated system.

### **7. SUSPENSION**

- (i) Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.
- (ii) Every vehicle must be so constructed or adapted that a failure of a spring, torsion bar or other similar component of the suspension system is not likely to cause the driver to lose directional control of the vehicle.
- (iii) When the vehicle is complete and fully equipped for service and loaded with weights placed in the correct relative positions to represent the driver and a full complement of passengers and luggage and is placed on a plane surface it must not overturn when

the plane is tilted to either side to an angle of 4 degrees from the horizontal.

**NOTE:**

- (a) For the purpose of this condition 65 kilograms shall be deemed to represent the weight of one person and 65 kilograms the weight of a full complement of luggage.
- (b) For the purposes of conducting tests of stability the height of any stop used to prevent a wheel from slipping sideways must not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel which is then nearest to such surface when the vehicle is loaded.

**8. TRANSMISSION**

Cabs using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a **DRIVE** or **REVERSE** position.

**9. BOLTS AND NUTS**

All moving parts and parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

**10. FUEL TANKS**

- (i) Fuel tanks must not be placed under the bonnet and must be adequately protected from damage by collision .
- (ii) All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking from there can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
- (iii) The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
- (iv) A device must be provided by means of which the supply of fuel to the engine may be immediately cut off. It's location together with the means of operation and "off "position must be clearly marked on the outside of the vehicle. In the case of an engine powered by LPG or petrol the device must be visible and readily accessible at all times from outside the vehicle.

**11. INTERIOR LIGHTING**

Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passenger and driver must be provided. In the case of the passengers compartment an illuminated control switch must be fitted in an approved position. Lighting must



also be provided at floor level to every passenger door and be actuated by the opening of those doors.

## **12. ELECTRICAL EQUIPMENT**

- (i) All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
- (ii) All electrical circuits must be protected by suitable fuses.
- (iii) Batteries must be so placed and protected that they cannot be a source of danger.

## **13. EXHAUST PIPE**

The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle on the off-side and in such a position as to prevent fumes from entering the vehicle.

## **14. BODY**

- (i) The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
- (ii)
  - (a) **Outside dimensions**
    - (1) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.778 metres.
    - (2) The overall length must not exceed 4.575 metres.
  - (b) **Inside dimensions of passenger' compartment.**
    - (1) The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the roof immediately above the point must not be less than 96.5 centimetres
    - (2) The width across the rear seat cushion must not be less than 1.7 metres.
- (iii) Any curvature of the floor of the passenger' compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and sills.
- (iv) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 centimetres. The minimum angle of the door when opened must be 9 degrees

- (v) The clear height of the doorway must not be less than 1.195 metres.
- (vi) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (vii) Where a boot lid is hinged at the bottom a restriction must be fitted to prevent the boot lid serving as a luggage platform.
- (viii) No roof rack shall be fitted.

## **15. STEPS**

- (i) The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38 centimetres above ground level when the vehicle is unladen.
- (ii) The outer edge of the floor at each entrance must be fitted with non-slip treads. If a colour contrast is used to aid a partially sighted person it must be of an approved type.

## **16. WHEELCHAIR FACILITIES**

- (i) Approved anchorage must be provided for the wheelchair and chairbound disabled person. This anchorage's must be either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are distributed evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 2x2mm which must be used beneath the floor.

Restraints for a wheelchair and a person seated therein must be independent of each other. Anchorage 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 anchorage and restraints must be so designed that they do not cause a foreseeable danger to other passengers.

- (ii) A ramp or ramps for the loading of the wheelchair and occupants must be available at all times for use at the near side passengers' door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. The ramp/ramps must be capable of being stowed safely when not in use.

## **17. PAINTWORK AND BODY FINISH**

The paintwork and body finish should be maintained to the original manufacturer specification.

## **18. PASSENGERS' SEATS**

- (i) The measurements from the upholstery at the back of the front edge of the back seat must be at least 4 centimetres and for each adult

person carried a minimum of 4 centimetres must be available when measured along the front parallel edge of the seat cushion.

- (ii) The width of each front seat must not be less than 40 centimetres and such seats must be at least 35.5 centimetres when measured from the back to the front of the upholstery.
- (iii) The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35.5 centimetres.
- (iv) Where seats are placed facing each other there must be a clear space of 48 centimetres between any part of the front of a seat and any part of any other seat, which faces it. The measurement may be reduced to 43.5 centimetres 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 centimetres in front of every part of each seat squab.
- (v) Front seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 centimetres apart. When not in use front seats must not obstruct doorways.
- (vi) 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.

## **19. DRIVER'S COMPARTMENT**

- (i) 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.
- (ii) 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.
- (iii) The driver's seat must be designed to accommodate the driver only and be adjustable for height and reach.
- (iv) The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and the sun visor adjustable by the driver.
- (v) Direction indicators of an approved type must be fitted.
- (vi) Every cab must be provided with an approved means of communication between passenger and the driver. When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 1.5 centimetres.

## **20. WINDOWS**

- (i) Windows must be provided at the sides and at the rear.

- (ii) Passenger door windows must be capable of being opened easily by passengers when sealed. The control for opening a door window must be easily identified so as not to be mistaken for any other control.

## **21. HEATING AND VENTILATION**

- (i) An adequate heating and ventilation system must be fitted for the driver and passengers and means provided for independent control by the driver and passengers.
- (ii) Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.
- (iii) Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available for the comfort of the passenger.

## **22. ADVERTISING**

- (i) Advertisements may be displayed on the outside of the vehicle on the lower door panels only and prior to their placement must have been approved by the local authority.
- (ii) No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
- (iii) A sign shall be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.

## **23. TINTED WINDOWS**

Glass allowing a minimum of 75% light ingress on front windscreens and not less than 70% light ingress on all side and rear passenger windows, which does not inhibit the ability to see passengers or the driver from the outside of the vehicle, is required.

A Light Transmission Detector, which measures light transmission through any type of glass is used to test and determine visibility and provides a read out of the suitability of proposed vehicles for use as licensed private hire vehicles in the district. (It will not apply to Hackney vehicles)

## **24. DOOR FITTINGS**

- (i) An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The interior door handle must be easily identified so as not to be mistaken for any other control.
- (ii) Double catches of approved type must be fitted to all doors.

## **25. INSURANCE CERTIFICATES AND INTERNAL PLATE**

A current insurance certificate and an internal plate showing the local authority's licence number for the vehicle and the number of passengers allowed to be carried must be displayed within the vehicle, all to be clearly visible from the passenger compartment.

## **26. FLOOR COVERING**

The floor of the passenger's compartment must be covered with non-slip material, which can easily be cleaned.

## **27. LUGGAGE**

- (i) Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.
- (ii) Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.

## **28. HORN**

A horn of approved pattern must be fitted.

## **29. TAXIMETER AND FARE CHART**

- (i) A taximeter must be fitted in an approved position.
- (ii) A taximeter must be fitted and must be correctly calibrated, sealed and fully functional in accordance showing the current hackney tariff and be easily visible to passengers.
- (iii) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
- (iv) The taximeter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. 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 for the purposes of the Road Transport Act 1988 and also at any time at the request of the hirer.
- (v) When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.
- (vi) If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the licensing

department so that arrangements for resetting and resealing may be made.

- (vii) An official copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.
- (viii) The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the hire of hackney carriages. In the event of such a journey commencing in but ending outside the Maidstone district there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of hackney carriages.

### **30. TAXI SIGN**

A "TAXI" sign clearly visible both by day and by night when the cab is not hired, must be fitted.

