



# Brighton & Hove City Council

## **BLUE HANDBOOK FOR HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS 4th Edition**

**ANY AMENDMENTS, CHANGES OR ADDITIONS APPROVED AND ISSUED BY THE COUNCIL TO THIS HANDBOOK MUST BE ATTACHED TO THE INSIDE OF THIS COVER AND TREATED AS IF THEY ARE PART OF THE HANDBOOK.**

This edition was approved The Licensing Committee on the 19 November 2015.

Date of next complete review November 2018.

## **Hackney Carriage and Private Hire Handbook**

This handbook has been produced to give guidance to drivers, proprietors and operators of the above vehicles, and has been

### **Adopted as the policy document of the Council**

Any requirements of legislation that has effect on the operations being carried out under the terms of any licence granted should be regarded as if they are requirements of that licence. Wherever there appears in this Handbook a summary of any statutory provisions you are advised that such summary may not be exhaustive.

### **Information held on Drivers, Vehicles and Operators**

Any information held will be used for the purposes of licensing hackney carriage/private hire drivers and operators but it may be used for other Council purposes where this is permitted by law. The Council is registered under the Data Protection Act 1998 for these purposes. This Authority is under a duty to protect the public funds it administers. We may check information provided, or information provided by a third party, with other information held, such as Council Tax and Housing Benefit, to check the accuracy of information; to prevent or detect crime; and to protect public funds and in other ways permitted by law. The Council may also share this information with other public bodies administering public funds for these purposes, the Police, HM Revenue and Customs, UK Visas and Immigration, Department for Works and Pensions (DWP). These may include other government departments and other local authorities. Driver, Vehicle and Operator registers will be made public and appear on the Council's website. We will not disclose information about you to anyone, unless the law permits us to. The Council is the Data Controller for the purposes of the Data Protection Act 1998.

The Council may vary any or all of the conditions herein contained at any time

## **Part A**

### **1. Introduction**

Brighton & Hove City Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the boundaries of the borough of Brighton & Hove and recognises the important role that Hackney Carriages and Private Hire Vehicles and their driver's play in enabling people to travel around the borough whilst, playing a visible role in portraying the image of Brighton & Hove City Council to all.

Customers rightly expect that in using Hackney Carriages and Private Hire's they will be transported safely. In addition, it is in everyone's interest to ensure that customer experiences are positive. This will help to ensure that the industry and the local economy thrive.

This document contains the policy and related procedures that will guide the work of the licensing authority (the Council) in the way in which it carries out its functions. This document sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the council will have regard to this policy document. However each application or enforcement action will be considered on its own merits.

The Council will formally review the policy statement at least every three years and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

In addition to the statutory requirements a Council may attach to the grant of a licence such conditions as the Council considers reasonably necessary. However, the 1985 Transport Act specifically states 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 in the case of hackney carriages the numbers may be limited only if the Council can show there to be no significant unmet demand for this type of vehicle licence.

### **2. Definitions**

The Local Government (Miscellaneous Provisions) Act 1976, as amended, ("the 1976 Act") places on Brighton & Hove City Council (the "Council") as the Licensing Authority (the "Authority") the duty to carry out its licensing functions in respect of Hackney Carriages and private hire vehicles.

This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

This policy document applies to:

- Hackney Carriages; being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public
- Private hire vehicles: licensed as a taxi to carry no more than 8 passengers but must be booked in advance by customers through an operator and may not ply for hire in the street.
- Private hire operators

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
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include: the availability of Hackney Carriage and Private Hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at night. The Council will also follow the principles laid out in the statutory Regulator's Code and any recommendations from the Better Regulation Delivery Office.

### **3. Licensing objectives**

The Council will adopt and carry out its Hackney Carriage and private hire licensing functions with a view to promoting the following licensing objectives.

- The prevention of crime and disorder, safeguarding of children & the vulnerable and the protection of the public.
- The safety and health of the public and drivers.
- Vehicle safety, comfort and access.
- Encouraging environmental sustainability.

In promoting these licensing objectives, the council will expect to see licence holders and applicants continuously demonstrate that they can meet or exceed specifications set by the council in the four licensing objectives and will be taken into account by the Council when making decisions. It is recognised that the

licensing function is only one means of securing the delivery of these objectives. The Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the Police, local businesses and local people towards the promotion of the objectives.

### **3.1 The prevention of crime and disorder, safeguarding of children & the vulnerable and the protection of the public**

We cannot escape the consequences of child sexual exploitation. There have been too many cases of this having happened involving a small minority of drivers for it to be anything other than a primary responsibility of the licencing authority.

Whether it is a standalone issue or as here under the wider protection of children and prevention of crime, the duty to protect children from child sexual exploitation is undeniable and of paramount consideration.

What this will mean in a practical sense is that where there is even a suggestion of this happening, it will be treated as major investigation on behalf of the licencing authority. This may mean that enforcement action is taken, even where the evidence has not been tested in any other arena and provided it comes above more than mere rumour or innuendo, will in most cases lead to prevention of the licenced person from driving.

We recognise that the majority of drivers and operators will be equally alarmed that this has happened within their profession and we welcome the co-operation we are seeing from them in terms of reporting concerns that they have. Contact details and reporting processes have been circulated and we would ask that all drivers and operators report their concerns in the knowledge that even one piece of information may well be the key to preventing or ceasing abuse of children.

The duty does not end with children but applies with equal significance to vulnerable adults.

The following are vitally important functions of the authority:

- The prevention of crime and disorder.
- Safeguarding of children.
- Safeguarding of vulnerable adults.
- Protection of the Public.

The last covers a wide range of duties, from vehicle safety to safe driving. Protection of the public must be taken in its widest context and so issues such as domestic violence and other inter family abuse are factors which are being

considered as part of this duty. These problems while seemingly not of relevance to a fee paying public, does demonstrate on the part of the perpetrator an inability to control behaviour appropriately. Whether violence is directed against an adult or child it is a demonstrable loss of control. Where children and vulnerable adults are concerned it is clearly a safeguarding issue.

Other issues of relevance:

- Operating rules, conditions and disciplinary procedures.
- Vetting, qualification, training and monitoring licences. This is of particular importance. This will include consideration of a range of factors, such as cautions, convictions, other Court orders made to control behaviour and even where appropriate looking at somebodies social media profile. We will also make checks with colleagues in other local authority teams notably both child and adult social services.
- Omitting to work with the Police and the licencing authority.

The correct test as set out in the legislation is whether the driver is a fit and proper person. An alternate view could be as follows:

Would you allow your son or daughter, spouse or partner, mother or father grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?

We also note a further test of “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes.

These tests provide the outline for the matters to be taken into account when deciding upon the suitability of a driver. Where it comes to the question of child sexual exploitation, then due to the damage caused the balance will always be in favour of child (and vulnerable adult) protection and every decision will be made with the safety of the vulnerable foremost in the decision makers mind. While every case will be decided on its own merits, the normal practice will be to be protective of people potentially at risk

### **3.2 The safety and health of the public and drivers**

This builds upon the factors above, but widens it out to include other issues of concern to the public.

- While the main role of the authority is to keep the public safe, we are also concerned about ensuring drivers are as safe as possible.

- Driver training qualification and performance, will all be looked at and reviewed. We welcome an ongoing dialogue with the drivers and operators to provide the best service we can – we have some of the most highly qualified drivers in the Country which we are proud of and hope to build on.
- Knowledge of the city.
- Health and fitness to fulfil the role, including regular health checks.
- Working between the groups on crime prevention measures.
- Measures to prevent noise, odour and light nuisance from Hackney Carriage and Private Hire activities.
- Vehicle specifications
- Safety at ranks for drivers and passengers.

### **3.3 Vehicle safety, comfort and access**

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Number of vehicles available.
- Provision for the aged and the young.
- Provision of safe and comfortable premises for customers to use.

### **3.4 Encouraging environmental sustainability**

Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not permitting licences for vehicles that are unable to comply with Euro Technology requirements

## **4. Code of Conduct When Working with Vulnerable Passengers**

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example.

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers should carry photo ID at all times, and wear it in accordance with the conditions of licence.
- The driver/operator must confirm that appropriate provision has been

- made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however they should check that they are in place.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, you should obtain a record of the carer's contact details if there is no chaperone.
  - If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
  - Always ask if a vulnerable passenger needs help, do not assume.
  - Drivers should remain professional at all times and should not:
    - Touch a vulnerable person inappropriately
    - Make offensive or inappropriate comments (such as the use of swearing or sexualized or discriminatory language)
    - Behave in a way that may make a vulnerable passenger feel intimidated or threatened
    - Attempt to misuse personal details obtained via the business about a vulnerable person
  - A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.
  - If you are concerned about the safety, welfare or behavior of a vulnerable person, you should report this to the police by telephoning 101 (or in appropriate cases by calling 999)
  - If you are concerned about someone else's conduct, you should report your concerns to the council's licensing department (01273 294429), The Police (101) or Crimestoppers (0800555111).

##### **5. Hackney Carriage and Private Hire - Safeguarding children and vulnerable people, Human Trafficking and Child Sexual Exploitation**

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited. We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help. Here is some information devoted to helping you as a license holder or applicant to be aware of those who may be vulnerable or being exploited.

However, there is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this information will assist you in being able to identify those at risk, how to protect those who may be

vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

### **5.1 What You Can Do To Help Those At Risk**

By following the Good Safeguarding Practices below according to your business model you will be helping to protect those who are vulnerable and / or being exploited. We need your help to bring to justice those who commit these crimes.

