

Folkestone

Hythe & Romney Marsh

Shepway District Council



**HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLE AND DRIVER
CONDITIONS AND PROCEDURES**

District Secretary, Environment & Transport 26 March 2001: Minute No. 49
Conditions and Byelaws were updated and amended by
Licensing Committee 21 September 2006 as per Report LC/06/01

INTRODUCTION

The Council licenses the following: -

Hackney Carriage vehicles and drivers

Private hire vehicles and drivers

Private hire operators

Its authority for so doing was the adoption of the Local Government (Miscellaneous Provisions) Act 1976 Part 2 Section 45 The Town and Police Clauses Act 1847 Section 68 and Public Health Act 1875 Section 171 concerning the licensing of vehicles and drivers.

The requirements of the Acts are that the Council must be satisfied that the vehicle is suitable in type, size and design for use as a hackney carriage or private hire vehicle and is in a suitable mechanical condition, safe and comfortable.

In the case of private hire vehicles a further requirement is that the private hire vehicle must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.

There is a further requirement for both types of vehicles that there is in force a policy of insurance in relation to the use of the vehicle.

Further to the statutory laws a District Council may attach to the grant of licences such conditions as the Council considers reasonably necessary. However, the Act specifically state that the Council shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the Council. It should be noted that this Council deregulated in 1988 and there is no limit in the number of hackney carriages licensed in the Shepway area.

In addition to the above there are conditions attached to each of the licences which have been adopted by the Council as permitted by the Act of 1976.

Concerning the licensing of drivers, the Act of 1976 requires the Council to be satisfied that the applicant is a fit and proper person to hold a driver's licence.

The handbook is divided into 3 sections as follows:

Section 1 - Hackney Carriage and Private Hire Vehicles

- (a) Procedure for licensing Hackney Carriages.
- (b) Conditions relating to Hackney Carriages.
- (c) Byelaws relating to Hackney Carriages.
- (d) Procedures for licensing Private Hire Vehicles.
- (e) Conditions relating to Private Hire Vehicles.

Section 2 - Licensing Drivers

- (a) Procedure for licensing drivers.
- (b) Conditions relating to Hackney Carriage Drivers.
- (c) Byelaws relating to Hackney Carriage Drivers.
- (d) Conditions relating to Private Hire Drivers.
- (e) Appendix 1- Criminal offence guidelines.

Section 3 - Private Hire Operator's Licence

- (a) Procedures.
- (b) Conditions.

Section 4 - Procedure for Fare Increases

Section 1

PART A. PROCEDURE FOR THE LICENSING OF A HACKNEY CARRIAGE VEHICLE

1. Make an appointment by telephoning the Licensing Officer for inspection of the vehicle. The inspection will be undertaken as soon as possible but always within one working week. (If a replacement vehicle, then inspections will be undertaken within two working days)

2. THE INITIAL INSPECTION

This inspection is carried out to ensure compliance with the following conditions and byelaws: -

- (i) Suitability
 - (a) must be under 3 years old;
 - (b) must provide at least two doors for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver;
 - (c) must be of a sufficient size to comfortably accommodate the number of passengers the vehicle will be licensed to carry, (the minimum number being 4) and have a rear seat width with not less than 48 inches clear of any obstruction such as handles and arm rests. This minimum width of rear seat will be enforced in respect of all vehicles which are not currently the subject of a licence;

- (d) sub-paragraph (i) (a) also applies to a vehicle built to the Metropolitan Carriage Office specification which is submitted for first time licensing. However, no such vehicle shall be relicensed by the Council on or after 1 April 1992 if it is in excess of twelve years old (i.e., more than twelve years from the date it was first registered);
- (e) the steering wheel should be on the off-side of the vehicle.
- (f) No vehicle back windows should transmit less than 60% of external light through them, the vehicle front side windows should not transmit less than 70% of light through them and the front windscreen should not transmits less than 75% of light through it
- (g) No vehicle will be granted a licence without side access and egress to all seats without the need to climb over seats, luggage or fold down seats.
- (h) Disabled access vehicles to be side loading only.
- (i) Flip down forward facing seats will not be licensed to carry passengers.

(ii) Standards

- (a) bodysell including doors, panels, wings, bumpers, mirrors, front and rear lights and indicators, and interior floor covering to be in good condition, free from rust, holes, broken metal or any other visible damage;
- (b) all fittings and handles must be operational;
- (c) windscreens and windows to be in good clean condition and at all times meet the requirements of the MOT test standards;
- (d) seats, upholstery, panelling, floor covering and roof lining must be in good condition, clean and free from any tears, damage, grease or any other contamination;
- (e) the boot must be carpeted or fitted with manufacturers boot covering and clean.
- (f) No vehicle will be relicensed, which is in excess of five years old, by the Council unless it is in **EXCEPTIONAL CONDITION**, defined as:
 1. The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work;
 2. Evidence to be produced i.e. the vehicle service record showing that the vehicle has been correctly and regularly serviced by a reputable garage in accordance with the manufacturer's service specifications;
 3. The exterior of the vehicle to be in near perfect condition with no dents, damage or signs of corrosion;
 4. The paintwork to be in excellent condition and free from scratches and marks;

5. The interior of the vehicle to be in near perfect condition. The upholstery, linings, seats and floor to be perfectly clean with no holes, tears or signs of wearing;
6. The boot or luggage compartment to be in good condition, clean and undamaged;
7. The decision and judgement of the Licensing Manager shall be binding in relation to this condition.