### **31. RADIO APPARATUS**

- (i) Where apparatus for the operation of a two-way radio system is fitted to a cab, no part of the apparatus may be fixed in the passenger's compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.
- (ii) Any other radio equipment either in the passenger or driver compartment, must be approved.

### **32. FITTINGS**

No fittings other than those approved may be attached to or carried upon the inside or outside of the Hackney Carriage.

### **33. MAINTENANCE**

The Hackney Carriage vehicle, including all fittings, fixtures, advertisements etc, must be well maintained and kept clean and in good working order. The vehicle will at all times be subject to test and inspection and should it be found that any part or fitting is not well maintained, clean and in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been rectified.

### **34. VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)**

- (i) An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming

satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered Safe.

- (ii) If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

### **35. SEAT BELTS**

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption. It is the driver's responsibility to ensure that all passengers under 14 years of age use an appropriate child restraint or wear a seat belt.

### **36. FIRST AID KIT**

There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency for the drivers use only. A first aid kit is mandatory for self employed drivers for their personal use.

### **37 LICENCE PLATES AND STICKERS**

- (i) At all times while the vehicle is being used as a hackney there shall be securely fixed to the rear of the vehicle the appropriate vehicle licence plate supplied by the Council.
- (ii) The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children (of any age) are counted as one person).
- (iii) At all times while the vehicle is being used as a hackney carriage there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the internal licence plate, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

### **38 CHANGES / TRANSFER**

- (i) Notice in writing of any transfer of licence must be given notified within 14 days the Licensing Authority as per section 49 LGMPA 1976.

- (ii) When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the new proprietor that it is their responsibility to notify the Council, in writing, as failure to do so is an offence.

### **39 INSPECTION**

The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.

### **40 UNAUTHORISED USE**

The licensee shall be satisfied that every driver engaged/allowed by him/her to drive the licensed vehicle is the holder of an appropriate and current European Driver's Licence and a Hackney Carriage/Private Hire Drivers Licence issued by the Council. The licensee shall also ensure that the Driver's Badge is worn in accordance with the conditions/byelaws attached to the Hackney Carriage/Private Hire Driver's Licence.

### **41 ACCIDENT REPORTING**

- (i) If a licensed hackney carriage or private hire vehicle is involved in an accident, this must be reported to the Council within 72 hours of the occurrence.
- (ii) Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may use delegated powers to suspend the use of a licensed vehicle until it is suitably repaired.
- (iii) A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
- the damage to, or defect in, the vehicle has been reported;
  - application is made in the usual way for a change of vehicle (albeit temporarily);
  - the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;
  - the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

### **42 MISCELLANEOUS**

The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal purpose whatsoever.



### **43 DISPENSATION/ VARIATION OF CONDITIONS**

The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out herein.

**NOTE:** The word 'approved' throughout this specification means, approved by Maidstone Borough Council. No application shall be considered where the proposed vehicle is already licensed by another licensing authority (commonly referred to as 'dual plating').

## Appendix 5: B

### MAIDSTONE BOROUGH COUNCIL- HACKNEY CARRIAGE - VEHICLE LICENCE CONDITIONS

#### **General**

This licence is issued in respect of a vehicle which meets the Council's Specification and is capable of carrying disabled persons and cannot be transferred or renewed to any other type of vehicle.

#### **Roof Sign**

The vehicle shall have fitted externally to the roof of the vehicle in a position, of a size and of a type approved by the Council, an illuminated sign consisting of the word "TAXI" and the sign shall be maintained in such a position and in proper repair and condition throughout the duration of this licence.

During the hours of darkness as defined by the Road Traffic Act 1972 and any enactment replacing or amending the same, the sign shall be illuminated when the vehicle is in motion and is in use in any way as a Hackney Carriage.

#### **Contracts**

Whilst carrying school children under contract with the Kent County Council, the proprietor of the vehicle shall cause to be displayed in the front window of the Hackney Carriage Vehicle, a "School Children" sign, such sign shall be removed immediately the school contract journey has ended.

#### **Identification plates**

The identification plate shall remain the property of the Council at all times and shall be affixed to the exterior rear of the vehicle and shall be maintained and kept in such condition that the information printed on the plate is clearly visible to the public at all times.

#### **Maintenance of vehicle**

The vehicle and all its fittings and equipment shall 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 (including in particular those contained in Motor Vehicles Construction and use Regulations) shall be fully complied with.

#### **Alteration of vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

#### **Passengers**

The proprietor of a hackney carriage shall not convey or permit to be conveyed in a licensed vehicle any greater number of persons than that prescribed on the licence issued by the Council and on the licence plate affixed to the rear of the vehicle. The driver shall not allow there to be conveyed in the front of a hackney carriage if there is the provision any child below the age of 1 year. The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

## **Communications equipment**

### **Two-way radios**

The proprietor shall ensure that any radio equipment fitted to the hackney carriage vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

### **Mobile telephones**

Mobile telephones may only be used with a hands-free kit. Ideally this kit should be a hard wired, professionally fitted facility within the vehicle.

### **Taximeters**

The proprietor shall ensure the vehicle is fitted with a taximeter approved by the Council, and that meter shall be maintained in a sound mechanical condition at all times. The taximeter shall be set for the current tariff agreed by the Council and shall be sealed to prevent unauthorised adjustment of that meter. The proprietor shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences, and the taximeter brought into operation.

**Fare tables** The proprietor shall ensure that a copy of the current fare table supplied by the Council is on display inside the hackney carriage at all times and that table is not concealed from view or rendered illegible when the vehicle is for hire.

('Babies', i.e. children not capable of using a seat belt, shall be defined as persons for occupancy purposes but shall not be classed as fare paying passengers).

### **Vehicle insurance**

At all times during the currency of the licence the proprietor shall keep in force in relation to the use of the vehicle as a hackney carriage a Policy of insurance complying with the requirements of Part V1 of the Road Traffic Act 1984 which should be available inside the vehicle whilst it is licensed as a Hackney Carriage.

### **Convictions**

The proprietor shall within 28 days disclose to the Council in writing details of any conviction or caution imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the insurance.

### **Change of address**

Any proprietor changing his place of abode must give notice in writing to the Council within seven days of such change.

### **Display of terms and conditions**

The proprietor of the vehicle shall at all times when the vehicle is being used by fare-paying passengers have within the vehicle for inspection by those passengers a copy of these terms and conditions.

### **Informative**

This licence is not transferable and must be renewed on expiry. The holder must forthwith notify any change of address to the Borough Council, Maidstone House, King Street, Maidstone ME5 6JQ

**MAIDSTONE BOROUGH COUNCIL**

**SPECIFICATION RELATING TO PRIVATE HIRE VEHICLES**

**No vehicle shall be licensed for Private Hire unless it is fit for public service and complies with the specifications set out below.**

**1. GENERAL**

- (i) All Private Hire vehicles must have a minimum of four wheels and must have at least four doors **excluding** the tailgate.
- (ii) All Private Hire vehicles must be right hand drive
- (iii) The engine capacity of all vehicles submitted to be tested for the first time shall not be less than 1400cc. However, in some instances vehicles may be assessed on a case by case basis.
- (v) No Private Hire vehicle shall be accepted for testing for the first time if the vehicle is over three years old, (from the date of the vehicle registration, when new) or has mileage of more than 30,000 miles. Once the Private Hire vehicle is six years old (from the date of registration, when new) it shall not be retested for use as a Private Hire vehicle within the Maidstone Borough.
- (iv) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example vehicles that are known in the trade as "cut & shut" will not be licensed

**NOTES:**

- 1)** Vehicles submitted for testing for the first time must comply with the age and mileage specifications. Any vehicle currently compliance tested, shall, at the expiry of that compliance period, if the vehicle falls outside of the age policy, not be re-licensed.
- 2)** Once the expiry date of any vehicle compliance has expired, if the vehicle specifications are outside of the policy where age is concerned, as set out in these specifications, the vehicle may not be re-licensed.
- 3)** A compliance test may be arranged for a vehicle and carried out up to one month prior to the expiry date of its current compliance certificate. If the vehicle passes the compliance test, a certificate may be issued for a period of up to thirteen months (in line with Ministry of transport procedure) or whatever period within the month prior to its expiry, so long as the period does not exceed thirteen months and so long as the current compliance certificate is produced for inspection by the vehicle examiner.