- If your business allows check at the point of booking if there are any vulnerability issues. This will allow you to prepare for the journey in the right way.
- Ask the person booking if an escort for the vulnerable passenger is required and if they are providing one.
- If necessary let your head office know (or keep a record) of the time you picked up the vulnerable passenger, the time and place you dropped them off and especially if there was any incident or anything significant occurred on the journey.
- If you refuse to take a passenger inform someone that you can't take them so they can deal with the person another way (e.g. hospital staff; family; security staff if a club/pub)
- Record incidents and refusals
- Be professional - try not to be over-friendly or talk about personal or intimate issues, don't exchange personal contact information such as passenger's telephone numbers or Facebook address.
- Avoid swearing or aggressive behaviour.
- Do not touch passengers.
- Never accept an offer of a sexual favour instead of payment.
- Make sure you are wearing ID, (your licence badge)
- Sit lone passengers in the back unless otherwise agreed.
- Ask or explain to passengers if using a centralised locking system - don't just put it on without an explanation.
- DON'T ASSUME that your passenger wants help - ALWAYS ASK
- Never follow a passenger into the house unless previously agreed / properly authorised
- ASK before making a journey shorter by going off the main roads/using isolated country roads, explain and give the passenger (or person booking) a choice of route.
- NEVER set off with a passenger without a specific destination address unless you are sure it is safe to do so
- NEVER double up passengers on a journey – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger
- If you think the passenger is afraid, offer to ring head office to tell them you have a passenger named XXXX with you and give the address and

- approximate time of arrival; this reassures the person that they are safe and someone is monitoring the trip.
- As with all professions if you are concerned about another driver's conduct report your concerns to your manager or the relevant agency.
  - Organisations should have a lead member of staff for safeguarding; this person should be able to advise colleagues about how to manage vulnerable passengers and any incidents arising.
  - ALWAYS KEEP A RECORD either in your cab or at head office, of ANY incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passenger safe.

## **5.2 Who To Contact**

If you think you may be carrying someone who is vulnerable and / or the victim of exploitation: Phone 999: Call the Police emergency number if you believe that the risk is imminent / assault happened or likely to. Alternatively record and report concerns to the Police by calling 101, Crimestoppers 0800555111 or Anonymously Online

<https://crimestoppers-uk.org/give-information/give-information-online/>

The safeguarding services if a child or vulnerable adult is involved: Multi-Agency Safeguarding Hub (MASH) on 01273 290400 or [MASH@brighton-hove.gcsx.gov.uk](mailto:MASH@brighton-hove.gcsx.gov.uk).

## **Part B**

### **6. Advice to Drivers**

Within the Conditions of the grant of your licence you are responsible for various items, some of which may be checked by various Officers on demand.

These include;

Only a Licensed driver may drive a licensed vehicle at any time.

Do not use anyone to tout for you.

Do not tout for hire.

Check your operator is licensed.

Never stop for flag down (Private Hire vehicle only).

Keep vehicle clean inside and out.

Ensure vehicle complies with law.

Control language on radio.

Ensure vehicle is insured. Report any convictions.

Report any change of address.

Always check destination.

Report any found property.

Use your radio call sign properly.

Assist with any request from Sussex Police.

Attend at Licensing Office if called.  
Keep Records of Bookings.  
Ensure vehicle signs correct.  
Keep copy of valid insurance  
Undertake Medical if required.  
Produce any Licence if required.  
Only drive licensed vehicles.  
Wear I.D. badge at all times.  
Display I.D. badge in vehicle.  
Ensure children wear seat belts and advise adults.  
Comply with Disclosure and Barring Service requirements.  
Never exceed number of passengers on Plate regardless of age.  
Check car after every journey for lost property.  
Do not accept immediate hiring for private hire.  
Report any change of Medical Fitness and attend for a medical if required.  
Give reasonable assistance with luggage.  
Produce any documents required by operator for checking.  
Driver, Vehicle and Operator MUST all be licensed in 'Brighton & Hove.

Remember;  
Passengers hire the vehicle with the services of the driver and he should;

- a) Not use the horn to make passengers aware of his arrival.
- b) Not cause distress, by loud radio use, to passengers or others.

### **Important.**

The courts have clearly stated that a driver must only drive for an operator licensed with that same district as their vehicle and driver licence, so all three licences, (driver, vehicle and operator) must be issued by the same council. Failure to comply with certain items above can lead to arrest and a fine of up to £2,500. The above list is for advice only and is not exhaustive.

### **7. Duties to assist passengers in wheelchairs.**

Sections 165, 166 and 167 of the Equality Act 2010 deal with the imposition of duties on the drivers of wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs. The duties which had been contained in the Disability Discrimination Act 1995 had never been brought into force so when the duties are actually brought into force – at a later date - it will constitute a substantive change in the law.

**7.1 The duties** - Section 165 places duties on drivers of designated wheelchair accessible taxis and private hire vehicles. Designated vehicles are those listed by the licensing authority under section 167 (see Designated Vehicles (above)).

The duties are:

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

NB Mobility assistance is assistance -

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

**7.2 Exemptions from the duties** - Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

## **8. Advice to drivers when carrying disabled passengers**

Brighton and Hove City Council are subject to duties under the Equalities Act 2010 which includes the duties to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

In relation to the Hackney and Private Hire as the licensing authority we are wishing to ensure that the needs and requirements of those with a disability are being acknowledged and met.

Primary issues for the Council to take note of are:

- Mobility – this is being addressed by the introduction of wheelchair accessible cabs. It is noted that certain service users who may have mobility issues still prefer old style saloon cars. The trade should be able to respond as appropriate where a particular type is requested.
- Visual impairment - drivers to be aware that greater assistance will be required. As per the detail already included in this document.
- Hearing impaired – note should be taken that those with hearing difficulties should wherever possible be provided with a text service.
- Awareness of those with mental health issues.

- Awareness of those with learning disabilities.
- Training for drivers on disability awareness for instance not assuming that because someone is slurring speech that they are drunk as opposed to having neurological disorder.

Taxis are an important, and sometimes the only means of transportation for many disabled people

It is important to remember that disabilities are not always visible. It may not be immediately obvious to you that the person has a disability or special requirements. Physical access for people who use wheelchairs is obviously important but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by disabled people is very important.

Vehicles, streets, the built environment and your operating practices, can all provide obstacles for disabled people. Never make assumptions, always ask what help (if any) a passenger may need from you. You must ensure that you are familiar with any access and safety equipment in your vehicle which will be inspected periodically. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist.

The following is some basic advice to assist you in giving the best service to your passenger.

### **8.1 Wheelchair Users**

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Make sure that the brakes of the wheelchair are on during the journey.
- Secure the wheelchair with clamps or straps and suggest that the passenger uses the seat belt provided. You may also need to assist them with the seat belt.
- Avoid sudden braking or acceleration. Be careful when going over speed humps etc.
- Ensure that they travel forwards or backwards and never travel sideways in the vehicle.

Consider asking the passenger to move to a safer or more accessible pick-up/drop-off point nearby.

These are important safety rules that apply to all wheelchair users whether manual or powered wheelchairs and you will need to carry out your own risk

assessment to decide if it is safe to load and unload the passenger safely and whether you can do it on your own or need assistance from another driver. If you do need assistance the passenger will need to pay for both vehicles.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

## **8.2 Ambulant Disabled people**

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

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.
- If you have used a swivel seat, (as in purpose built London type hackney carriage vehicles) make sure it is locked back in position once inside the vehicle.

## **8.3 Blind or partially sighted Passengers**

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

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab.
- If you are knowingly collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping you just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.

- If possible, place a visually impaired person's hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.
- Tell passenger(s) the fare and count out the change.
- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs and other assistance dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry an assistance dog without a medical exception is an offence under the Equality Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

#### **8.4 Hearing Impaired Passengers**

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face.
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing.
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going.

#### **8.5 People with learning disabilities**

In Brighton & Hove there is a scheme called Thumbs Up which includes ten tips for good customer service to people with learning disabilities.

This is what you should be doing:

- Listen to what the person is saying
- Give the person extra time
- Use plain English that avoids jargon
- Use pictures as well as writing
- If the person has a carer, talk to the person rather than the carer
- If the person asks for help, show them as well as tell them
- Not ignore bullying – Do your best to help if you think someone is being bullied

- Offer good customer services – If you notice someone may need extra help, offer it. For example with shopping bags and making sure the person is safely inside their destination will always be appreciated. People with learning disabilities may also require assistance understanding money
- Offer help with access if we think someone needs it
- Do your best to make your service accessible to people

## **8.6 Maintenance of Vehicles**

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

### **Guidelines relating to the relevance of Cautions and Convictions, Criminal Behavioral Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court Judgments and Fixed Penalty Notices when determining applications for Hackney Carriage and Private Hire Licences.**

**9.** The council is empowered in law to check for the existence and content of any criminal record held in respect of an applicant for a hackney carriage or private hire vehicle, driver or operator licence so when submitting an application for such a licence an applicant is required to declare all convictions (whether or not spent), Cautions, Conditional Cautions, Community Resolutions, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related), they have recorded against them, and any pending proceedings.

**Note:** Failing to disclose cautions / convictions or any of the above will be regarded as a serious breach of the terms of the license and action will normally take place. An applicant's failure to disclose any of the above will be taken into consideration when assessing their propriety to become a licensed driver.

As the idea of what "Fit and Proper" means, has not been defined, it will be at the officers discretion to decide what is relevant information and from what source it can be obtained. To be relevant, evidence has to be more than mere suspicion or innuendo. Public protection is an important function and as such all information that may mean that a person or persons are not fit and proper will be considered.

Where there are aggravating factors such as hate crime (homophobia; racism and so on), this will be taken into account.

In making its decision the council will consider the nature of the information, its own guidelines on the relevance of Cautions, Convictions, Conditional Cautions, Community Resolutions Anti-Social Behaviour Orders, Criminal Behaviour

Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court Judgments and Fixed Penalty Notices (personally or business related), in the licensing process and any other factors which may be relevant. These guidelines will also be taken into account in relation to renewal applications, and decisions to suspend, revoke or not to renew a licence.