N.B. At the initial inspection it will not be a requirement of the Council that the vehicle displays a valid road tax disc.

(iii) Mechanical Inspection

If the vehicle is acceptable after the initial inspection the Council will issue authority for its nominated test centre to carry out an inspection and issue a Certificate of Compliance. This is a test to determine that the vehicle is in a roadworthy condition. This applies to all vehicles except new vehicles with less than 500 miles on the milometer which are exempted for the first twelve months following registration.

3. FINAL INSPECTION PRIOR TO LICENSING

The following will be checked prior to licensing: -

- (i) The Certificate of Compliance and vehicle insurance. Both will be entered in the Vehicle Record Book/Log Book supplied by the Council.
- (ii) The vehicle, the taxi sign, meter, fire extinguisher, and that all the windows are clear of stickers with approved exceptions as laid down in Part B Licence Conditions and that the vehicle is displaying a valid road tax disc.

4. ISSUING THE LICENCE

If all the above are satisfactory then the licence will be issued together with other appropriate material.

5. ANNUAL RELICENSING

- (i) Vehicles must be under seven years old. In the case of vehicles complying with the Metropolitan Carriage Office Specifications, under twelve years old.
- (ii) Licences are renewed annually upon expiry. A vehicle with a valid certificate of compliance will not need to be re-tested at the time of relicensing.
- (iii) Application should be made within one month before the licence expiry date for renewal of the vehicle licence.
- (iv) The vehicle will be reinspected in accordance with section 2 above.
- (v) The licence will be reissued if **all** details are satisfactory.

6. CERTIFICATE OF COMPLIANCE

- (i) A minimum of seven days notice is required by the Council's nominated test centre to carry out the six-monthly inspection for the Certificate of Compliance.

- (ii) If the vehicle fails the test the test centre has been instructed to remove the plate until such time as the vehicle passes the test. The vehicle must not be used for hire or reward during this period.
- (iii) If the test is not undertaken by the due date and the certificate expires the vehicle must not be used for hire or reward until such time as a satisfactory test is carried out.

7. VEHICLE DAMAGE

- (i) The proprietor of a hackney carriage must report to the Licensing Officer as soon as reasonably practicable, and in any case within 72 hours of the occurrence, any damage to such hackney carriage materially affecting the safety, performance or appearance of the vehicle, or the comfort and convenience of passengers.
- (ii) An appointment is then made for the vehicle to be inspected by the Licensing Officer, and a decision will be made as to whether or not the vehicle is in such conditions to continue in service.
- (iii) If the damage to the vehicle is such that the Licensing Officer considers it still to be in a fit condition to continue in service until such a time as permanent repairs are undertaken within a maximum of 28 days of the damage occurring, the vehicle will not be suspended.
- (iv) If however the Licensing Officer considers the damage to the vehicle to be extensive enough to seriously affect the general appearance and/or use of the vehicle, it must be immediately withdrawn from service and not used until such time as permanent repairs are completed. During this period the plate should be removed from the rear of the vehicle.

8. REPLACEMENT VEHICLE

Paragraphs 1, 2, 3 and 4 of the foregoing procedures apply in the licensing of a replacement vehicle.

PART B. HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. INTERPRETATION

- (i) In these conditions:
 - (a) “the Council” means the District Council of Shepway District Council
 - (b) “the Inspector” means a Licensing Officer for the time being of the Council
 - (c) “the Vehicle” means the vehicle the subject of the hackney carriage vehicle licence to which these conditions are attached
 - (d) “the Proprietor” means the person for the time being shown on the Hackney Carriage Vehicle Licence as the Proprietor

- (e) "the Driver" means the driver for the time being of the vehicle
- (f) the "Certificate of Compliance" means the certificate issued by the Council certifying that the vehicle is mechanically sound
- (ii) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- (iii) Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

2. AGE OF VEHICLE

- (i) No vehicle which is in excess of three years old (from the date when it was first registered) will be **licensed** by the Council.
- (ii) No vehicle which is in excess of seven years old (from the date when it was first registered) will be **relicensed** by the Council.
- (iii) Sub-paragraph 2(ii) shall not apply to any vehicle built to the Metropolitan Carriage Office Specification. No such vehicle shall be **relicensed** by the Council if it is in excess of twelve years old (from the date when it was first registered).
- (iv) Note: - A vehicle shall be taken as being relicensed only if there was in force in respect of that vehicle a current Hackney Carriage Vehicle Licence previously issued by Shepway District Council immediately prior to its being relicensed.
- (v) Any vehicle with a "Q" plate registration will not be licensed if in excess of seven years old from the date of registration. Where the age of a "Q" registered vehicle is not identifiable, the age will be calculated as three years old at the date of "Q" registration in line with the policy for the DVLC.
- (vi)
 - a. No vehicle which is not fuelled by unleaded petrol or liquified petroleum gas or diesel fuel will be licensed as a hackney carriage;
 - b. a vehicle that does not comply with (a) above shall only be relicensed if there was in force in respect of that vehicle a current Hackney Carriage Vehicle Licence immediately prior to its being relicensed;

3. MAINTENANCE AND APPEARANCE OF VEHICLES

- (i) The vehicle and its fittings must at all times when it is available for hire or being used as a hackney carriage:
 - (a) be safe;
 - (b) be tidy;
 - (c) be clean;

- (d) comply with all relevant statutory requirements applicable to the class of vehicle to which the vehicle belongs including but without prejudice to the generality of the foregoing the Motor Vehicles (Construction and Use) Regulations 1978.
- (ii) The vehicle must be, and must be maintained throughout the term of the hackney carriage vehicle licence, to a high standard of appearance to the complete satisfaction of the Council and must without prejudice to the generality of the foregoing not be dented or rusted to any significant degree.
- (iii) No smoking to be permitted at all times when the vehicle is for hire.