**2. GENERAL CONSTRUCTION**

Every private hire vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.

**N.B.** Any vehicles licensed as Special Event Vehicles should comply with the vehicle specification laid down for such vehicles. As stretched limousines are modified vehicles and also imported from abroad, the normal requirements as to certification and approval used by the approved test centre for saloon cars which are used as private hire cars are not appropriate. The applicant for a Special Events Vehicle should therefore present a valid MOT certificate from the approved test centre and will also have to provide sufficient information and documentation to the approved test centre to enable them to be satisfied as to the safety and construction of the vehicle.

The Vehicles may need to be tested at a test centre that can accommodate them rather than our approved test centre to the necessary MOT standard.

Aside from the compliance certificate which will be replaced by a valid MOT certificate the normal procedure for licensing Private Hire Vehicles will be applied, vehicle registration documentation and insurance certificates will be required.

Each vehicle presented for licensing as Special Events Vehicles will be considered for its suitability and fitness on its own merits and the additional vehicle conditions at Appendix 7 will apply.

### **3. STEERING**

- (i) The steering wheel must be on the offside of the vehicle.
- (ii) The steering mechanism must be so constructed or arranged that no overlock is possible and the road wheels do not in any circumstances foul any part of the vehicle.
- (iii) The steering arms and connections must be of adequate strength and as far as possible protected from damage by collision.

### **4. BRAKE AND STEERING CONNECTIONS**

Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt pin is uppermost.

### **5. TYRES**

All tyres must be kept at the correct pressure and meet legal requirements and be suitable for use on the vehicle.

### **6. BRAKES**

All brakes must act directly on the wheels of the vehicle. The pedal operated braking system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.

## **7. SUSPENSION**

Every vehicle must be fitted with an efficient suspension system so designed and maintained to the manufacturer's specification.

## **8. TRANSMISSION**

Vehicles using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a **DRIVE** or **REVERSE** position.

## **9. BOLTS AND NUTS**

All moving parts and parts subject to sever vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

## **10. FUEL TANKS**

- (i) Fuel tanks must not be placed in the engine compartment and must be adequately protected from damage by collision.
- (ii) All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking from there can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
- (iii) The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
- (iv) In the case of an engine powered by Liquid Propane Gas a device must be fitted by which the supply of fuel to the engine may be immediately cut off. It's situation, together with the means of operation and "**OFF**" position must be clearly marked on the outside of the vehicle.

## **11. ELECTRICAL EQUIPMENT**

- (i) All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, diesel, petrol or oil must be adequately protected.
- (ii) All electrical circuits must be protected by suitable fuses.
- (iii) Batteries must be so placed and protected that they cannot be a source of danger.

## **12. EXHAUST PIPE**

The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle in such a position as to prevent fumes from entering the vehicle.

### **13. BODY**

- (i) The body must be of the fixed head type. Approved sunroof may be fitted.

### **14. VEHICLE INTERIOR**

- (i) The driver's seat must be designed to accommodate the driver only and be adjustable for reach.
- (ii) The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and with a sun visor adjustable by the driver.
- (iii) Direction indicators of an approved type must be fitted.
- (iv) Windows in saloon vehicles must be provided at the sides and at the rear and rear passenger door windows must be capable of being opened easily by passengers when seated.
- (v) An adequate heating and ventilation system must be fitted for the driver and passengers.
- (vi) The windscreen and all windows must be safety glass in accordance with the latest British Standard at the time of approval.
- (vii) Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.
- (viii) Approved central locking systems are permitted.
- (ix) The floor of the vehicle must be suitably covered and in good repair.
- (x) Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.
- (xi) All vehicles must have sufficient luggage space for the number of passengers the vehicle is licensed to carry without having to fold any seat. When a large quantity of luggage is being conveyed a guard between the luggage and the passengers must be fitted.
- (xii) If it is intended to carry luggage on the roof, the carrier must be of an approved type fitted to the roof guttering. It must not be used to carry weight in excess of the manufacturer's recommendation.
- (xiii) A horn of an approved type must be fitted and maintained in working order.
- (xiv) A taximeter, if fitted, must be of an approved type and tested by the Council.
- (xv) Where apparatus for the operation of a two-way radio system is fitted no part of the apparatus may be fitted in the rear compartment if L.P.G. tanks or equipment are situated therein.

- (xvi) Any other radio receiver fitting must be of an approved type.

## **15. PAINTWORK AND BODY FINISH**

The paintwork and body finish should be maintained to the original manufacturer's specification.

## **16. PASSENGERS' SEATS**

- (i) The width across the cushion must be not less than 50 inches.
- (ii) The depth from the upholstery at the back to the front edge of the seat must be not less than 18 inches; and
- (iii) The vertical distance between the undeflected seat cushion and the roof lining immediately above must be not less than 34 inches.

## **17. ADVERTISEMENTS**

- (iv) No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
- (v) A sign shall be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.
- (iii) Advertisements may be displayed on the outside of the vehicle on one lower door panel only on either side and may display the words **PRIVATE HIRE** and with either the company name or logo. Prior to the placement of any advertisement, approval must be given by the Council.

## **18. POLICY RE ALL OVER ADVERTS ON PRIVATE HIRE VEHICLES**

Advertising is allowed on all private hire vehicles and the following formula was adopted on 31 May 2002:

- a) advertising should remain optional;
- b) all adverts must be approved by the Council before being placed on the vehicle and that a copy of any advertising should be kept on file;
- c) saloon and estate type vehicles may only advertise below window level on side doors and panels and on the rear panel and bumpers if desired;
- d) on larger people carrier vehicles, writing be allowed on any side and rear panels; again below window level. Adverts on windows will not be allowed.
- e) any all over livery advertising be carried out, where appropriate in accordance with the policy in place for Private Hire



vehicles:

***That art work must be submitted for initial scrutiny and on provisional approval, a copy of the print work must be submitted, for retention, before the advert is displayed.***

***Particular attention is drawn to codes of advertising, (The British Code of Advertising Practice booklet issued by the Advertising Standards Authority).***

***Certain materials are recommended and a sample must be provided with the Art work***

***Allow 1 days approval time be given***

***With all over livery only one company/product/service may be displayed and that secondary advertising is not permitted. For this it is assumed that a local company wishing to use all over livery would not be able to show their company name/Logo.***

- f) any adverts shown, not being all over livery, will be in line with the policy adopted for Hackney Carriages which cover certain subjects, establishments etc, which would not be approved, some of which are listed below;

***Advertisements with political, ethnic, religious, sexual or controversial texts.***

***Advertisements for escort agencies, gambling establishments or massage parlours***

***Advertisements displaying nude or semi- nude figures***

***Advertisements mentioning the driver of a private hire vehicle e.g. "the driver will take you to....";***

***Advertisements likely to offend public taste.***

**Private hire operators will also be allowed to advertise their company name or logo where all over advertising is allowed in line with Hackney Carriage (approve 6 March 1994), provided that the sign is approved by an officer of the Council.**

## **19. TINTED WINDOWS**

From an Officers point of view, tinted glass affects Public Safety and as many vehicles are used for the carriage of children, and vulnerable persons tinted windows which prevent clear vision into the vehicle should not be permitted.