- 9.1** Each case will be decided on its own merits with the overriding objective of protecting the public.
- 9.2** A person with a conviction for a crime need not be permanently barred from obtaining a licence but should be expected to remain free of any conviction for, at least 3 to 5 years, before any application is entertained. The nature of the offence will be taken into account when deciding on the period that they should be offence free. However, persons with convictions for sexual offences of any nature or any offences related to children, vulnerable adults or other serious crime will not normally be issued with a licence. Persons subject to pending proceedings for such offences will be properly investigated and if appropriate will have any licence suspended pending the outcome of the hearing of the case at court. If they are subsequently convicted then the matter will be reviewed again.
- 9.3** Some discretion may be appropriate if the serious offence is historic, isolated and there are exceptional mitigating circumstances. However, as stated above, the overriding consideration must be the protection of the public.
- 9.4** Hackney carriage and private hire drivers are classed as 'regulated occupations' by the Rehabilitation of Offenders Act 1974 (exemption order as amended) which means that the Rehabilitation of Offenders Act 1974 does not apply to them (and thus their convictions are never spent). Furthermore, in respect of applications or renewals for Hackney Carriage Proprietor or Private Hire Operators Licences, the Council as a judicial authority under the Rehabilitation of Offenders Act 1974 may take into account spent convictions involving serious offences, (e.g. Death by Dangerous Driving, Drug Offences, Offences of Violence, Sexual offences, Dishonesty Offences or offences of an habitual nature).
- 9.5** Cautions require an admission of guilt and are never spent. The Council must therefore treat a caution as an admission of guilt and cannot be required to go behind the decision of the police or enforcing body. The age and gravity of the offence for which the caution has been accepted be taken into account as for convictions.
- 9.6** Fixed penalty notices and Community Resolutions are now used in relation to a range of offences and they will be taken into consideration depending upon their number, the nature of the offence and all the circumstances including the applicant's lack of compliance.
- 9.7** Civil actions including injunctions are also a relevant factor where it has an impact on the driver being fit and proper. These will be assessed on a case by case basis.

## **9.8 Note: Suspension and Revocation**

The authority has the power to use its discretion to suspend or revoke or refuse to renew a drivers' licence depending on the seriousness of any established misbehaviour. Since the 2012 case of Singh v Cardiff City Council it has been ruled that an Authority cannot impose an interim suspension so the decision to suspend, revoke or refuse to renew must be a final one made after a considered determination of all the facts in a particular case. This will include the driver having an opportunity to put their case in person to an officer in the spirit of natural justice.

Fresh case law and or government guidance may change this position.

## **9.9 Immediate Suspension**

The Council in determining its powers of immediate suspension or immediate revocation, will consider each case according to its merits. Where, after investigation, it is satisfied that the interests of public safety require such a course of action or an offence is committed of such a serious nature as to warrant such action, the decision will normally be to suspend or revoke with immediate effect. For the purpose of these guidelines, cautions will be treated as convictions.

## **9.10 Police Bail**

Hackney Carriage and Private Hire Drivers are expected to adhere to this Policy's definition of "fit & proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on Bail, depending upon the nature of the alleged offence, can expect action to be a possibility. Where Suspension is put in place, normally the suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts. The matter will then be reviewed.

## **9.11 Police Recommendation**

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect action by the Director of Public Health. Any suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts

### **9.12 Offences or allegations involving an element of sexual exploitation or violence against children or vulnerable persons**

Except in the most exceptional of cases an existing driver or applicant that is charged, cautioned or convicted of offences that fall into the above category will have his/her licence suspended, revoked, refused or not renewed

### **9.13 Child Protection and Safeguarding**

When considering whether an applicant or driver is fit and proper and moreover what risk the driver presents to others, the authority will take into consideration all information that represents more than gossip, speculation and unsubstantiated innuendo.

In making its enquiries the authority will rely on all relevant information provided by other departments of the council. This will include information provided by Children's Services and the Local Authority Designated Officer (LADO) responsible for child protection. Issues raised on any DBS check will also be pursued and may be relevant evidence even where no charge follows. Enquiries will be made of the Police.

Where the authority has reasonable cause for concern based on the information from these and other relevant sources it will act appropriately to safeguard children and young persons. As the prevention of child sexual abuse is such an important issue, there will be a presumption in favour of protective measures. This also extends to other vulnerable groups who may be at risk of exploitation such as vulnerable adults. This may mean that based on this information an applicant will not be allowed to proceed or an existing driver may have his/her licence suspended, revoked or not renewed.

### **9.14 Drugs**

An applicant or existing driver with a caution / conviction for a drug related offence should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained or a minimum of three years after detoxification treatment if applicant was drug dependent. Where there is evidence of prohibited drug use the applicant or existing driver will be expected to produce medical evidence to confirm to the Council's satisfaction that they are free of illegal substances. The Council reserves the option to seek its own expert medical evidence where necessary.

### **9.15 Violence**

As hackney carriage and private hire drivers maintain close contact with the public, a grave view will be taken with applicants who have cautions / convictions for grievous bodily harm, wounding, assault causing ABH, assault PC or common

assault. Dependent on the nature of the assault a minimum of three years free of cautions / convictions should be shown before an application is entertained and even then a strict warning will be administered. An existing licence holder could expect his licence to be suspended or revoked if convicted of these offences. The same applies where evidence of violent behaviour has been adduced before the civil courts.

### **9.16 Criminal Damage**

As this offence covers a wide range of behaviours each case will be judged on its own merits. A serious view will be taken if the offence involves deliberate fire setting, the offence was committed in a group, the damage caused was of high value or the offence had a clear racial/ religious or homophobic motivation. An applicant with this type of more serious conviction/caution should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained. Existing drivers convicted or cautioned for these types of serious criminal damage offences could normally expect to have their licence revoked.

### **9.17 Dishonesty**

Licence holders are expected to be person of trust. The widespread practice of deliveries for companies, taking children to school and families on holiday shows this trust. It is easy for dishonest drivers to defraud foreign visitors when giving change, or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. For these reasons a serious view will be taken of any cautions / convictions involving dishonesty. In general, a period of at least three years free of any cautions / convictions will be required before entertaining an application for a hackney carriage or private hire drivers licence by the Council. Any existing driver convicted of offences involving dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a hackney carriage or private hire driver's licence for three year period at minimum after conviction. The same applies where evidence of dishonest behaviour is adduced before the civil courts.

### **9.18 Discrimination / Hate Offences**

An applicant with a caution / conviction or legal findings against them in the civil courts for a discrimination related offence should be required to show a period of at least three years free of any caution / convictions before any application is entertained.

### **9.19 Minor Road Traffic Offences**

Isolated convictions or fixed penalty notices for minor traffic offences should not prevent a person from proceeding with an application. Any new applicant must

have held a full drivers licence as issued by DVLA for a period of twelve months without any period of suspension during those twelve months. Licence holders convicted during the period of licence of such an offence may be warned as to future conduct, and that any disqualification from holding a full DVLA licence will lead to revocation of any hackney carriage or private hire licence held with the Council.

## **9.20 Major Road Traffic Offences**

Where there is an isolated historic conviction for reckless driving, dangerous driving or driving without due care and attention and similar offences, these will merit for new applicants at least a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers. However, for applicants with more serious offences such as convictions for causing death by dangerous/careless driving a licence will not normally be granted. Existing drivers can expect their licence to be revoked and no further application will normally be considered until a period of at least three years free from convictions has elapsed.

## **9.21 Drunkenness.**

### **9.21.1 with a motor vehicle.**

A serious view will be taken of cautions / convictions for driving or being in charge of a vehicle whilst under the influence of drink or failing to provide an evidential specimen. An isolated and historic incident will not necessarily debar an applicant provided they have been at least three years free of cautions / convictions after the restoration of their full DVLA licence but strict warnings will be given as to future behaviour. More than one caution / conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire drivers' licence. At least one year should elapse (after the restoration of the full DVLA driving licence), before an applicant is considered for a hackney carriage or private hire driver's licence. If the applicant is found to be alcohol dependent a minimum period of five years should elapse after treatment is completed before a licence application is considered.

**9.21.2** A driver found guilty of driving passengers for hire and reward whilst under the influence of alcohol will normally have his hackney carriage or private hire drivers licence revoked immediately and be banned from holding a hackney carriage or private hire drivers licence with the Council for a minimum period of three years after the restoration of their full DVLA licence

### **9.21.3 Drunk but not in a motor vehicle.**

An isolated caution / conviction for drunkenness need not debar an applicant from obtaining a licence, however, a number of cautions / convictions for drunkenness could indicate alcohol dependency necessitating a medical examination, (see 9.14. above).

## **9.22 Insurance Offences**

### **9.22.1 with a motor vehicle.**

A serious view will be taken of any caution / convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily debar an applicant provided he has been three years free of any caution / conviction, but strict warning will be given as to future behaviour. More than one caution / conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire licence.

**9.22.2** A driver found guilty of driving passengers for hire and reward whilst without insurance will normally have his hackney carriage or private hire driver's licence revoked immediately and be banned from holding a hackney carriage or private hire driver's licence with the Council for a minimum of five years.

**9.22.3** Any applicant with three insurance offences or more will not normally be considered fit and proper to hold a hackney carriage or private hire licence with the Council.

## **9.23 Breaches of Licensing Conditions, other Local Authority Offences and Fire Authority Offences**

Isolated convictions / cautions for breach of licensing conditions or other local authority offences should not prevent a person from proceeding with an application but these offences may be considered when determining if an applicant should be granted a licence. Licence holders committing offences during the period of licence may be warned as to future conduct and may lead to revocation of any hackney carriage or private hire licence held with the Council.