4. INSPECTION OF THE VEHICLE

- (i) The vehicle must not be available for hire or be used as a hackney carriage unless there is a current Certificate of Compliance in force in respect of it.
- (ii) The vehicle must be mechanically inspected by the Council's nominated test centre at six-monthly intervals.
- (iii) Sub-paragraph 5(i) does not apply to a vehicle during the first twelve months after it has been first registered provided that it has travelled less than 500 miles on the date of the application for a licence.

5. ALTERATION OF THE VEHICLE

- (i) No alteration in the specification design condition or appearance of the vehicle shall be made without the approval in writing under the hand of the Director or the Inspector.
- (ii) Sub-paragraph 5(i) does not apply to the vehicle's engine.

6. DOCUMENTS

- (i) There must be carried in the vehicle when it is available for hire or being used as a hackney carriage the log book supplied by the Council showing that: -
 - (a) the vehicle is insured;
 - (b) there is in force in respect of the vehicle a current Certificate of Compliance.

7. SIGNS

- (i) No signs, notices, advertisements, plates, marks. Letters, figures, symbols, emblems or devices whatsoever (collectively referred to as "signs") other than those mentioned in paragraph 7(ii) below shall be displayed on, in or from the vehicle.
- (ii) Signs permitted are:-
 - (a) any registration number;

- (b) any sign required by any statute or subordinate legislation;
 - (c) any sign on a taximeter indicating that the vehicle is for hire;
 - (d) the identification disc referred to in paragraph 10 below;
 - (e) the sign referred to in paragraph 14(iii) below;
 - (f) the roof sign referred to in paragraph 9 below;
 - (g) not more than two advertisement panels displayed on the exterior of the vehicle (other than that mentioned in sub-paragraph 7(h) below) which:
 - (a) do not exceed 100cm in width and 50cm in depth;
 - (b) are displayed on the front door panels, and
 - (c) do not contain anything of a religious or political nature or contain any matter likely to cause offence;
 - (h) any sign indicating membership of a national motoring organisation;
 - (i) any sign displayed in the vehicle provided that these are not visible from outside the vehicle;
 - (j) a sign on the windscreen indicating the trading name of the proprietor and a telephone number;
 - (k) a sign, to a size and design to be approved by the Council, may be displayed on the windscreen or the advertising panels referred to in 7(ii) indicating the payment may be made by credit card;
 - (l) a sign provided by the Kent County Council for school contracts may be displayed on the windscreen in such a position as not to obstruct the driver's vision. This sign to be displayed only during the contract while pupils are on board.
- (iii) 'No Smoking' signs must be conspicuously and permanently displayed to be visible to and legible by persons in and persons approaching the vehicle
 - (iv) Any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle.

8. LICENCE PLATE

The Council must be informed immediately should the licence plate showing the number of the hackney carriage licence be lost, broken or defaced. On no account must a hackney carriage ply for hire without a plate. (Town Police Clauses Act 1847-Sections 51-52).

9. ROOF SIGNS

- (i) A sign bearing the word “taxi” on its front and rear face must be installed on the roof of the vehicle. The word “taxi” must be plainly and distinctly visible from the front and rear of the vehicle. The sign may include the name and telephone number of the taxi company, and must be capable of being illuminated during the hours of darkness.
- (ii) Sub-paragraph 9(i) shall not apply to a vehicle complying with the Metropolitan Carriage Office Specification. A vehicle to this specification must display a sign bearing the word “taxi” on its front face. The word “taxi” must be plainly and distinctly visible from the front of the vehicle.

10. IDENTIFICATION DISC

The identification disc supplied by the Council must be displayed on the windscreen of the vehicle.

11. CONVICTIONS

The proprietor must within seven days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the hackney carriage vehicle licence.

NOTE: Fixed penalty traffic offences are not considered “convictions” and need not be reported unless resulting in drivers losing their DVLC licence.

12. CHANGE OF ABODE

A proprietor must inform the Council of any change of abode during the period of the licence in compliance with Section 44 of the Town Police Clauses Act 1847.

13. COMPLIANCE

The responsibility for complying with these conditions unless otherwise stated shall be the proprietor’s and driver’s jointly and severally.

14. WHEELCHAIR-BOUND PASSENGERS- APPLICABLE ONLY TO VEHICLES COMPLYING WITH THE METROPOLITAN CARRIAGE OFFICE SPECIFICATION

- (i) A vehicle, if complying with the Metropolitan Carriage Office Specification, must be designed or adapted to carry at least one wheelchair-bound passenger.
 - (a) the nearside rear door must be capable of opening as wide as the aperture;
 - (b) there must be sufficient space between the front of the rear seat and any partition for a wheelchair to turn;
 - (c) there must be sufficient space for a wheelchair to travel facing rearward;

- (d) there must be a means to secure both the chair and the wheelchair occupant;
- (e) there must be wheelchair ramps carried in the vehicle.
- (ii) A vehicle designed or adapted to carry a wheelchair-bound passenger must have a means to secure both the chair and the wheelchair occupant.
- (iii) A vehicle so designed or adapted in accordance with sub-paragraph 14(i) and (ii) may carry a maximum of two signs indicating that it is capable of carrying wheelchair-bound passengers.