Glass allowing a minimum of 75% light ingress on front windscreens and not less than 70% light ingress on all side and rear passenger

windows, which does not inhibit the ability to see passengers or the driver from the outside of the vehicle, is required.

The Licensing Office use a device that can measure the light transmission through any type of glass in minutes, and provide a read out of the suitability of proposed vehicles for use as a licensed private hire vehicles in the district.

Any stretch limousines and high-class executive vehicles licensed for private hire to carry out executive work only, and not operated on a taxi or private hire circuit, will be exempt from these conditions, provided the tinted glass was fitted as standard by the manufacturer.

All vehicles licensed must comply with the Road Vehicles (Construction & use) Regulations in relation to tinted windows.

The vehicle is licensed only for Private Hire purposes

The vehicle is a stretched limousine or prestige type i.e. (Mercedes E Class) vehicle (see separate additional conditions for limousines at Appendix 7); and

The vehicle will not be engaged at all in any contract for the carriage of school children or based around the carriage of children, or in the carriage of vulnerable adults;

The Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.

It is suggested that stretch limousines or high-class executive vehicles licensed for private hire for executive work may be exempted from the proposed new licensing condition, provided that the dark tinted windows are fitted as standard by the manufacturer and that the vehicle is used for executive work only, and not operated on a taxi or private hire circuit. These vehicles will, of course, still be required to comply with the Road Vehicles (Construction & use) Regulations.

## **20. INSURANCE CERTIFICATE AND INTERNAL PLATE**

A current insurance certificate and an internal plate showing the local authority's licence number for the vehicle and the number of passengers allowed to be carried must be displayed within the vehicle, all to be clearly visible from the passenger compartment.

## **21. MAINTENANCE**

The Private Hire vehicle, including all fittings, fixtures, advertisements etc, must be well maintained and kept clean and in good working order. The vehicle will at all times be subject to test and inspection and should it be found that any part or fitting is not well maintained, clean and in good

working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been rectified.

## **22. VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)**

- (i) An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered Safe.
- (iii) If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

## **23. SEAT BELTS**

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption. It is the driver's responsibility to ensure that all passengers under 14 years of age use an appropriate child restraint or wear a seat belt.

## **24. FIRST AID KIT**

There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency for the drivers use only. A first aid kit is mandatory for self employed drivers for their personal use.

## **25. LICENCE PLATES AND STICKERS**

- (i) At all times while the vehicle is being used as a private hire vehicle there shall be securely fixed to the rear of the vehicle the appropriate vehicle licence plate supplied by the Council.
- (ii) The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children (of any age) are counted as one person).
- (iii) At all times while the vehicle is being used as a private hire vehicle there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the internal licence plate, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

## **26. CHANGES / TRANSFER**

- (iii) Notice in writing of any transfer of licence must be given notified within 14 days the Licensing Authority as per section 49 LGMPA 1976.
- (iv) When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the new proprietor that it is their responsibility to notify the Council, in writing, as failure to do so is an offence.

## **27. INSPECTION**

The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.

## **28. UNAUTHORISED USE**

The licensee shall be satisfied that every driver engaged/allowed by him/her to drive the licensed vehicle is the holder of an appropriate and current European Driver's Licence and a Hackney Carriage/Private Hire Drivers Licence issued by the Council. The licensee shall also ensure that the Driver's Badge is worn in accordance with the conditions/byelaws attached to the Hackney Carriage/Private Hire Driver's Licence.

## **29. ACCIDENT REPORTING**

- (iv) If a licensed hackney carriage or private hire vehicle is involved in an accident, this must be reported to the Council within 72 hours of the occurrence.
- (v) Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may use delegated powers to suspend the use of a licensed vehicle until it is suitably repaired.
- (vi) A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
  - the damage to, or defect in, the vehicle has been reported;
  - application is made in the usual way for a change of vehicle (albeit temporarily);
  - the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;
  - the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

### **30. MISCELLANEOUS**

The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal purpose whatsoever.

### **31. DISPENSATION/ VARIATION OF CONDITIONS**

The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out herein.

### **32. NOTICES OF EXEMPTION**

Previously the Council at its discretion could issue a Notice of Exemption under section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976. This basically means that where the Council has issued a private hire vehicle licence to a private hire operator under section 48 LGMPA 1976, that the Council at its discretion could grant a Notice in writing exempting them from displaying a plate under s 48, 6 (a) and also the driver from displaying a badge under s 54 (a) LGMPA 1976.

**NOTE: The word approved throughout this specification means, approved by Maidstone Borough Council.**

#### **TRAILER'S ON PRIVATE HIRE VEHICLES**

##### **Specification**

No trailer will be licensed unless it is fit for public service and complies with the following:

##### **GENERAL CONSTRUCTION**

Every trailer must comply in all respects with the requirements of EC 94/2 Type Approval and any Acts and Regulations relating to trailers or parts thereof which may be in force at the time of licensing.

##### **BODY**

The body must be constructed of either all G.R.P (Glass Reinforced Plywood/Fibreglass) **or** fully Galvanised Steel with both types fitted with either an A.B.S (Aquilonitile Butadine Styrene) hard top cover or G.R.P cover hinged at the front and fitted with lockable catches.

##### **CHASSIS**

The full frame must be made of galvanised steel with a straight drawbar.

##### **DIMENSIONS**

The maximum size permissible shall be:

Body Length 62"	1575mm
Body Width 44"	112mm

Body Depth 2"	5mm
Lid Depth 8"	2mm
Gross Weight (when Towing)	5kg

### **TYRES AND WHEELS**

- (a) Tyres and wheels for the trailer must comply with manufactures specification and current legislation relating to tyres;
- (b) a spare Wheel and Tyre to manufactures specification and current legislation must be fitted to the trailer; and.
- (c) a suitable tool kit must be carried to enable the wheel to be changed in the event of a puncture.

### **LIGHTS**

Full road lighting must be fitted to the trailer to comply with all legal requirements. All lights should be 'E' marked.

### **INSURANCE**

- (a) A current certificate of insurance must be produced which covers the use of the trailer and the Private Hire vehicle to be licensed to tow it; and
- (b) Adequate public liability insurance must be produced to cover any luggage carried in the trailer.

### **ADVERTISEMENTS**

No advertisements will be allowed to be displayed on the trailer.

### **LICENCE PLATE**

An additional Private Hire Vehicle plate must be displayed on the outside rear of the trailer.

### **MARKING PLATES**

All trailers should be marked in a conspicuous position on the near side of the drawbar with the maximum Gross Weight the trailer is designed for and the plate should indicate:

- (1) the Manufactures name;
- (2) the Chassis or Serial Number;
- (3) the Number of Axles
- (4) the Maximum Weight for each Axle;
- (5) the Maximum Load imposed on drawing vehicle;
- (6) the Maximum Gross Weight; and
- (7) the Year of manufacture.

## **NUMBER PLATES**

All trailers must be fitted with an approved style number plate bearing the same number as the towing vehicle.