## **9.24 Criminal Behaviour Orders / Injunctions or any other order under the Anti-Social Behaviour and Policing Act 2014**

Criminal Behaviour Orders / Injunctions to prevent nuisance and annoyance during their current term or within three years of their final date should not prevent any person from proceeding with an application, but it will be considered, taking into account all the circumstances, and severity of the behaviour, when determining if an applicant should be granted a licence.

## **9.25 County/High Court Injunctions**

Any Court injunction and / or order relating to anti-social behaviour especially those for harassment or violence (including domestic violence) within the last three years should not prevent any applicant from proceeding with an application, but will be considered when determining if an applicant should be granted a licence, taking into consideration the nature and severity of the behaviour and all relevant circumstances.

## **9.26 Scanners**

Anyone convicted of the use of a radio scanner will normally be banned from holding any licence for a minimum of a five-year period.

## **9.27 Notes**

Any information disclosed to the Council will be kept in strict confidence and will only be taken into account in relation to the application and will be retained no longer than necessary. It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence, punishable by up to seven years imprisonment upon conviction.

## **10. Procedure for Licensing Hackney Carriage and Private Hire Drivers.**

**This section relates specifically to driver conduct.**

**10.1 Any driver must be a fit and proper person. It is not possible to give a precise definition of what this is, but at its heart is keeping passengers safe and free from risk. It is the responsibility of the applicant to satisfy the council that they are fit and proper and that they are safe and suitable to hold a licence.**

The Council must ensure that applicants / licence holders are and remain fit and proper to hold a licence. In assessing whether someone may be fit and proper the Council will take into account the following, and not exclusively, information in to account:

- Criminality
- Good Character
- Human Rights
- Period of holding a driver's licence
- Number of endorsed driving penalty points
- Right to work
- Medical fitness
- Enhanced driver Competence
- Geographical knowledge of the area
- Professional Qualifications (Btec/NVQ)
- Disability Awareness
- Spoken English

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

Brighton & Hove City Council condemns all incidents of harassment whether racist, religiously motivated, homophobic, transphobic or due to gender or disability, whether perpetrated by Council staff, employees, agents, third parties or those involved in providing licensed taxi service whether hackney or private hire. If incidents are reported to the Council they will be investigated and where warranted enforcement action taken against the perpetrator. It is clear under the law that if the matter was to go to Court on appeal then these allegations can and should be put before the Court to help it decide whether the driver or operator is a fit and proper person.

## **10.2 Criminal Cautions / Convictions**

As the correct test is that a driver must be a fit and proper person – we take into account a range of issues which might bring this in to question. The rehabilitation of offenders provisions do not always apply and spent convictions can be taken into account if they are relevant and serious. Cautions although generally perceived be lower level will for the purposes of a driver license be relevant and taken in to account.

Failing to disclose cautions convictions or any of the issues below will be regarded as a serious breach of the terms of the license and action will normally take place. The list of issues of concern are:

- Criminal convictions.
- Cautions.
- Community resolutions.
- Anti-social behavior orders
- Criminal Behavioral Orders
- County Court injunctions relating to behavior.
- High Court injunctions relating to behavior.
- Fixed penalty notices (personally or business related).
- Motoring convictions and penalty notices.

In all cases the licence holder must within 3 days disclose to the Council the details of any of the above imposed upon him or her or where their drivers are using their hackney carriage the details of their driver. This covers the period they hold a licence of any kind. In the case of a new application this covers the period leading up to the application.

## **10.3 Hiding information / evidence**

Any attempt to hide information - such as turning off CCTV during an incident, will be regarded as a serious matter and the driver will have to establish a valid reason why this happened. The Council can and will draw an adverse inference from any such action.

#### **10.4. Making Application**

All applicants are advised to avoid errors in completing an application and they collect the papers required from the Hackney Carriage Office, at that time they will receive an explanation as to the requirements.

Prior to issue of a licence the following will be required;

- 10.5** All applicants must be able to provide a full 5 years UK address history for their Disclosure and Barring Check (DBS). Applicants who have resided outside the UK for all or any part of the 5 years, prior to the date of application will be required to submit official written confirmation of their good character, from the country(s) in which they have lived during that 5 year period. This information will need to be translated into English if necessary and verified as accurate and reliable by the country(s) corresponding Embassy(s) in London.
- 10.6** The Disclosure and Barring Service (DBS) form must be completed by the driver and checked and forwarded to the DBS by the Hackney Carriage Office. The driver will also have to provide a copy of the DBS Certificate to the Authorised Officer on issue. In the case of renewals the Certificate must be less than 3 years old from date of issue unless the driver has signed up to the online checking service. Failure to provide a current certificate will lead to delay in any new application.
- 10.7** Applicants will be required to produce a birth certificate and / or passport to show date and place of birth, on initial application only
- 10.8** The applicant will be required to produce a full current driving licence for the correct group as required for driving a hackney carriage or private hire vehicle as issued by the DVLA and must have been held for at least 3 years. This includes the 2 year probationary DVLA driving licence period and 1 year post probationary period. EEA licences must be converted to a UK DVLA licence before application is made.
- 10.9** The application form must be completed and all questions must be fully answered.
- 10.10** References will be written for from the names provided. These must be persons of some standing in the community, and should normally include your current employer. A future employer, relations or friends are not acceptable. References are only required on initial application.
- 10.11** A colour passport photograph must be provided for initial applications (one on subsequent applications to renew a current licence); these are used for positive identification on references, for the issue of I.D. badges to successful applicants and for office records.
- 10.12** A medical certificate in the form supplied by the Council, from the applicants own general medical practitioner on initial application, one at age 45, 50, 55, 60, 65 and annually thereafter, or at any time as required by the Council. All medicals are to be to the standard required for vocational licences Group 2 as described on the DVLA web site under the heading 'At a glance Guide to the current Medical Standards of Fitness to

- Drive' and each case will be considered on its own merits.
- 10.13** All applicants must in addition to the above have passed the BTEC Level 2 Certificate in Introduction to the Role of the professional Taxis and Private Hire Driver (QCF) (or equivalent award as decided by the Director) and have undertaken and passed the Driver & Vehicle Standards Agency (DVSA) Taxi Drivers Test or Private Hire Drivers Test and produce the necessary pass certificate before undertaking a knowledge test.
  - 10.14** From 1<sup>st</sup> April 2016 drivers of wheelchair accessible vehicles must have passed the Driver & Vehicle Standards Agency (DVSA) taxis wheelchair exercise test or the Catstream Drivers Disability Awareness Training before renewal of licence every 3 years.
  - 10.15** All applicants must have an adequate knowledge of both written and spoken English and must show proof of competency by means of relevant certificate/ qualification at the time of submitting application. For example GCSE English Examination Certificate or a ESOL English: Entry Level 2 Certificate from a Language School etc. If officers are not satisfied with the standard of spoken or written English language a further certificate of competency from an English Language School before an application will be considered further.
  - 10.16** No licence will be issued unless all information has been supplied. An invoice will be raised on application and must be paid within 30 days or any licence will be revoked.
  - 10.17** When all above items are in hand, the applicant will, when ready, be invited to undertake a knowledge test of the area and a routes test. The Route test must be passed within 8 weeks of the first knowledge test. Subject to the applicant achieving a satisfactory standard and the fee being paid then an appropriate licence will be granted and I.D. badges issued.
  - 10.18** Anyone failing the knowledge test or routes test will be invited to retake the test at a later date. An additional fee is due for each test undertaken.
  - 10.19** The Council reserves the right to require any applicant to provide additional Disclosure and Barring Service forms or full medical forms if they have reason to believe that changes have taken place since the original application.
  - 10.20** Any application not completed within 6 months will be considered as null and void and all new information will need to be submitted. No refund of fees paid will be made.
  - 10.21** In all cases sight of a passport will be required or other document as required by the Council.

## **11. Annual re-licensing of drivers**

- 11.1** Drivers will be required to comply with those conditions for initial application above in section 10.5 to 10.21 with the exceptions of 10.10, 10.13, 10.15, 10.17, 10.18, and 10.21.
- 11.2** Drivers are required to undergo annual competence training as required

- by the Director of Public Health and are to produce a Certificate of Professional Competence at renewal.
- 11.3** In cases where a medical condition of the applicant needs to be referred to the Council's Medical Consultant, a licence will not normally be renewed until a satisfactory report is received from the Council's Medical Consultant.
- 11.4** Hackney Carriage and Private Hire Driver Licences are normally issued for a period of three years from the date of commencement of the licence. Licences may be granted for a lesser period depending on the circumstances of an individual case.
- 11.5** All applications for renewal should be made a minimum of three weeks prior to expiry date with all papers required complete at time of application to enable any checks of official records to be made prior to the issue of a new licence. Note: you are advised to apply for your DBS at least 8 weeks in advance of this.
- 11.6** Any licence not renewed on or before renewal date will be deemed to be a new application and not a renewal of an existing licence other than, where the application is delayed by no more than 3 days and a clear explanation for the delay is provided. Beyond the expiry of 3 days after the renewal date it will only be in exceptional circumstances that the Council will consider the application to renew as anything other than a new application.
- Any driver that has failed to renew their licence is not entitled to drive for the period that the renewal application is pending as technically the licence has expired.
- 11.7** Any incomplete applications will be returned to the applicant and not be processed until application is resubmitted with all details and papers as required.
- 11.8** Where an invoice for a licence is not paid the original application will be deemed invalid and the licence revoked.
- 11.9** Any new and existing Brighton & Hove hackney carriage or private hire driver who accrues more than seven penalty points on his or her UK driver's licence within a one year period will be required to undertake and obtain a pass certificate for the hackney carriage / private hire taxi assessment test from the Driver & Vehicle Standards Agency (DVSA) within a period of one year from the date of the last conviction or fixed penalty endorsement before their driver's licence will be renewed.
- 11.10** The Director of Public Health has delegated powers to require at his discretion any Brighton & Hove licensed hackney carriage or private hire driver to undertake and pass the Driver & Vehicle Standards Agency (DVSA) hackney carriage / private hire driver taxi test within a period of one year or shorter period from being required to do so.
- 11.11** Any driver disqualified by a court under the totting up procedure or otherwise will be required to apply as a new applicant following at least one year from restoration of their DVLA licence.