Section 1

PART C. HACKNEY CARRIAGE BYELAWS MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1847 AND SECTION 171 OF THE PUBLIC HEALTH ACT 1875

1. INTERPRETATION

Throughout these byelaws “the Council” means the District Council of Shepway and “the District” means the District of Shepway.

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

- (i) The proprietor of a hackney carriage shall cause plates indicating the number of the licence granted to him in respect of the carriage to be affixed to the outside of the carriage on the offside on or adjacent to the rear bumper bar whichever is appropriate using the bracket supplied by the Council and inside the carriage in a conspicuous position such plates with the numbers painted or marked thereon shall be provided by the Council.

and

- (ii) A proprietor or driver of a hackney carriage shall:
 - (a) not willfully 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.

3. PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

The proprietor of a hackney carriage shall:

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept watertight;

- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available to use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver
- (j) ensure all occupants of the vehicle adhere to the 'No Smoking' policy

4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:

- (a) the taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action;
- (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 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;
- (e) the taximeter and all the fittings thereof shall where practicable be so affixed to the carriage with seals where practical and 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.

18. **PENALTIES**

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the

case of a continuing offence to a further fine not exceeding two pounds (£2) for each day during which the offence continues after conviction thereof.

Section 1

PART D. PROCEDURE FOR THE LICENSING OF A PRIVATE HIRE CAR

1. Make an appointment by telephoning the Licensing Officer to inspect the vehicle. The inspection will be undertaken as soon as possible but always within one working week of payment of the fee and completion of the application form. If a replacement vehicle, then inspection will be undertaken within two working days.

2. THE INITIAL INSPECTION

This inspection is carried out to ensure compliance with the following conditions and byelaws: -

(i) Suitability

- (a) must be under 3 years old
- (b) must provide at least two doors for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver;
- (c) must be of a sufficient size to comfortably accommodate the number of passengers the vehicle will be licensed to carry, (the minimum number being 4) and have a rear seat width with not less than 48 inches clear of any obstruction such as handles and arm rests. This minimum width of rear seat will be enforced in respect of all vehicles which are not currently the subject of a licence;
- (d) sub-paragraph (i) (a) also applies to a vehicle built to the Metropolitan Carriage Office specification which is submitted for first time licensing. However, no such vehicle shall be relicensed by the Council on or after 1 April 1992 if it is in excess of twelve years old (from the date it was first registered);
- (e) the steering wheel should be on the off-side of the vehicle.
- (f) No vehicle back windows should transmit less than 60% of external light through them, the vehicle front side windows should not transmit less than 70% of light through them and the front windscreen should not transmits less than 75% of light through it
- (g) No vehicle will be granted a licence without side access and egress to all seats without the need to climb over seats, luggage or fold down seats.
- (h) Disabled access vehicles to be side loading only.
- (i) Flip down forward facing seats will not be licensed to carry passengers.

(ii) **Standards**

- (a) body shell including doors, panels, wings, bumpers, mirrors, front and rear lights and indicators, and interior floor covering to be in good condition, free from rust, holes, broken metal or any other visible damage
- (b) all fittings and handles must be operational;
- (c) windscreens and windows to be in good clean condition and at all times meet the requirements of the MOT test standards
- (d) seats, upholstery, panelling, floor covering and roof lining must be in good condition, clean and free from any tears, damage, grease or any other contamination
- (e) the boot must be carpeted or fitted with manufacturers boot covering and clean.
- (f) No vehicle will be relicensed, which is in excess of five years old, by the Council unless it is in **EXCEPTIONAL CONDITION**, defined as:

1. The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work;
2. Evidence to be produced i.e. the vehicle service record showing that the vehicle has been correctly and regularly serviced by a reputable garage in accordance with the manufacturer's service specifications;
3. The exterior of the vehicle to be in near perfect condition with no dents, damage or signs of corrosion;
4. The paintwork to be in excellent condition and free from scratches and marks;
5. The interior of the vehicle to be in near perfect condition. The upholstery, linings, seats and floor to be perfectly clean with no holes, tears or signs of wearing;
6. The boot or luggage compartment to be in good condition, clean and undamaged;
7. The decision and judgement of the Licensing Manager shall be binding in relation to this condition.

N.B. At the initial inspection it will not be a requirement of the Council that the vehicle displays a valid road tax disc.

(iii) **Mechanical Inspection**

If the vehicle is acceptable after the initial inspection the Council will issue authority for its nominated test centre to carry out an inspection and issue a Certificate of Compliance. This is a test to determine that the vehicle is in a roadworthy condition. This applies to all vehicles except new vehicles with less than 500 miles on the milometer, which are exempted for the first twelve months following registration.

3. **FINAL INSPECTION PRIOR TO LICENSING**

The following will be checked prior to licensing: -

- (i) The Certificate of Compliance and vehicle insurance. Both will be entered in the Vehicle Record Book/Log Book supplied by the Council.
- (ii) Check the vehicle has a fire extinguisher, and that all the windows are clear of stickers with approved exceptions. Check the vehicle is displaying a valid road tax disc.

4. **ISSUING OF THE LICENCE**

If all of the above are satisfactory, then the licence will be issued together with other appropriate material.

5. **ANNUAL RELICENSING**

- (j) Vehicles must be under seven years old. In the case of vehicles complying with the Metropolitan Carriage Office Specifications, under twelve years old.
- (ii) Licences are renewed annually upon expiry. A vehicle with a valid Certificate of Compliance will not be re-tested at the time of relicensing.
- (iv) Application should be made within one month before the licence expiry date for renewal of the vehicle licence.
- (v) The vehicle will be reinspected in accordance with section 2 above.
- (vi) The licence will be reissued if all details are satisfactory.