## **INSPECTIONS**

(a) The trailer and tow bar must be inspected by the garage responsible for carrying out the Council's vehicle inspections before the trailer can be used for carrying luggage and the fee £4 (reviewed annually) paid to the Licensing Section.

(b) An annual inspection will be required at the same time as the vehicle compliance test with the relevant compliance fee plus the trailer test fee being paid.

## **APPENDIX 5: D**

### Private Hire Vehicle licence conditions

These conditions are made under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 by Maidstone Borough Council with respect to all Private Hire Vehicles.

#### 1. Maintenance of Vehicle

At all times, when in use or available for hire, the vehicle and all its fittings shall be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be fully complied with, including in particular those contained in Motor Vehicles (Construction and Use) Regulations.

In addition to the MOT requirements, licensed vehicles are required to be tested at the Council's approved testing centre/s. All vehicles will be subject to an annual test and, dependant on the age of the vehicle, subject to interim tests as follows:

Vehicles presented for test must be washed and the engine cleaned, the interior must be cleaned and all seats must be maintained and clean and free from rips and tears.

All vehicles must be presented with a view to passing the inspection and test and any vehicle that fails to pass the test will be subject to a retest at a retest fee which will be reviewed annually alongside the normal fees and charges for such items.

Any vehicle failing a vehicle test will be subject to a retest fee.

#### 2. Alteration of Vehicle

At any time whilst the licence is in force, no alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Licensing Office, and the proprietor shall ensure that the vehicle complies with the Council's relevant Vehicle Specification Standards for Private Hire Vehicles at all times.

#### 3. Licensed Vehicle Identification Plates

The current external licence plates, issued by the Council, identifying the vehicle as a Private Hire Vehicle must be securely fixed to the rear of the vehicle either to the bodywork or exterior of the vehicle in a prominent and visible position or in brackets in such a manner as to be easily removed by an authorised officer of the Council or a Police Constable.

The smaller interior plate shall be fixed and displayed within the vehicle in such a position as to be clearly visible to passengers at all times.

Under no circumstances, throughout the period of the licence, must the identification plates to be removed except where the written consent of the Council has been obtained.



All external and interior plates are granted on loan by the Council and remain the property of the Council throughout the period of the licence.

#### 5. Table of Fares

A table of fares may be displayed for passenger information within the vehicle provided it is in a form and type of print previously submitted to and approved by the Council.

#### 6. Taximeter

If fitted a taximeter must operate correctly at all times and must be calendar controlled and sealed by the Authority. The taximeter must be checked at least once per year by a competent person.

#### 7. Damage to Vehicle

Any damage to a Private Hire Vehicle which affects its safety, performance or appearance must be reported by the proprietor to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence of the damage.

8. Under no circumstances shall roof signs or the words „taxi or „taxis be allowed

#### 9. Insurance

A valid insurance policy shall be in force for the vehicle.

At or before the time when a cover note or certificate of insurance expires or is cancelled, evidence of the continued validity of appropriate insurance cover for the vehicle shall be produced to the Licensing Office.

Failure to produce such evidence shall result in the vehicle being immediately liable to suspension on the date of expiry shown on the cover note or certificate of insurance previously produced to the Licensing Office.

Where vehicle insurance documents are produced which do not specify the registration number of the vehicle or vehicles covered by the policy, it will be necessary to produce an endorsement to the policy which specifies the registration number of the vehicles covered by that policy.

Failure to produce such an endorsement shall mean that the vehicle will be immediately liable to suspension on the date of expiry shown on the cover note or certificate of insurance.

Only a driver licensed as a Private Hire driver with Maidstone Borough Council, with appropriate insurance, is authorised to drive a Private Hire Vehicle licensed by Maidstone Borough Council.

## 10. Private Hire Drivers' Licence

If the proprietor allows or employs any person to drive the vehicle as a Private Hire Vehicle they must ensure that, before that person commences to drive the vehicle, a copy of his Private Hire Driver's licence is delivered to the proprietor. The proprietor shall then retain this in his possession until such a time as the driver ceases to be allowed or employed to drive that vehicle or any other vehicle belonging to the proprietor.

Where the proprietor is not also the operator of the vehicle, the proprietor shall ensure that a copy of the driver's private hire licence is also passed to the operator.

## 11. Change of Address

The proprietor shall notify the Council, in writing, of any change of his address during the period of the licence. Notice of the change shall be given within seven days of it taking place.

## 12. Luggage

Any passenger luggage must be carried under cover.

Roof racks are permitted but if personal luggage is carried on the outside of the vehicle then a suitable cover must be provided.

No luggage may be carried in aisles, gangways or in such a manner as to obstruct entrance/exit routes.

Luggage must be carried in a secure manner and be prevented from moving.

The luggage compartment shall be kept empty except for the luggage of passengers, the spare wheel (where applicable) and essential tools.

## 13. Use of Non-Standard Spare Wheels, Emergency Repair kits etc.

A temporary use spare wheel, run flat tyres (when punctured) or puncture repair kit must only be used to enable the vehicle to be driven to a place of repair. Where use is required whilst carrying a fare the journey may be allowed to continue provided that the driver complies fully with the manufacturers' operating restrictions. Any such non standard wheel or tyre should be replaced before taking another fare.

## 14. CCTV

Any CCTV fitted to a licensed vehicle must meet the specifications agreed by the Council and which must comply with the requirements of the Information Commissioner's CCTV Code of Practice. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

## 15. Regulations

All Regulations made by the Department of Transport must be complied with at all times.

## Appendix 6

### MAIDSTONE BOROUGH COUNCIL "SPECIAL EVENTS" PRIVATE HIRE VEHICLE – VEHICLE SPECIFICATIONS GENERAL NOTES

The licensing of Limousines will be dependent upon the Council being satisfied that the vehicle is suitable in size type and design for use as a Special Events vehicle. The prime consideration of the Council is the safety and comfort of the travelling public.

The Council considers the following types of vehicle to be "Special Event Vehicles" when considered in the context of licensing:

American stretched limousines;

Decommissioned emergency service vehicles;

Other non-standard type converted vehicles used for special events.

Vintage and luxury vehicles (where the normal private hire vehicle age limits would exclude them)

#### Additional licensing standards for Special Event Vehicles

Note – All applications will be considered on their own merits.

#### 1. Information and Documents to accompany application

The applicant must provide full documentation relating to the conversion of the vehicle, its importation and registration. SVA certificate must be submitted, along with the vehicle registration document, ownership certificate, current insurance documentation and current MOT certificate. Copies of these documents will not be accepted only the originals. The manufacturers and modifiers technical handbook for that particular type of vehicle must also be exhibited. If the vehicle has been converted by an approved modifier, the relevant documentation should be produced.

#### 2. Type of Vehicle and Modifier

The ability to licence a vehicle as a Special Event Vehicle will be restricted to stretched limousine or other types of "novelty" vehicles. Mass produced saloon cars or wheelchair accessible vehicles will be required to be licensed under the normal taxi or private hire car requirements.

#### 3. Age of the vehicle

The maximum age of vehicles at the date they are first licensed for use as private hire cars is usually 3 years from first registration or not more than 30,000 on the clock, and the licence will not be renewed after 6 years from first registration. This will not be a requirement for Special Event Vehicles. There will be no maximum age but the vehicle must remain in good condition and pass inspections.

#### 4. Vehicle Tests

Vehicles will be inspected before a licence is granted, thereafter every year. Vehicles can be required to attend for additional tests or be subject to spot checks in the same way as standard Private Hire Vehicles.