## **12. Driver Badges**

The drivers badge issued by the Council must be worn in such position that it can be clearly seen at all times. The second badge is to be displayed clearly in the vehicle. The badges remain the property of the Council.

## **13. Complaints**

Any driver against whom a complaint is laid will attend at the office of the authorised officer, within one working day to answer such complaint, after having been informed of such requirement to attend.

## **14. Inspection of driver records**

Any driver called for inspection must attend with any documents requested; failure to do so may lead to suspension or revocation of licence.

## **15. Must be Licensed**

Attention is drawn to section 46 of each of the 1847 and 1976 Acts which require ALL drivers of hackney carriage and private hire vehicles to hold an appropriate driver licence, as issued by the Council, and it is an offence which affects the insurance to allow any unlicensed person to drive any licensed vehicle, (see Guidelines to Offences for penalties). In effect only hackney driver licence holders may drive hackney carriages and private hire vehicles may only be driven by private hire driver licence holders.

## **16. Lapse in Licence**

Any lapse in licence will result in any application being treated as a new application and not a renewal, and full application requirements as detailed in Part B will have to be satisfied.

## **17. Notes**

The Council has the power to revoke or suspend licences after convictions for various offences, or failure to comply with the relevant provisions of The Town Police Clauses Act 1847, and The Local Government (Miscellaneous Provisions) Act, 1976, Part II, or any other reasonable cause. Any requirements of legislation which affect the operations carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

The Council in determining its powers of immediate suspension or immediate revocation, will consider each case according to its merits and where it is satisfied that in the interests of public safety require such a course of action; an

offence or an alleged offence is committed of such a serious nature as to warrant such action; a medical condition exists that makes it unsafe to continue working the decision will normally be to suspend or revoke with immediate effect.

## **Part C**

### **Hackney Carriage & Private Hire Driver (Dual) Licence Conditions**

Normally drivers that apply for a Hackney Carriage licence will be issued with a Hackney Carriage & Private Hire Driver Dual Licence. If an applicant wishes not to have a dual licence they must put in writing their reasons for not wishing to have a dual licence. Consideration will then be made by the Director of Public Health as to whether a hackney carriage driver licence or a dual licence will be issued.

#### **18. Interpretation.**

**18.1** In these conditions;

**18.1.1** “the Council” means Brighton & Hove City Council.

**18.1.2** “the Director of Public Health” means the Director of Public Health (for the time being) of the Council.

**18.1.3** “the driver” means the person to whom the Council has granted the Hackney Carriage & Private Hire Drivers Licence to which these conditions are attached.

**18.1.4** “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Out of Hours Regulatory Services Officer and Public Health Licensing Manager, for the time being of the Council.

**18.2** 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.

**18.3** Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

#### **19. Conduct.**

**19.1** The driver must behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:

- Cause any person to take offence at their actions
- Cause any person to believe their actions to be inappropriate
- Cause any person to fear for their physical safety
- Cause any person to doubt their integrity
- Bring in to disrepute the integrity of the Council for having issued a licence to such person

- 19.2** The Driver when asked by a passenger, indicate the route they are going to take and if requested take the preferred route of the customer.
- 19.3** The driver must take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 19.4** The driver shall not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006.
- 19.5** The driver must not drive when their ability to do so is impaired by having worked excessive hours. Drivers must comply with any requirement stipulated by the Council in relation to the monitoring of working hours.

**Note:** Particular care must be taken with unaccompanied children and vulnerable adults (See Part A above). Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.

In addition the driver of a hackney carriage vehicle must comply with the byelaws set by the Council. See Byelaws Section 182.

## **20. Assistance Dogs**

No driver may refuse to carry a seeing, hearing or assistance (guide) dog that is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him/her from this condition, any payment for such certificate to be paid by the applicant. The Council may then issue an exemption certificate to be displayed in the vehicle whilst that person is driving that vehicle.

## **21. Appearance of Driver & Vehicle**

- 21.1** The driver shall be clean and tidy in appearance.
- 21.2** The driver shall at all times be dressed in a manner not to cause embarrassment to members of the public.
- 21.3** Suitable footwear.
- 21.4** The driver shall at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition at all times.
- 21.5** The driver of a licensed vehicle shall ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

## **22. Deposit of Licence**

If a driver is permitted or employed to drive a hackney carriage or private hire vehicle of which the operator is someone other than himself, he shall, before commencing to drive that vehicle, deposit his Hackney Carriage & Private Hire Driver's Licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle. The operator must return such licence to the driver when he ceases to drive any vehicle operated by that operator.

## **23. Badges.**

**23.1** The driver shall at all times when operating, wear the badge provided by the Council in such position as to be plainly visible and if requested produce it on demand to the passenger or Authorised Officer.

**23.2** The Driver shall not lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Hackney Carriage Vehicle Proprietor / Private Hire Operator.

**23.3** The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known.

**23.4** The driver shall upon expiry (without immediate renewal), revocation or suspension of his licence, return to the Council the driver's badges issued to him by the Council. A second badge is issued and must be clearly displayed in the vehicle. The badges shall remain the property of the Council at all times.

## **24. 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.

## **25. 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, (regardless of the age of any passenger carried). Shall not convey in the front seat any child below the age of twelve years or under 135cms unless wearing a suitable restraint and using a child/booster seat and not more than one person in any seat. Without the consent of the hirer permit any other person to be carried whilst hired.

## **26. Luggage**

The driver of a vehicle so constructed as to carry luggage shall, when requested by a person hiring the vehicle;

- 26.1** convey a reasonable quantity of luggage.
- 26.2** afford reasonable assistance in loading and unloading.
- 26.3** afford reasonable assistance in removing it to or from the entrance gate or door of any building, station or any place at which he may take up or set down such person.
- 26.4** afford reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.

## **27. Provision securing the safe custody and redelivery of any property accidentally left in a Hackney Carriage or Private Hire Vehicles, and fixing the charges to be in respect thereof**

- 27.1** The proprietor or driver of a Hackney Carriage or 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.
- 27.2** The proprietor or driver of a Hackney Carriage or Private Hire Vehicle shall, if any property accidentally left therein by a person who may have been conveyed in the carriage be found by or handed in to him;
  - 27.2.1** 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.
  - 27.2.2** 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.

## **28. Touting and Soliciting**

The driver shall not, whilst driving or in charge of a licensed vehicle;

- 28.1** tout or solicit any person to hire, or be carried for hire in any licensed vehicle.
- 28.2** cause or procure any other person to tout or solicit any person to hire or be carried for hire in any licensed vehicle.
- 28.3** ply for hire, appear to be plying for hire, offer a vehicle for immediate hire in any private hire vehicle
- 28.4** park a private hire vehicle on any hackney carriage stand for any reason during the operational times of such a stand
- 28.5** accept for the immediate hire of a private hire vehicle while the driver or that vehicle is on a road or other public place, except where such offer is

first communicated by the operator to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle and the driver has no knowledge of such offer prior to such communication.

## **29. Taximeter**

- 29.1** The driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- 29.2** The driver shall not tamper with or permit any person to tamper with any taximeter, which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.

## **30. Fare to be Deemed**

- 30.1** The driver of hackney carriage must use the shortest route unless directed otherwise and shall not demand from any hirer of the hackney carriage vehicle more than the authorised metered maximum fare.
- 30.2** For journeys ending outside the district of Brighton & Hove the driver may not demand more than the authorised metered maximum fare unless a prior contract is made at the time of hiring.
- 30.3** Where a hirer does not agree to a fare higher than the metered maximum fare for journey ending outside Brighton & Hove the taximeter must be used to calculate the maximum metered fare for the journey.
- 30.4** The driver may take a deposit for the journey but must not hold more than the estimated maximum metered fare. If at the end of the journey the deposit was more than shown by the meter the excess must be returned to the hirer immediately.
- 30.5** The Driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the taximeter.
- 30.6** The driver of a private hire must use the shortest or most direct route unless requested otherwise. Receipts for payments made must be given if requested to show company name, fare paid, and date and be signed by the driver.

## **31. Change of Address**

The driver must notify the Council in writing of any change of address during the period of licence prior to such change taking place, and in any case within 7 days of such change.

### **32. Motoring Convictions**

The driver must immediately and in any case within 7 days disclose to the Council in writing, details of any motoring conviction or fixed penalty imposed upon him during the period of his hackney carriage or private hire driver's licence.

### **33. Criminal Cautions / Convictions**

In all cases the driver must within 3 days disclose to the Council if arrested, released on Police Bail and the details of any Criminal Convictions, Cautions, Conditional Cautions, Community Resolutions, Anti-Social Behaviour Orders, Criminal Behavioral Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court injunctions or Fixed Penalty Notices (personally or business related), Motoring convictions and penalty notices imposed upon him / her. This covers the period they hold a licence of any kind.

**Note:** Failing to disclose cautions / convictions or any of the above will be regarded as a serious breach of the terms of the license and action will normally take place.

### **34. Operators**

All private hire drivers are responsible for checking that the operator through whom they are working has a current operator's licence.

**34.1** The licence holder must notify the Council in writing within 7 days of any change of operator through whom he / she works

### **35. Animals**

**35.1** Whilst plying for hire or whilst hired the driver shall not convey in any private hire vehicle any animals belonging to or in the custody of himself or the proprietor or operator of the vehicle.