6. **CERTIFICATE OF COMPLIANCE**

- (i) A minimum of seven days notice is required by the Council's nominated test centre to carry out the six-monthly inspection for the Certificate of Compliance.
- (ii) If the vehicle fails the test the test centre has been instructed to remove the plate until such time as the vehicle passes the test. The vehicle must not be used for hire or reward during this period.
- (iii) If the test is not undertaken by the due date and the Certificate expires, the vehicle must not be used for hire or reward until such time as a satisfactory test is carried out.

7. **VEHICLE DAMAGE**

- (i) The proprietor of a private hire vehicle must report to the Licensing Officer as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence, any damage materially affecting the safety, performance or appearance of the vehicle, or the comfort and convenience of passengers.

- (ii) An appointment is then made for the vehicle to be inspected by the Licensing Officer, and a decision will be made as to whether or not the vehicle is in such condition to continue to service.
- (iii) If the damage to the vehicle is such that the Licensing Officer considers it still to be in a fit condition to continue in service until such time as permanent repairs are undertaken within a maximum of 28 days of the damage occurring, the vehicle will not be suspended.
- (iv) If however, the Licensing Officer considers the damage to the vehicle to be extensive enough to seriously affect the general appearance and/or use of the vehicle it must be immediately withdrawn from service and not used until such time as permanent repairs are completed. During this period the plate should be removed from the rear of the vehicle.

8. **Replacement Vehicle**

Paragraphs 1, 2, 3 and 4 of the foregoing procedures apply in the licensing of a replacement vehicle.

Section 1

PART E. PRIVATE HIRE VEHICLE LICENCE CONDITIONS MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. INTERPRETATION

- (i) In these conditions:
 - (a) “the Council” means the District Council of Shepway
 - (b) “the Inspector” means a Licensing Officer for the time being of the Council
 - (c) “the Vehicle” means the vehicle the subject of the hackney carriage vehicle licence to which these conditions are attached
 - (d) “the Proprietor” means the person for the time being shown on the Hackney Carriage Vehicle Licence as the Proprietor
 - (e) “the Driver” means the driver for the time being of the vehicle
 - (f) the “Certificate of Compliance” means the certificate issued by the Council certifying that the vehicle is mechanically sound
- (ii) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- (iii) Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

2. AGE OF VEHICLE

- (i) No vehicle which is in excess of three years old (from the date when it was first registered) will be **licensed** by the Council.

- (ii) No vehicle which is in excess of seven years old (from the date when it was first registered) will be **relicensed** by the Council. A vehicle shall be taken as being relicensed only if there was in force in respect of that vehicle a current Private Hire Vehicle Licence immediately prior to its being relicensed.
- (iii) Sub-paragraphs 2(i) and 2(ii) shall not apply to any vehicle or classes of vehicle as the Council may in its absolute discretion from time to time determine.
- (iv)
 - a. No vehicle which is not fuelled by unleaded petrol, or liquified petroleum or diesel fuel will be licensed as a private hire vehicle;
 - b. a vehicle that does not comply with (a) above shall only be relicensed if there was in force in respect of that vehicle a current Private Hire Vehicle Licence immediately prior to its being relicensed

3. MAINTENANCE AND APPEARANCE OF VEHICLES

- (i) The vehicle and its fittings must at all times when it is available for hire or being used as a private hire vehicle:
 - (a) be safe;
 - (b) be tidy;
 - (c) be clean;
 - (d) comply with all relevant statutory requirements applicable to the class of vehicle to which the vehicle belongs, including but without prejudice to the generality of the foregoing the Motor Vehicles (Construction and Use) Regulations 1978.
- (ii) The proprietor of a private hire vehicle shall without prejudice to the generality of 2(i) above:
 - (a) provide sufficient means by which any person in the vehicle may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;

- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available to use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
- (iii) The vehicle must be maintained throughout the term of the Private Hire Vehicle Licence to a high standard of appearance to the complete satisfaction of the Council and must without prejudice to the generality of the foregoing not be dented or be rusted to any significant degree.
- (iv) No smoking to be permitted at all times when the vehicle is for hire.

4. ALTERATION OF THE VEHICLE

- (i) No alteration in the specification design condition or appearance of the vehicle shall be made without the approval in writing under the hand of the Director or the Inspector.
- (iii) Sub-paragraph 4(i) does not apply to the vehicle's engine.

5. DOCUMENTS

- (j) There must be carried in the vehicle when it is available for hire or being used as a hackney carriage the log book supplied by the Council showing that:-
 - (a) the vehicle is insured
 - (b) there is in force in respect of the vehicle a current Certificate of Compliance

6. SIGNS

- (i) No signs, notices, advertisements, plates, marks. Letters, figures, symbols, emblems or devices whatsoever (collectively referred to as "signs") other than those mentioned in paragraph 6(ii) below shall be displayed on, in or from the vehicle.
- (vii) Signs permitted are:-
 - (a) any registration number;
 - (b) any sign required by any statute or subordinate legislation;
 - (c) the identification disc referred to in paragraph 8 below;
 - (d) not more than two advertisement panels displayed on the exterior of the vehicle (other than that mentioned in sub-paragraph 6(g) below) which:
 - (a) do not exceed 100cm in width and 50cm in depth;

- (b) are displayed on the front door panels, and
- (c) do not contain anything of a religious or political nature or contain any matter likely to cause offence;
- (d) any sign indicating membership of a national motoring organisation;
- (e) a sign on the windscreen indicating the trading name of the proprietor and a telephone number;
- (f) a sign, to a size and design to be approved by the Council, may be displayed on the windscreen or the advertising panels referred to in 6(d) indicating the payment may be made by credit cards;
- (g) a sign provided by the Kent County Council for school contracts may be displayed on the windscreen in such a position as not to obstruct the driver's vision.