#### 5. Vehicle Standard

- (a) The vehicle must be clean and there should be no rust on the bodywork and paint and chrome must be in good condition.
- (b) Left hand drive vehicles are permitted, provided sufficient mirrors are fitted.
- (c) All lights must comply with and be adjusted to meet UK requirements.
- (d) The vehicle must be fitted with at least 4 doors, two on each side.
- (e) Vehicles must be designed to carry not more than 8 passengers plus the driver.
- (f) The stretch of the vehicle must not exceed 140 inches from the original manufacturers chassis.
- (g) Vehicles must be fitted with seat belts of an acceptable type for all forward and rear facing passengers and for the driver. Side facing seats will not require seatbelts, but if these are fitted, they must be of an acceptable type. All seatbelts must be securely fitted and in good condition.
- (h) Vehicles must be fitted with the correct make any type of tyre.
- (i) The Council will certify the vehicle for the carriage of an appropriate number of passengers and no passengers over that number should be carried. In addition, no more than 8 passengers should be carried.
- (j) The fitting of a taximeter in the vehicle is prohibited.
- (k) Replacement parts must be suitable based on manufacturers original specifications.

#### Special Event Vehicle Conditions

##### Vehicle Testing

The vehicle will be presented for a MOT/compliance test at a test centre nominated by the Authority every six months

##### Vehicle Appearance

The vehicle shall be maintained in a sound mechanical and structural condition at all times

The vehicle shall be maintained to an excellent visual standard, This shall include the quality of paintwork, physical condition including doors, wings, bumpers and interior floor area, all of which shall be in good condition, free from rust, holes, broken metal and any other visible damage

The interior of the vehicle shall be in good condition, clean and free from any tears, damage, grease or any contamination

##### Limitations of Use

Vehicles issued with a special event licence shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use

#### Licence Plate

In the case of a special event vehicle being exempted from the requirement to display licence plates it is still a requirement that The vehicle licence plate will be carried within the boot of the vehicle (or fixed to the inside of the boot lid)

#### Communication Equipment

No vehicle will be fitted with a two way radio system

#### Dress Code

Drivers of vehicles will be required to observe a formal dress code

A licence may be suspended or revoked if a vehicle is no longer considered, in the opinion of an authorised officer, to comply with these requirements and all other criteria set down in these conditions

## APPENDIX 7

### MAIDSTONE BOROUGH COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE OPERATOR - CONDITIONS OF LICENCE

#### 1. Record Keeping

(1) The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a bound book in ink, the pages of which are numbered consecutively, or a suitable electronic database with sufficient storage capacity and back up, and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:

- (a) The time and date of the booking.
- (b) The name of the passenger/hirer.
- (c) How the booking was made (e.g. by telephone, personal call etc.)
- (d) The time of pick-up.
- (e) The location of pick-up.
- (f) The destination.
- (g) Any fare quoted at time of booking.
- (h) The name of the driver.
- (i) The registration number of the vehicle allocated for the booking, and the private hire vehicle plate number.
- (j) The time at which the driver was allocated to the booking.
- (k) Remarks (including details of any sub-contract).

(2) The operator shall also keep records of the particulars of all private hire vehicles operated by him. The records shall include details of the vehicle proprietor, registration number, licence/plate number and the drivers of such vehicles, together with any radio call sign used.

(3) The operator shall ensure that every driver engaged by him has obtained a private hire driver's licence from the same Licensing Authority which issued the private hire operator's licence. The operator shall use their best endeavours to ensure that all drivers have a badge issued by the Council and that the drivers wear the badge at all times whilst available for hire.

(4) Any record that is required to be kept by the operator shall be preserved for a period of not less than one year following the date of the last entry, and shall be promptly produced, in a format suitable for inspection, if requested by an authorised officer of the Maidstone Council or a police constable.

#### 2. Standard of Service

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

- (a) Ensure that when a private hire vehicle has been hired to be in attendance

at the appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

(b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

(c) Ensure that any waiting area provided by the operator has adequate seating facilities.

(d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

### 3. Complaints

The operator must record and investigate all customer complaints. All records kept by the operator shall be preserved for a period of not less than one year following the date of the last entry, and shall be promptly produced, in a format suitable for inspection, if requested by an authorised officer of the Maidstone Council or a police constable.

The operator must immediately\* notify the Council Licensing office in writing of any complaints of a serious nature concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof. Complaints of a serious nature include allegations of sexual or violent misconduct.

\*Immediately means the next working day.

### 4. Change of Address

The operator shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

### 5. Convictions

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

### 6. Insurance

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the operator's licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

If the private hire 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

### 7. Display of Terms and Conditions



The operator shall, at all times, keep a copy of these conditions at any premises used by him for private hire business and shall make the same available for inspection by fare-paying passengers.

#### 8. Inspection of Licence

The private hire operator's licence shall be available for inspection on request by any Authorised Officer or any Police Officer.

## **APPENDIX 8**

### **HACKNEY CARRIAGE BYELAWS**

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Maidstone Borough Council with respect to Hackney Carriages in the Borough of Maidstone

#### **Interpretation**

1. Throughout these byelaws "the Council" means the Maidstone Borough Council and "the district" means the Borough of Maidstone

#### **Provisions Regulating The Manner In Which The Number Of Each Hackney Carriage Corresponding With The Number Of Its Licence Shall Be Displayed**

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

#### **PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED**

3. The proprietor of a hackney carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing no 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 of securing luggage if the carriage is so constructed as to carry luggage;

- (h) provided 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 operation of which will bring the machinery of the taximeter into action and cause the word "Hired" to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council in that behalf;
  - (d) the word "**FARE**" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances

**Provisions Regulating To The Conduct Of Proprietors And Drivers Of Hackney Carriages Plying Within The District In Their Several Employments, And Determining Whether Such Drivers Shall Wear Any And What Badges**

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, 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 this being the time between half-an-hour after sunset to half-an-hour before sunrise and also at any other time at the request of the hirer.
6. The 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 Council 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.
    - (e) if such carriage occupies the first or second position on one of the stands fixed or deemed to be fixed by the Council pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 and any enactment amending or replacing the same remain with the carriage ready to be hired at once.
  8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
  9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
  11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the

number of persons specified on the plate affixed to the outside and inside of the carriage.

12. A proprietor of a Hackney Carriage shall not suffer or permit any sign to be displayed in or upon such carriage without the consent in writing of the Maidstone Borough Council, provided that this Byelaw shall not apply to any sign that is required by law to be displayed in or upon such carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.
14. 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 of any building, station or place at which he may take up or set down such person
15. The proprietor or driver of a hackney carriage shall not demand a fare greater than that fixed by the Council pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and any enactment amending or replacing the same.

**PROVISIONS SECURING THE DUE PUBLICATION OF FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT**

16.
  - (a) The proprietor of a hackney carriage shall cause a statement of the table of fares made by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures and shall renew such letters and figures as often as is necessary to keep them clearly visible
  - (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**

17. 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.

18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on 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 redelivered an amount equal to five pence in the pound of its estimated (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**

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred 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**

20. The bylaws relating to hackney carriages which were made by the Council of the Maidstone Borough on 27<sup>th</sup> day of July 1972 and which were confirmed by the Secretary of State on the 21<sup>st</sup> day of September 1972 are hereby repealed.

These Bylaws were made under the common seal of the Maidstone Borough Council on 4 January 1991 and confirmed by the Secretary of State for Transport on 18 March 1991.