**35.2** Any animal belonging to or in the custody of any passenger, which in the driver's discretion may be conveyed in a private hire vehicle, shall only be conveyed in the rear seating area of the vehicle.

**35.3** No driver of a hackney carriage or private hire vehicle may refuse to carry an assistance dog provided it is accompanied by a fare paying passenger, unless the driver can produce a medical certificate signed by a registered medical practitioner to the effect that the driver has an allergy to dogs as produced to the Council and an exemption certificate issued. No charge shall be made for the carriage of any assistance dog as defined in the Equality Act 2010.

### **36. Accidents**

The driver must if the vehicle is involved in an accident immediately inform:

- the vehicle proprietor
- the Council

in order that the vehicle can be inspected at the earliest opportunity.

### **37. Illness or Injury**

The driver shall notify the Council in writing as soon as possible and in any event within 14 days, of any illness or injury affecting his fitness to drive.

### **38. Note**

Any requirements of legislation which effects the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

### **39. General Licence Conditions**

All drivers shall operate strictly within the terms of any licence issued, incorporating of all terms and conditions of The Local Government (Miscellaneous Provisions) Act 1976, and other conditions within this handbook but these may not necessarily be exhaustive.

### **40. Appeals**

- 40.1** You may appeal against all or any of these conditions.
- 40.2** Any appeal must be made within 21 days of the grant of licence.
- 40.3** Appeals must be made to the Magistrates Court - you should contact the Clerk to the Justices, The Law Courts, Edward Street, Brighton.
- 40.4** Appeals are made by way of section 52 and 77 of the 1976 Act and section 300 of the Public Health Act 1936.

## Part D

### Hackney Carriage Drivers licence Conditions

#### Important Note;

**Due to the stated case of Wathan v Neath and Port Talbot Borough Council of 2002, in which it was said that there is no power to attach conditions to a hackney carriage driver's licence, one may consider 'conditions' to be desirable and therefore one will need to look at the Acts of 1847 and 1889 and the Council's Bye Laws as a method of imposing controls.**

**Hackney Carriage Bye Laws made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875.**

Normally drivers that apply for a Hackney Carriage licence will be issued with a Hackney Carriage & Private Hire Driver Dual Licence. If an applicant wishes not to have a dual licence they must put in writing stating their reasons for not wishing to have a dual licence. Consideration will then be made by the Director of Public Health as to whether a hackney carriage driver licence will be issued.

#### **41. Interpretation.**

See Section 182. Part C. Hackney Carriage Bye Laws.

#### **42. For 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**

See Section 182. Part C. Hackney Carriage Bye Laws.

#### **43. For fixing the rates or fares, as well for time as distance, to be paid for such Hackney Carriages within the District, and for the due publication of such fares**

See Section 182. Part C. Hackney Carriage Bye Laws.

#### **44. For securing the safe custody and delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof**

See Section 182. Part C. Hackney Carriage Bye Laws.

#### **45. Permitting or employing any other person to drive**

See Section 182. Part C. Hackney Carriage Bye Laws.

## **46. Penalties.**

See Section 182. Part C. Hackney Carriage Bye Laws.

## **Part E**

### **Private Hire Drivers Licence Conditions made under the Local Government (Miscellaneous Provisions) Act 1976**

## **47. Interpretation.**

**47.1** In these conditions;

**47.1.1** “the Council” means ‘Brighton & Hove City Council.

**47.1.2** “the Director of Public Health” means the Director of Public Health (for the time being) of the Council.

**47.1.3** “the driver” means the person to whom the Council has granted the Hackney Carriage & Private Hire Drivers Licence to which these conditions are attached.

**47.1.4** “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Out of Hours Regulatory Services Officer, Public Health Licensing Manager for the time being of the Council.

**47.2** 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.

**47.3** Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

## **48. Conduct**

**48.1** The driver must behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:

- Cause any person to take offence at their actions
- Cause any person to believe their actions to be inappropriate
- Cause any person to fear for their physical safety
- Cause any person to doubt their integrity
- Bring in to disrepute the integrity of the Council for having issued a licence to such person

**48.2** The Driver when asked by a passenger, indicate the route they are going to take and if requested take the preferred route of the customer

**48.3** The driver must take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

**48.4** The driver shall not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006.

**48.5** The driver must not drive when their ability to do so is impaired by having worked excessive hours. Drivers must comply with any requirement stipulated by the Council in relation to the monitoring of working hours.

**Note:** Particular care must be taken with unaccompanied children and vulnerable adults. See Part A. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.

#### **49. Assistance Dogs**

No driver may refuse to carry a seeing, hearing or assistance (guide) dog that is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him/her from this condition, any payment for such certificate to be paid by the applicant. The Council may then issue an exemption certificate to be displayed in the vehicle whilst that person is driving that vehicle.

#### **50. Appearance of Driver & Vehicle**

**50.1** The driver shall be clean and tidy in appearance.

**50.2** The driver shall at all times be dressed in a manner not to cause embarrassment to members of the public.

**50.3.** Suitable footwear.

**50.4** The driver shall at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition at all times.

**50.5** The driver of a licensed vehicle shall ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

#### **51. Deposit of Licence**

If a driver is permitted or employed to drive a hackney carriage or private hire vehicle of which the operator is someone other than himself, he shall, before commencing to drive that vehicle, deposit his Hackney Carriage & Private Hire Driver's or Private Hire Drivers Licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle. The operator must return such licence to the driver when he ceases to drive any vehicle operated by that operator.

## **52. Badges**

- 52.1** The driver shall at all times when operating wear the badge provided by the Council in such position as to be plainly visible and if requested produce it on demand to the passenger or Authorised Officer.
- 52.2** The Driver shall not lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.
- 52.3** The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known.
- 52.4** The driver shall upon expiry (without immediate renewal), revocation or suspension of his licence, return to the Council the driver's badges issued to him by the Council. A second badge is issued and must be clearly displayed in the vehicle. The badges shall remain the property of the Council at all times.

## **53. 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.

## **54. 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, (regardless of the age of any passenger carried). Shall not convey in the front seat any child below the age of twelve years or under 135cms unless wearing a suitable restraint and using a child/booster seat and not more than one person in any seat. Without the consent of the hirer permit any other person to be carried whilst hired.

## **55. Luggage**

The driver of a vehicle so constructed as to carry luggage shall, when requested by a person hiring the vehicle;

- 55.1** convey a reasonable quantity of luggage.
- 55.2** afford reasonable assistance in loading and unloading.
- 55.3** afford reasonable assistance in removing it to or from the entrance gate or door of any building, station or any place at which he may take up or set down such person.
- 55.4** afford reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.

**56. Provision securing the safe custody and redelivery of any property accidentally left in a Private Hire Vehicles, and fixing the charges to be in respect thereof**

- 56.1** The proprietor or driver of a Hackney Carriage or 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.
- 56.2** The proprietor or driver of a Private Hire Vehicle shall, if any property accidentally left therein by a person who may have been conveyed in the carriage be found by or handed in to him;
- 56.2.1** 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.
- 56.2.2** 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.

**57. Touting and Soliciting**

The driver shall not, whilst driving or in charge of a private hire vehicle;

- 57.1** tout or solicit any person to hire, or be carried for hire in any licensed vehicle.
- 57.2** cause or procure any other person to tout or solicit any person to hire or be carried for hire in any licensed vehicle.
- 57.3** ply for hire, appear to be plying for hire, offer a vehicle for immediate hire
- 57.4** accept for the immediate hire of a private hire vehicle while the driver or that vehicle is on a road or other public place, except where such offer is first communicated by the operator to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle and the driver has no knowledge of such offer prior to such communication.
- 57.5** park a private hire vehicle on any hackney carriage stand for any reason during the operational times of such a stand

**58. Taximeter**

- 58.1** If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- 58.2** The driver shall not tamper with or permit any person to tamper with any taximeter, which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.

## **59. Fare to be Deemed**

- 59.1** The Driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the taximeter.
- 59.2** The driver of a private hire must use the shortest or most direct route unless requested otherwise. Receipts for payments made must be given if requested to show company name, fare paid, and date and be signed by the driver.

## **60. Change of Address**

The driver must notify the Council in writing of any change of address during the period of licence prior to such change taking place, and in any case within 7 days of such change.

## **61. Motoring Convictions**

The driver must immediately and in any case within 7 days disclose to the Council in writing, details of any motoring conviction or fixed penalty imposed upon him during the period of his hackney carriage or private hire driver's licence.

## **62. Criminal Cautions / Convictions**

In all cases the driver must within 3 days disclose to the Council if arrested, released on Police Bail and the details of any Criminal Convictions, Cautions, Conditional Cautions, Community Resolutions, Anti-Social Behaviour Orders, Criminal Behavioral Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court injunctions or Fixed Penalty Notices (personally or business related), Motoring convictions and penalty notices imposed upon him / her. This covers the period they hold a licence of any kind.

**Note:** Failing to disclose cautions / convictions or any of the above will be regarded as a serious breach of the terms of the license and action will normally take place.

## **63. Operators**

All private hire drivers are responsible for checking that the operator through whom they are working has a current operator's licence.

- 63.1** The licence holder must notify the Council in writing within 7 days of any change of operator through whom he / she works

## **64. Animals**

- 64.1** Whilst waiting for hire or whilst hired the driver shall not convey in any private hire vehicle any animals belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- 64.2** Any animal belonging to or in the custody of any passenger, which in the driver's discretion may be conveyed in a private hire vehicle, shall only be conveyed in the rear seating area of the vehicle.
- 64.3** No driver of a private hire vehicle may refuse to carry an assistance dog provided it is accompanied by a fare paying passenger, unless the driver can produce a medical certificate signed by a registered medical practitioner to the effect that the driver has an allergy to dogs as produced to the Council and an exemption certificate issued. No charge shall be made for the carriage of any assistance dog as defined in the Equality Act 2010.