The sign to be displayed only during the contract while pupils are on board.

- (iii) Any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle.
- (iv) No sign shall contain the word "taxi" or "cab" or any word of a similar meaning or appearance to either of those words and whether alone or as part of another word.
- (v) 'No Smoking' signs must be conspicuously and permanently displayed to be visible to and legible by persons in and persons approaching the vehicle

7. IDENTIFICATION PLATE

- (i) There must be displayed on the rear of the vehicle on the offside immediately adjacent to the rear bumper or in such other conspicuous position as may be approved by the Inspector the licence plate allocated to the vehicle by the Council.
- (ii) The licence plate must at all times be kept in a clean and legible condition.
- (iii) The Council must be informed immediately should the licence place be lost broken or defaced. On no account must a private hire vehicle operate without a plate being displayed. (Local Government (Miscellaneous Provisions) Act 1976, Section 48(6)(a)).

8. IDENTIFICATION DISC

The identification disc supplied by the Council must be displayed on the windscreen of the vehicle.

9. IDENTIFICATION PANELS

There must be displayed on both rear offside and nearside passenger doors the Shepway District Council private hire vehicle identification panel bearing the private hire vehicle licence number.

10. CONVICTIONS

The proprietor must within seven days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the private hire vehicle's licence.

NOTE: Fixed Penalty Traffic Offences are not considered "convictions" and need not be reported unless resulting in drivers losing their DVLC licence.

11. COMPLIANCE

The responsibility for complying with these conditions unless otherwise stated shall be the proprietor's and driver's jointly and severally.

12. APPEALS

- (i) You may appeal against all or any of these conditions.
- (ii) Any appeal must be made within **21 DAYS** of receiving these conditions.
- (iii) Appeals must be made to the Magistrates' Court- you should contact the Clerk to the Justices, The Law Courts, Pencester Road, Dover, Kent, CT16 1BS.

Section 2

PART A. PROCEDURE FOR LICENSING OF DRIVERS

1. MAKING APPLICATION

First contact is normally with Licensing (01303-853366). The application process and CRB application will be explained. The applicant is then handed a copy of the knowledge test, told to telephone for an appointment to take the test (hackney carriage drivers only) and to bring their DVLC driving licence to that appointment.

2. THE KNOWLEDGE TEST

- (i) This test is oral containing approximately 230 questions to establish knowledge of The Trade, and general awareness of streets, hotels, clubs, public houses, etc., within the District.
- (ii) Time taken is about 90 minutes.
- (iii) The applicant will have failed the test if more than 6% of the questions are answered incorrectly.
- (iv) If the applicant has failed the test he/she will be invited for a second test for which no additional fee is required.

3. CRIMINAL RECORDS BUREAU DISCLOSURE APPLICATION FORM

The application form must be completed in full and all necessary documents provided. The fee for this must be paid to the Council before it is processed; this fee is then paid directly onto the CRB. The application and documents will then be checked and sent to the CRB. A licence cannot be issued until this report has been received back from the CRB and the contents do not prevent the issue of such a licence. Disclosures are required every two years upon relicensing.

4. ISSUING OF THE LICENCE

- (i) If all the above are satisfactory the following will be issued upon completion of the application and receipt of the licence fee:

The driver's badge, licence and a copy of the conditions.

5. BIENNIAL RELICENSING

- (i) Licences are renewed every two years upon expiry.
- (ii) Application for renewal should be made in the month prior to the expiry date. Late applications may result in driver's not being relicensed in time.
- (iii) A licence will be reissued if all details are satisfactory.

Section 2

PART B. HACKNEY CARRIAGE DRIVERS LICENCE CONDITIONS MADE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.

1. INTERPRETATION

- (i) In these conditions:
 - (a) "the Council" means the District Council of Shepway District Council
 - (b) "the Driver" means the person to whom the Council has granted the hackney carriage licence to which these conditions are attached.

2. APPEARANCE

- (i) The driver shall be clean and tidy in appearance.
- (ii) The driver shall at all times be dressed in a manner not to cause embarrassment to members of the public and in particular but without prejudice to the generality of the foregoing.
- (iii) Shall wear:
 - (a) long/short sleeved shirts and/or in the case of female drivers, blouses;
 - (b) long trousers and/or tailored shorts which reach the knees when the wearer is standing upright. In the case of female drivers, skirts and dresses of at least knee length;

(c) suitable footwear

(iv) Shall not wear:

(a) swimming costumes

(b) sleeveless vests

3. **CONVICTIONS**

The driver must within seven days disclose to the Council in writing details of any conviction imposed on him during the period of his licence.

4. **MEDICAL EXAMINATIONS (Ratified 7 October 1996)**

(i) All new applicants for a hackney carriage driver's licence must have a medical examination to Group II standards and produce the relevant medical certificate signed by a medical practitioner certifying that the applicant is fit to drive a hackney carriage.

(ii) After the initial medical examination, medical re-examinations to Group II standards will be required at the following frequency:

(a) up to 45 years of age- six-yearly;

(b) between 46 and 65 years of age- four-yearly;

(c) aged 65 onwards- yearly.