## **APPENDIX 9**

### **MAIDSTONE BOROUGH COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE DRIVER'S LICENCE CONDITIONS**

#### **Conduct of Driver**

The holder of a private hire driver's licence (hereafter known in this Appendix as the driver) shall comply with the following conditions.

The driver shall be respectably dressed, clean and tidy in appearance at all times whilst his vehicle is being made available for hire.

The drivers shall at all times, when acting in accordance with the drivers licence granted to him, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.

The driver shall not lend the badge to any other person or cause or permit any other person to wear it.

On termination or surrender of a drivers' licence, the driver shall return the badge to the Council immediately.

The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.

The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any figure or information illegible.

The driver who has agreed to, or has been hired to, be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

The driver, when hired to drive to a particular destination, shall proceed to that destination by either the shortest available route, or the believed cheapest route considering all known factors such as roadworks, delays, etc.

The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.

The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.

The driver must not solicit, by calling out or otherwise importune any person to hire or be carried for hire and must not accept an offer for the hire of the vehicle except where that is first communicated to the driver by telephone.

The vehicle shall be presented in a clean and tidy condition for each journey.

The private hire vehicle must only be driven with the consent of the proprietor of the vehicle.

The driver must comply with any hirer's request not to smoke, drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the business.

The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any person, whether inside or outside the vehicle.

The driver shall not operate the horn as a means of signalling that the vehicle has arrived.

The driver must not cause or permit the vehicle to stand on a public road, on a hackney carriage rank or bay, or in a public place so as to suggest that it is plying for, or available for hire.

Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.

### **Fitness of Driver**

The driver of a vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate issued by a Registered Medical Practitioner to the effect that he is, or continues to be, physically fit to be a driver.

Whether or not such a Certificate is produced, the driver must, if required by the Council at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council. This will be at the applicants own expense.

The driver must cease driving any private hire vehicle and contact the Council immediately if they know of any medical condition which may affect their:

- driving ability or
- the health and safety of themselves or any passengers.

### **Fares and Journeys**

The driver/operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.

If the private hire vehicle is fitted with a taxi-meter, then the driver of a private hire must:



- unless the hirer expresses at the commencement of the journey his desire to engage by time, bring the meter into operation at the commencement of the journey, and
- bring the machinery of the taxi-meter into action by moving the said key, flag or other device, so that the work „HIRED“ is legible on the face of the taxi-meter before beginning a journey and keep the machinery of the taxi-meter in action until the termination of the hiring.
- when standing, keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter.
- Cause the dial of the taxi-meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972, and also at any other time at the request of the hirer.
- not demand for any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the taxi-meter.

In the event of a journey commencing in but ending outside the District of Maidstone there may be charged, for the journey, such fare or rate (if any) as was agreed before the hiring was affected. If no such agreement was made then the fare to be charged should be no greater than that determined by the taxi-meter.

### **Duties of Licence Holder**

Any change affecting this licence must be notified to the Council, Notification should be as soon as reasonably practicable and in any event, no later than seven days after the change was effected.

The private hire driver's licence must be made available for inspection, on request, by any Authorised Officer of the Council or any Police Officer.

The driver must notify the Council, within seven days of starting or terminating employment, as to the name and address of the proprietor concerned and the date when the employment either started or ended.

The private hire driver's licence must be presented to the proprietor concerned at the beginning of an employment.

All licences, badges and plates remain the property of the Council at all times. They must be returned forthwith when employment as a licensed driver permanently ceases, the licence expires and is not renewed, or where the licence is suspended or revoked.

The driver must notify the Council within a period of seven days of:

- any conviction for an offence, or
- any receipt of a fixed penalty imposed on him whilst the licence is in force.

## **Lost Property**

The driver shall immediately after the termination of any hiring of a Private Hire vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.

If any property accidentally left in a Private Hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it, as soon as possible, and in any event within twenty-four hours if not already claimed by or on behalf of its owner to the offices of the Licensing Department and leave it in the custody of the officer in charge

## **Accident Reporting**

In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a private hire vehicle causing damage materially affecting:

- the safety, performance or appearance of the vehicle, or
- the comfort or convenience of the passengers,

must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof.

## **The Carriage of Animals**

A driver must not carry in a private hire vehicle any animal whilst it is being used as a private hire vehicle, save for exemptions detailed in a) and b) below

a) Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.

b) A driver must carry assistance dogs when required. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs which assist disabled people with a physical impairment.

Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. On production of suitable medical evidence, a certificate of exemption will be issued which must be carried in the vehicle at all times. Unless the certificate of exemption is available in the vehicle, the exemption will not apply.

## **Written Receipts**

The Driver shall if requested by the hirer of the Private Hire vehicle, provide the Hirer with a written receipt for the fare paid.

## **Copy of Conditions**

The driver shall at all times when driving a Private Hire vehicle carry with him a copy of these conditions and the Private Hire Vehicle Licence Conditions and shall

make them available for inspection by the hirer or any other passenger on request.

### **Deposit of Licence**

If the driver is permitted or employed to drive a Private Hire vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle.

### **Change of Address**

The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

### **Notification of Convictions**

The driver shall within seven days disclose to the Council in writing details of any conviction, including Cautions, imposed on him during the period of the licence. A driver who is required to appear at a Licensing Panel following conviction for a driving offence may be subject to a referral to the Driving Standards Agency with a requirement to pass the Agencies Assessment test. Failure to complete and pass the test may result in the driver having their Private Hire drivers licence revoked.

### **10. Use of television receiving equipment**

No person shall use television receiving apparatus in a motor vehicle under circumstances or in a position where it might cause distraction to the driver of any other vehicle on the road.

### **11. Return of Driver's Badge**

The licence holder shall upon the expiry (without immediate renewal), revocation or suspension of this licence, forthwith return to the Council the driver's badge issued to him by the Council when granting this licence.

### **12. Medical Fitness**

Unless restricted to a shorter period for medical reasons, all drivers will be required to produce a Group 2 medical certificate at renewal every three years. Failure to comply with this condition will result in the licence holder being required to surrender their licence.

### **DVLA Driving Licence Checks**

All licensed drivers will be subject to a DVLA check at every renewal. Where a licence holder refuses to sign the prescribed mandate form or give their permission for checking a driving record online then the licence holder will be required to surrender their licence and the licence will not be renewed.

## **Criminal Record Checks**

All continuously licensed drivers are required to submit an Enhanced Certificate issued by the Disclosure and Barring Service every 3 years or provide the information to undertake an online check.