## **65. Accidents**

The driver must if the vehicle is involved in an accident immediately inform:

- the vehicle proprietor
- the Council

in order that the vehicle can be inspected at the earliest opportunity.

## **66. Illness or Injury**

The driver shall notify the Council in writing as soon as possible and in any event within 14 days, of any illness or injury affecting his fitness to drive.

## **67. Note**

Any requirements of legislation which effects the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

## **68. General Licence Conditions.**

All drivers shall operate strictly within the terms of any licence issued, incorporating of all terms and conditions of The Local Government (Miscellaneous Provisions) Act 1976, and other conditions within this handbook but these may not necessarily be exhaustive.

## **69. Appeals.**

- 69.1** You may appeal against all or any of these conditions.
- 69.2** Any appeal must be made within 21 days of the grant of licence.
- 69.3** Appeals must be made to the Magistrates Court - you should contact the

- Clerk to the Justices, The Law Courts, Edward Street, Brighton.
- 69.4** Appeals are made by way of section 52 and 77 of the 1976 Act and section 300 of the Public Health Act 1936.

## **Part F**

### **Procedure for Licensing a Private Hire Operator**

#### **70. General**

- 70.1** Operators must be licensed in the same district as the district in which they have their office, and only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.
- 70.2** Anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operator's licence, (with the exception of those who only operate vehicles covered by section 75 of the Act of 1976). This means that any individual (group or company) which advertises the services of any private hire vehicle with the services of a driver for hire and reward, or has a mobile telephone, smart phone app or pager which is carried within a licensed vehicle then that driver and vehicle have made provision for the acceptance of bookings for hire and reward and will be required to hold a private hire operator's licence.
- 70.3** Brighton and Hove City Council are subject to duties under the Equalities Act 2010 which includes the duties to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act. In relation to the Hackney and Private Hire as the licensing authority we are wishing to ensure that the needs and requirements of those with a disability are being acknowledged and met.

#### **Primary issues for the Council to take note of are:**

- Mobility – this is being addressed by the introduction of wheelchair accessible cabs. It is noted that certain service users who may have mobility issues still prefer old style saloon cars. An Operator should be able to respond as appropriate where a particular type is requested
- Visual impairment - drivers to be aware that greater assistance will be required. As per the detail already included in this document.
- Hearing impaired – note should be taken that those with hearing difficulties should wherever possible be provided with a text service.
- Awareness of those with mental health issues.
- Awareness of those with learning disabilities.
- Training for drivers on disability awareness for instance not assuming that because someone has slurred speech that they are drunk as opposed to having neurological disorder.

- 70.4** To ensure disabled passengers in wheelchairs receive an equal service any Operator operating 100 or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible.
- 70.5** It is a requirement that the operators can on request provide monitoring information. What is required are figures on the numbers of journeys undertaken by those with an obvious disability or where one has been declared – personal information is not required. In addition where there has been an issue around a disability the details of that issue and what if any steps were taken to address that and prevent its reoccurrence.

This information will be required to be provided annually. Failure to do so may result in an Operators Licence being suspended or revoked

## **71. Advice to Operators**

Within the Conditions of your licence you are responsible for many items in relation to your business, the drivers working through your circuit and the vehicles used. You may be required to display or produce various items to various Officers, visiting your premises, on demand.

These include;

- D.T.I. Radio licence.
- Company Register Certificate
- Planning Permission
- Public Liability Insurance.
- Health and Safety Policy.
- Health and Safety Notices.
- Shops and Factories Offices Notice.
- Advice on Lifting Notice.
- Fire Evacuation Notice.
- Accident Book.
- First Aid Kit.
- Fire Extinguishers.
- Operators Licence.
- Adequate Lighting
- Booking Records.
- Diary of Advanced Bookings
- Vehicle Licences.
- Copy of Vehicle Licences.
- List of Vehicles with details.
- List of Drivers with details.
- Company policy & procedures document in relation to those with a disability
- Monitoring records of the use of your service by those with a disability

### **71.1 The Records of Bookings MUST show;**

- Date and Time made.
- Name and Address where possible of hirer.
- Personal, Telephone, Web or App booking.
- Destination where possible
- Time of Pick-Up.
- Point of Pick-Up.
- Time Allocated to Driver.
- Allocated to which Vehicle.

### **71.2 The Records of Vehicles MUST show;**

- Registration of Vehicle.
- Council Plate Number.
- Name and Address of Owner.
- Any Radio Call Sign.
- Number Licensed to Carry.
- Name and Address of ALL Drivers.
- Date Commenced Using Vehicle.
- Date Ceased Using Vehicle.

### **71.3 The Standards expected of an Operator include;**

- Punctual Attendance for Bookings.
- Clean Premises with Public Access.
- Premises Heated to standard.
- Premises Ventilated to standard.
- Premises well lit.
- Seating if Public Access.
- Radio Equipment in Working Order
- Correct Radio Procedures used
- Only use the services of drivers and vehicles licensed by Brighton & Hove City Council
- Check Private Hire. Driver Licence Valid.
- Ensure Only Licensed Drivers are used to drive licensed Vehicles
- Maintain Driver Standards
- Ensure Vehicle Licenses are Valid.
- Check Vehicles Clean and Safe.
- Ensure Insurance is Valid.
- Check Vehicle for Damage.
- Ensure Plates Displayed Correctly.
- Report Any Driver Offences
- Report any Accidents.
- Report any Lost Property.
- Assist with Police Link calls.

Keep all Records for 6 months.  
Give Fixed Price Quote if Requested.  
Telephone in Working Order.  
Report any changes of Address.  
Report any changes of Director.

## **72. The Operator**

- 72.1** The application form must be complete and returned to the Taxi Licensing Office.
- 72.2** Every applicant will be checked to ensure that they are a fit and proper person to hold a private hire operator's licence.
- 72.3** The applicant is required to provide proof of holding a radio transmission licence (and planning permission for any aerial if required) if such radios are used by the operator.
- 72.4** In the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure compliance with the following;
  - 72.4.1** clean, adequately heated, ventilated and lit, both for bookings and waiting,
  - 72.4.2** if required waiting area has adequate seating facilities.
- 72.5** The operator premises to be licensed must be situated within the district of Brighton & Hove.
- 72.6** The operator may only utilise drivers and vehicles also licensed by Brighton & Hove City Council.
- 72.7** All operators premises to which the public have access must be covered by public liability insurance to cover all risks.
- 72.8** Planning permission for operating purposes maybe required and it is the operator's responsibility to ensure any permission required is granted and produced to an authorised officer at the time of application.
- 72.9** All operators will be required to have a document setting out their policies and procedures in relation to those with a disability. They will also be required to undertake monitoring of use of their service by those with a disability and provide a summary of monitoring in a format as required by the Director of Public Health annually. Failure to do so may result in the suspension or revocation of an Operators Licence.
- 72.10** All operators must ensure that all drivers of wheelchair accessible vehicles are trained and have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or the Catstream Drivers Disability Awareness Training
- 72.11** All operators must ensure that all drivers do not work excessive hours and have adequate breaks between shifts
- 72.12** All operators must ensure that all Brighton & Hove Vehicles operated under the licence comply with the current Brighton & Hove CCTV conditions. See sections 192 & 193.
- 72.13** No licence will be issued until all licence requirements are met to the

satisfaction of the authorised officer and the appropriate fee has been paid.

### **73. Notes.**

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Case law has shown that anyone making provision for the acceptance of bookings for private hire must be licensed in the District where such provision is made (this includes such things as mobile telephones, pagers and redirected calls by any electronic means) and such bookings must be fulfilled by drivers and vehicles licensed in the same district as which the operator holds his licence. So if an operator accepts a booking a mobile telephone in a district other than the one in which he is licensed he will commit an offence of operating in an unlicensed manner.

## **Part G**

### **Private Hire Vehicle Operators Licence conditions made under the Local Government (Miscellaneous Provisions) Act 1976**

#### **74. Interpretation.**

**74.1** In these conditions;

**74.1.1** “the Council” means ‘Brighton & Hove City Council.’

**74.1.2** “the operator” means the person to whom the Council has granted the Private Hire Operator’s Licence to which these conditions apply. In the case of a partnership to each of the partners and in the case of a company to each of the company directors.

**74.2** 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.

**74.3** Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

#### **75. The records to be kept by the Operator**

**75.1** The records 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, folder, computer system or other means approved by the Authorised Officer, and produced for his examination on demand.

**75.2** The operator shall enter in the recording system (book folder or other means) before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him;

**75.2.1** the time and date of the booking.

**75.2.2** the name where possible and pick up point of the hirer.

**75.2.3** the time and date of pick up and call sign of the vehicle used.

**75.2.4** how the booking was made (e.g. by telephone, personal call, or via a mobile app).

**75.2.5** where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking and notes must be included: including the name of the sub-contractor and contact information.

**75.3** the records of bookings shall be maintained and kept up to date at all times and shall be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers shall be empowered to photograph and/or remove such records howsoever kept from the premises as so required.

**75.4** The operator shall keep records of all private hire vehicles operated by

him, which will include details of the owner, registration numbers and drivers of such vehicles, together with any radio call sign used.

**75.5** The operator shall keep records of all driver training.

**75.6** The operator shall keep all records for a period of not less than six months following the date of last entry.

## **76. 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;

**76.1** ensure that when a private hire vehicle has been booked that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.