5. **APPEALS**

(i) You may appeal against all or any of these conditions.

(ii) Any appeal must be made within **21 DAYS** of receiving these conditions.

(iii) Appeals must be made to the Magistrates' Court – you should contact the Clerk to the Justices, The Law Courts, Pencester Road, Dover, Kent, CT18 1BS.

Section 2

PART C. BYELAWS MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1857 AND SECTION 171 OF THE PUBLIC HEALTH ACT 1875 SETTING OUT PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

5. The driver of a hackney carriage provided with a taximeter shall:
 - (a) when standing or plying for hire, keep the 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 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 the 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. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
 - (a) on arriving at a stand and 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;
 - (b) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manners as to be plainly visible.
13. 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.

PROVISIONS FOR FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES.

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council the rate or fare being calculated by distance unless the hirer expressed at the commencement of the hiring his desire to engage by time.

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

15.
 - (a) The proprietor or driver of a hackney carriage shall cause a statement of fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures;
 - (b) the proprietor of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not willfully 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.

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

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
 - (a) report the finding or handling to him of the property to a police station as soon as possible, and in any event within 48 hours if not sooner claimed by or on behalf of its owner;
 - (b) if not sooner claimed by or on behalf of its owner carry it as soon as possible and in any event not later than noon on the second day on which the Council

officers are open after the date on which the property is found or handed to him to the office of the Council and leave it in the custody of an employee of the Council on his giving a receipt for it;

- (c) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever is greater) but not more than five pounds.

18. PENALTIES

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

Section 2

PART D. PRIVATE HIRE VEHICLE DRIVER'S LICENCE CONDITIONS MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. INTERPRETATION

- (i) In these conditions:
 - (a) "the Council" means the District Council of Shepway District Council
 - (b) "the Director" means the Executive Director (Environment) for the time being of the Council
 - (c) "the Driver" means the person to whom the Council has granted the Private Hire Driver's Licence to which these conditions are attached.
 - (d) "the Inspector" means the Licensing Officer for the time being of the Council.
- (ii) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- (iii) Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

2. CONDUCT

- (i) The driver shall behave in a civil and orderly manner.
- (ii) The driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- (iii) The driver shall at all times when operating wear the badge provided by the Council in such a position and manner to be plainly visible.
- (iv) prompt attendance - The driver who has agreed 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 the vehicle at such appointed time and place.

3. NUMBER OF PASSENGERS

The driver shall not convey in the vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle.

4. CARRIAGE OF GUIDE, HEARING AND OTHER ASSISTANCE DOGS

The driver is required to carry in his licensed private hire vehicle guide, hearing and certain other assistance dogs accompanied by disabled people unless exemption is claimed and granted, and to do so without any additional charge. Other assistance dogs – trained by “dogs for the Disabled”, “Support Dogs” or “Canine Partners for Independence”, to assist a disabled person with a physical impairment. These dogs should be wearing a jacket with the name of the relevant charity.

5. LUGGAGE

- (i) The driver of a vehicle so constructed as to carry luggage shall, when requested by any person hiring the vehicle:
 - (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.

6. PROVISION SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTLY LEFT IN PRIVATE HIRE VEHICLES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

- (i) The proprietor or driver of a private hire vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
- (ii) The proprietor or driver of a private hire vehicle 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) report the finding or handing to him of the property to a police station as soon as possible, and in any event within 48 hours if not sooner claimed by or on behalf of its owner;
 - (b) if not sooner claimed by or on behalf of its owner carry it as soon as possible and in any event not later than noon on the second day on which the Council offices are open after the date on which the property is found or handed to him to the office of the Council and leave it in the custody of an employee of the Council on being given a receipt for it;

- (c) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds).

7. APPEARANCE

- (i) The driver shall be clean and tidy in appearance.
- (ii) The driver shall at all times be dressed in a manner not to cause embarrassment to members of the public and in particular but without prejudice to the generality of the foregoing.
- (iii) Shall wear:
 - (a) long/short sleeved shirts and/or in the case of female drivers, blouses;
 - (b) long trousers and/or tailored shorts which reach the knees when the wearer is standing upright. In the case of female drivers, skirts and dresses of at least knee length;
 - (c) suitable footwear.
- (iv) Shall not wear:
 - (a) swimming costumes;
 - (b) sleeveless vests.

8. CONVICTIONS

The driver must within seven days disclose to the Council in writing details of any conviction imposed on him during the period of his licence.

9. MEDICAL EXAMINATIONS (ratified 7 October 1996)

- (i) All new applicants for a private hire driver's licence must have a medical examination to Group II standards and produce the relevant medical certificate signed by a medical practitioner certifying that the applicant is fit to drive a private hire vehicle.
- (ii) All existing private hire drivers must have a medical examination to Group II standards and produce by 1 June 1998 the relevant medical certificate signed by a medical practitioner, certifying that the hackney carriage driver is fit to drive a private hire vehicle.
- (iii) After the initial medical examination, medical re-examinations to Group II standards will be required at the following frequency:
 - (a) up to 45 years of age – six-yearly;
 - (b) between 46 and 65 years of age – four-yearly;
 - (c) aged 65 onwards – yearly.

10. APPEALS

- (i) You may appeal against all or any of these conditions.
- (ii) Any appeal must be made within **21 DAYS** of receiving these conditions.
- (iii) Appeals must be made to the Magistrates' Court – you should contact the Clerk to the Justices, the Law Courts, Pencester Road, Dover, Kent, CT18 1BS.