### **PENALTY POINTS SCHEME**

### **APPENDIX 10**

#### **LIST OF OFFENCES/BREACH OF LICENCE CONDITIONS ETC.**

<b>Town Police Clauses Act 1847</b>		
<b>Section</b>	<b>Offence</b>	<b>Penalty Points</b>
40	Giving false information on application for HC proprietor's licence.	12
44	Failure to notify change of address of HC proprietor.	2
45	Plying for hire without HC proprietor's licence.	8-12
47	Driving a HC without HC driver's licence.	8-12

47	Lending or parting with HC driver's licence.	4
47	HC proprietor employing unlicensed driver.	8-12
48	Failure by HC proprietor to hold HC driver's licence for person driving the vehicle.	6
48	Failure by HC proprietor to produce HC driver's licence.	3
52	Failure to display HC plate.	4
53	Refusal to take a fare without reasonable excuse	6-12
54	Charging more than the agreed fare.	6-12
55	Obtaining more than the legal fare. (Failure to refund)	6-12
56	Travelling less than the lawful distance for an agreed fare.	6-12
57	Failure to wait after a deposit to wait has been paid.	6-12
58	Charging more than the legal fare.	12
59	Carrying other person than the hirer without consent of hirer	8
60	Driving HC without proprietor's consent.	6-12
60	Allowing another to drive HC without proprietor's consent.	6-12
62	Driver leaving HC unattended.	2
64	HC driver obstructing other HC's.	3

#### **Local Government (Miscellaneous Provision) Act 1976**

<b>Section</b>	<b>Offence</b>	<b>Points</b>
46(1)(a)	Using an unlicensed private hire vehicle	12
46(1)(b)	Driving a private hire vehicle without a private hire drivers' licence	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8-12
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	8-12
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire operator.	8-12
48(6)	Failure to display a private hire vehicle plate	4
49	Failure to notify the transfer of a HC proprietor's licence.	3
50 (1)	Failure to present a HC for inspection, as required.	6-12
50 (2)	Failure to inform the Authority where the HC is stored.	3
50 (3)	Failure to report an accident to the Authority within 72hours.	6
50 (4)	Failure to produce the HC proprietor's licence and insurance cert	4
53 (3)	Failure to produce HC driver's licence.	3-4
54(2)	Failure to wear a private hire driver's badge	3-4
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(4)	Failure of a private hire operator to produce his licence on request	4

57	Making a false statement or withholding information to obtain a HC driver's licence.	12
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting any vehicle other than a HC to wait on a HC stand.	6
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	6-12
67	Charging more than the meter fare when HC used as PH vehicle.	6-12
69	Unnecessarily prolonging a journey.	6-12
71	Interfering with a taximeter with intent to mislead.	12
73(1)(a)	Obstruction of an authorised Officer or Constable.	12
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	6-12
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6-12

#### **Disability Discrimination Act 1995**

<b>Section</b>	<b>Offence</b>	<b>Points</b>
37	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	4
37	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	12
37a	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	12
37a	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	12

#### **Transport Act 1980**

<b>Section</b>	<b>Offence</b>	<b>Points</b>
64(2)(a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64(2)(b)	Causes or permits a vehicle to have a sign above its roof which consists of or includes the word "taxi" or "cab" whether alone or part of another word	10

These points are dependant on adopting proposed conditions as per appendices

#### **Private Hire Driver's Licence Conditions – Appendix 9**

<b>Section</b>	<b>Offence</b>	<b>Points</b>
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	Not being respectably dressed and clean & tidy in appearance	2
	Failure to wear a badge.	4-6
	Failure to behave in a civil, polite and orderly manner.	3
	Failure to ensure the safety of passengers.	4
	Concealing or defacing a licence plate.	4
	Failure to attend on time for pre-arranged booking without sufficient cause.	3
	Conveying a greater number of passengers than permitted.	6
	Failure to give assistance with passenger's luggage.	3
	Soliciting for hire or accepting a fare that is not pre-booked.	6 -12
	Operating a vehicle that is not clean and tidy	2-6
	Driving without the consent of the proprietor.	5- 6
	Drinking or eating in the vehicle without permission of passenger.	2-3
	Causing excessive noise from any radio or sound-reproducing instrument, which annoys anyone in or outside the vehicle.	2
	Operating the horn as a means of signalling that the vehicle has arrived.	3
	Allowing the vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	6
	Using a non-hands free mobile phone whilst driving	8
	Failure to provide medical certificate or not notifying a medical condition	6-12
	Failure to provide a receipt when requested.	2
	Failure to operate the meter from commencement of the journey and charging more than the fixed charge for hire of Hackney Carriages.	4-12
	Failing to notify changes within 14 days.	3
	Failure to produce a copy of the licence.	4
	Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	3
	Failure to show the private hire driver's licence to the proprietor at the beginning of an employment.	2
	Failure to surrender a driver's licence, badge or plate on cessation of employment.	6
	Failing to notify of change of address of any amendment to the details of a licence within 14 days	3
	Failing to disclose convictions within 7 days.	8 -12
	Failure to search vehicle after journey or failure to take found property to the Council Offices within 48 hours of finding.	3
	Failure to report an accident within 72 hours	3
	Carrying an animal other than one with passenger.	2
	Carrying an animal not safely restrained.	3
	Failure to carry assistance dog without an exemption certificate.	5-6
	Failure to comply with wheelchair carriage requirements.	5-6

#### **Vehicle Specifications & Conditions of Licence – Appendix 5D**

<b>Section</b>	<b>Offence</b>	<b>Points</b>
	Operating a vehicle which does not comply with the Councils Vehicle Specification where such offence is not otherwise specified below	2 - 6
	Operating a vehicle, which is not maintained in a sound and roadworthy condition.	6
	Failure to carry an appropriate first aid kit	3

	Operating a vehicle, which is not maintained in a clean and safe condition inside and out.	3
	Modifying a vehicle without the consent of the Council	4
	Failure to display or maintain external licence plates which indicate the maximum number of passengers who may be conveyed.	4
	Failure to display inside the vehicle the windscreen licence disc in the correct position	4
	Hackney vehicle signage not in accordance with council requirements.	4
	Affixing or displaying on a private hire vehicle any roof sign.	6
	Displaying on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB or FOR HIRE	4
	Displaying a sign or advertisement that does not comply with Council requirements or is not authorised by the Council.	3
	Radio equipment not in accordance with council requirements	2
	Taximeter which does not comply with the Council's Vehicle Specification.	5
	Trailer which does not comply the Council's Vehicle Specification	3
	Operating a vehicle which does not comply with the Council's policy requirements	6
	Operating a vehicle, which does not comply the Council's Vehicle Specification in respect of window tint.	4
	No insurance or inappropriate insurance for the vehicle.	12
	Failing to notify vehicle change or transfer within 14 days.	3
	Failing to make the vehicle licence available for inspection.	3
	Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	8
	Failure to properly report an accident to the Authority.	3
	Permitting the vehicle to be used for any illegal or immoral purposes.	12

## **PRIVATE HIRE OPERATORS**

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

<b>Section</b>	<b>Offence</b>	<b>Points</b>
56 (2)	Failing to keep proper records of all bookings or failing to produce them. (also breach of conditions see below)	6
56 (3)	Failure to keep records of PH vehicles or failing to produce them. (also breach of conditions see below)	6
56 (4)	Failing to produce PH Operator' licence on request. (also breach of conditions see below)	4
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	12
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	5

### **Breach of Conditions attached to Operator's Licence – Appendix 7**

	Failure to provide a prompt, efficient and reliable service at all reasonable times.	3
	Failure to ensure that office staff employed by operator act in a civil and orderly manner at all times.	3
	Failure to ensure that a vehicle attends punctually at the appointed time and place unless prevented by some sufficient cause.	4
	Failure to keep the premises clean, adequately heated, ventilated, lit, and in	3



	accordance with the requirements of licence conditions.	
	Failure to properly keep or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced. (see LGMP s56(2) & (3) above)	6
	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer.	4
	Failure to notify the Council of any changes, including change of address from where the business operates within 14 days.	3
	Failure to disclose in writing within 7 days details of any conviction or police caution imposed on him to the licensing section.	12
	Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	6
	Failure to obtain appropriate public liability insurance for the premises or to produce the same.	4
	Failure to ensure that every driver has a private hire licence and badge.	4
	Failure to keep a copy of the conditions at the premises or to make the same available for inspection by passengers.	4
	Failure to make the Operator's licence available for inspection. (see LGMP s56 (4) above)	4