APPENDIX 1

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS WHEN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES

GENERAL

1. Each case will be decided on its own merits.
2. A person with a conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for three to five years, according to the circumstances, before an application is entertained. However, persons with convictions for offences of a sexual or child-related nature or other very serious crime will not normally be issued with a licence.
3. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

MINOR TRAFFIC OFFENCES

Convictions for minor traffic offences, e.g., obstruction, waiting in a restricted street, speeding, etc., should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant driving licence then a hackney carriage or PGHV (Private Goods Hire Vehicle) licence may be granted after its restoration but a warning should be issued as to future conduct.

MAJOR TRAFFIC OFFENCES

An isolated conviction for reckless or dangerous driving or driving without due care and attention, etc., will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV (Private Hire Vehicle) drivers. More than one conviction for this type of offence within the last two years will merit refusal and no further application will be considered until a period of one to three years from convictions has elapsed.

DRUNKENESS

- (i) With Motor Vehicle - A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated

incident in the past will not necessarily debar an applicant but strict warnings will be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to an applicant's fitness to hold a licence. At least three years should elapse (after the restoration of the DVLC driving licence) before an applicant is considered for a licence. If the applicant is found to be an alcoholic, a period of five years should elapse after treatment is complete before a further licence application is considered.

- (ii) A driver found guilty of driving passengers for hire or reward whilst under the influence of drink will have his licence revoked immediately and be banned from holding a licence for a period of five years.
- (iii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (I) above). In some cases, a warning may be sufficient.

DRUGS

An applicant with a conviction for a drug-related offence should be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if he/she was an addict.

- (i) A driver convicted of driving passengers for hire or reward whilst under the influence of drugs will have his licence revoked immediately and be banned from holding a licence for a period of five years.

VIOLENCE

As hackney carriage and PHV drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

DISHONESTY

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers/ Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons, a serious view should be taken of any conviction involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

Section 3

LICENSING PRIVATE HIRE OPERATORS

PART A. PROCEDURE FOR LICENSING A PRIVATE HIRE OPERATOR

1. GENERAL

There are two types of operator. One is the individual with one or two cars – working from home with use of a telephone, the other is the company operator who operates a fleet. Both types of operator require licensing.

2. INDIVIDUAL OPERATOR

The individual must apply for a CRB disclosure in the same way as a driver.

3. THE COMPANY OPERATOR

- (i) Applicants should apply for a CRB disclosure in the same way as a driver.
- (ii) The applicant is required to provide proof of planning permission for the address where the business is to operate.
- (iii) The prospective premises will be inspected to ensure it complies with the following:
 - (a) clean, adequately heated, ventilated and lit, both for booking and waiting areas;
 - (b) waiting area must have adequate seating facilities.
- (iv) A licence cannot be issued until the results of the CRB disclosure have been returned and that the contents do not prevent the issue of such a licence.
- (v) If all the above are satisfactory the licence will be issued.

NOTE: The company operator must only utilise drivers with current private hire licences.

Section 3

PART B. PRIVATE HIRE VEHICLE OPERATOR'S LICENCE CONDITIONS MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. INTERPRETATION

- (i) In these conditions:
 - (a) "the Council" means the District Council of Shepway
 - (b) "the Operator" means the person to whom the Council has granted the Private Hire Vehicle Operator's Licence to which these conditions are attached.
- (ii) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

- (iii) Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

2. THE RECORDS TO BE KEPT BY THE OPERATOR

- (i) 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 suitable book or folder.
- (ii) The operator shall enter in the record book before the commencement of each journey, the following particulars for every booking of a private hire vehicle invited or accepted by him:-
 - (a) the time and date of the booking;
 - (b) the name and pick-up point of the hirer;
 - (c) the time and date of pick-up and call sign;
 - (d) how the booking was made (i.e., by telephone, personal call, etc.);
 - (e) the destination.
- (iii) The operator shall keep records of the particulars of all private hire vehicles operated by him, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call-sign used.
- (iv) The operator shall keep all records for a period of not less than three months following the date of the last entry.

3. THE 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:

- (i) ensure that when a private hire vehicle has been hired that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause;
- (ii) 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;
- (iii) ensure that any waiting area provided has adequate seating facilities.

4. PROVISIONS REGULATING SIGNS ON VEHICLES

- (i) The proprietor of a Private Hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the word "Taxi" or "Cab", whether in the singular or plural, or any word of similar meaning or appearance to either of those words, whether alone or as part of another word.

5. PROVISIONS REGULATING THE CONDUCT OF THE OPERATOR

- (i) The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness/condition of a vehicle or a complaint against the driver.
- (ii) The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of licence within seven days of such change taking place.
- (iii) The operator shall within seven days disclose to the Council in writing details of any convictions imposed on him (or if the operator is a company or partnership, on any of the directors or partners during the period of the licence).

5. APPEALS

- (i) You may appeal against all or any of these conditions.
- (ii) Any appeal must be made within **21 DAYS** of receiving these conditions.
- (iii) Appeals must be made to the Magistrates' Court – you should contact the Clerk to the Justices, The Law Courts, Pencester Road, Dover, Kent CT18 1BS.

Section 4 PROCEDURE FOR FARE INCREASES

1. Within seven days of receipt of a request for consideration of increases in fares from a member of the hackney carriage trade, the Council will circulate such a request to all hackney carriage proprietors for their views.
2. If the general consensus is in agreement with the request, the proposals will be submitted to the Licensing Committee for consideration and processed accordingly with the recommendations.