**76.2** keep clean, adequately heated, ventilated and lit premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

**76.3** ensure that any waiting area provided has adequate seating facilities.

**76.4** keep a summary of all complaints received regarding service provided or about drivers

**76.5** Must provide an equal service for differently abled passengers

**76.6** Any operator operating more than 100 vehicles must ensure that 20% of their fleet is Wheelchair Accessible.

## **77. Provisions regulating signs on vehicles**

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 words "taxi" or "cab", whether in the singular or plural, or those words of similar meaning or appearance to either of those words, whether alone or as part of another word.

## **78. Provisions regulating the conduct of the operator.**

**78.1** The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness / condition of a vehicle.

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

**78.3** No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.

**78.4** The operator shall within seven days disclose to the Council in writing details of any convictions (motoring or otherwise) imposed upon him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

**78.5** the operator shall not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles

- under his control
- 78.6** the operator shall not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-
- Concealed from public view
  - Defaced
  - Disfigured
- The operator shall also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence
- 78.7** The operator must notify the Council as soon as practicable and in any case within 72 hours of the occurrence thereof, of any accident to any vehicles working for that company, causing damage

### **79. Provisions regulating the conduct of the operators drivers**

- 79.1** The operator must inform the Council in writing within 7 days the details of any driver removed from the operator's circuit giving the reasons for removing that driver
- 79.2** The operator shall keep records of all driver training.
- 79.3** The operator must ensure that all drivers of wheelchair accessible vehicles that are operated under this licence are adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test.
- 79.4** The operator shall take all necessary measures including those of requested by an Authorised Officer of the Council or Police Officer to prevent vehicles in its employment from parking or congregating in such a manner as to cause a nuisance to any reasonable person
- 79.5** The Operator shall bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.
- 79.6** The operator shall bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006
- 79.7** The Operator shall ensure that all licensed drivers who carry out work on behalf of their company have an up to date Enhanced Disclosure and Barring Service check Certificate.
- 79.8** The Operator shall ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.
- 79.9** The Operator must ensure that all drivers who carryout work on behalf of the operator do not work excessive hours and have adequate breaks between shifts.
- 79.10** The Operator shall ensure that all drivers are aware of their obligations under the Equalities Act 2010 which are:-

### **Section 165 – Duty on a driver of a designated wheelchair accessible vehicle to:-**

- Carry the passenger whilst in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required

Unless a driver has an exemption under Section 166 which states that he/she is unable to assist passengers in wheelchairs on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult to comply.

### **Section 168 to 171 (previously Disability Discrimination Act 1995):-**

Duty to carry Assistance Dogs unless an exemption is held on medical grounds.

### **80. Emergency call sign**

All operators using a radio network must have in place an emergency call sign. When this call sign is used the operator and / or other cars will render all assistance possible to the caller. The use of the call sign in a frivolous manner could result in suspension of licence. On hearing the call sign all other vehicles will maintain radio silence until advised that the situation is resolved. The call sign should only be used when a person is at risk, (e.g. need for police, fire or ambulance assistance). The call should be changed at regular intervals to avoid misuse. All drivers must be aware of the call sign currently in use by the operator. Each operator is responsible to ensure compliance. Whilst this will complement the "Police Link" it is not voluntary but a condition of the operator's licence in the interests of the safety of drivers and passengers.

### **81. Operator office location**

The office must be located within Brighton & Hove City to enable any Authorized Officer access to the premises or any records as required by statutes or conditions. If unable to fulfill a booking they may only pass these to another licensed operator. Whose drivers who carry out work on behalf of that operator have an up to date Enhanced Disclosure and Barring Service check Certificate.

### **82. Deposit of driver and vehicle licences**

**82.1** Any operator who employs or permits anyone to drive any licensed vehicle owned by them will ensure that a copy of the driver's licence is deposited with them during the period that the driver is employed or permitted to

- drive, the licence must be returned to the driver at the end of that period.
- 82.2** Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his vehicle is so employed. The operator must return the licence to the vehicle proprietor at the end of the period.
- 82.3** The Operator must ensure that every proprietor of a Private Hire Vehicle operating under the licence is acquainted with, understands and observes the conditions attached to a Private Hire Vehicle Licence.

### **83. Private Hire Operator Association**

- 83.1** Operators may form an association and must give a copy of the constitution of that Association to the Licensing Officer.
- 83.2** The Association must keep the Authorised Officer informed in writing of the offices and members of the Association.
- 83.3** Only vehicles being operated through members of the Association may display signs as approved by an Authorised Officer.

### **84. Confidentiality**

Due the nature of enforcement work undertaken by authorised officers, operators are expected not to disclose/broadcast to drivers or proprietors the whereabouts of authorised officers or any other enforcement agencies as this may jeopardise any enforcement actions being undertaken at the time. Failure to comply with this requirement may result in suspension of licence.

### **85. Police Safety Schemes**

All operators and drivers should assist in any schemes that assist the police. The main purposes are:

- 85.1** To alert radio controlled vehicles as to missing or suspicious persons or vehicles etc.
- 85.2** To alert Sussex Police of any criminal activities observed.
- 85.3** To create a safer environment for all hackney carriage and private hire drivers.

Drivers should report through the operator to the police and the police will use the scheme to advise drivers of incidents or help required.

### **86. Appeals**

- 86.1** The applicant / licence holder may appeal against all or any of these conditions.
- 86.2** Any appeals must be made within 21 days of the grant of the licence.
- 86.3** Appeals must be made to the Magistrates Court – contact: the Clerk to the Justices, The Law Courts, Edward Street Brighton

## **Part H**

### **87. Advice to vehicle owners**

Your licence is issued subject to the vehicle being mechanically fit and meeting the requirements of licence conditions. Your vehicle could be required to undertake inspections by various Officers and failure to meet the standards required may result in the suspension of the licence and possible revocation.

We would advise that attention be given to the following;

- Vehicle Insurance is valid.
- Road Fund Licence is valid.
- Certificate of Compliance is valid
- Driver holds valid DVLA. licence.
- Driver holds Brighton & Hove driver licence.
- Check vehicle complies with law.
- Boot kept clear for luggage.
- Vehicle clean inside and out.
- All accidents are reported.
- Any change of address reported.
- Any change of vehicle reported
- Carry a Fire Extinguisher.
- Meter must be sealed if fitted.
- Roof sign must be fitted (HC)
- Display tariff inside vehicle.
- Meter must be fitted (HC).
- Display vehicle plate number inside.
- Carry copy of insurance in vehicle.
- Maintain to "Exceptional Condition"
- Ensure attend for Interim Inspection.
- Display plate on exterior of vehicle.
- Roof sign correctly positioned (PH).
- Demonstrate that drivers are adequately trained in the embarking, disembarking and safe carriage of passengers in wheelchairs.

Do not let anyone drive who does not hold the correct type of licence for the type of vehicle, at any time (i.e. they must hold a private hire or hackney carriage driver licence issued by Brighton & Hove City Council, depending on the class of vehicle).

This list is for advice only and is not exhaustive. Failure to comply with certain items above could lead to arrest and a fine of up to £2,500.

#### **87.1 Types of Vehicle**

All vehicles licensed by the council must be of appropriate size and comfort for their use as decided by the Director of Public Health. There are several factors taken into account when approving a particular vehicle such as the width of the

rear seat (is there adequate room for three persons and can they fasten the seat belts easily). The amount of headroom and legroom available, this can vary from model to model. Is there adequate room in the boot for luggage or a folding wheelchair. In the case of wheelchair accessible vehicles can they easily accommodate at least one wheelchair user seated in the wheelchair and at least one carer. The ease of access and egress to the vehicle or seating is also taken into account. The number of passengers is determined by the amount of luggage space, if the vehicle has seats that move forward it maybe allowed more seats than a vehicle that has fixed seating.

The above is not an exhaustive list of factors that are taken into account when deciding if a vehicle is suitable to be licensed and manufacturers change specifications on a regular basis so if you are unsure if a vehicle is suitable always take advice from officers at the hackney carriage office before purchasing a vehicle.

To assist you may like to know that the following vehicles are already licensed by the council.

### **Saloon Cars**

<b>Audi</b> -	A4, A6
<b>BMW</b> -	520
<b>Chrysler</b> –	Voyager, Sebring
<b>Citroen</b> –	C5, Xsara, Picasso
<b>Ford</b> -	Mondeo, Galaxy, S-Max
<b>Hyundai</b> -	i40
<b>Kia</b> –	Carens, Ceed, Magentis
<b>Mazda</b> -	6,
<b>Mercedes</b> -	E-Class, S350,
<b>Mitsubishi</b> –	Lancer, Space Star
<b>Nissan</b> -	Almera Tino
<b>Peugeot</b> –	307 Estate, 3008, 406, 407, 508, 607, 806, 807, Partner
<b>Renault</b> –	Megane, Scenic
<b>Saab</b> –	93,
<b>Skoda</b> –	Octavia, Superb
<b>Toyota</b> –	Avensis, Carina
<b>Vauxhall</b> -	Vectra, Zafira
<b>Volkswagen</b> –	Passat
<b>Volvo</b> –	S80

### **Wheelchair Accessible Vehicles**

<b>LTI</b> -	TX2, TX4
<b>Citroen</b> –	Dispatch, EuroTaxi, Berlingo,
<b>Fiat</b> -	Euro 7, Scudo, TW200, Doblo
<b>Ford</b> –	Tourneo, Transit, Connect

**Mercedes** – Vito, M8  
**Nissan** – Primastar,  
**Peugeot** - E7, Eurotaxi, Partner, Premier  
**Renault** - Traffic  
**Vauxhall** – Vivaro  
**Volkswagen** - Transporter

### **88. Ergonomic Requirements for Wheelchair Accessible Vehicles**

Please see the Accessibility Policy For Hackney Carriages.  
Although the policy is for Hackney Carriages, Private Hire Vehicles are expected to meet the standards laid out in the policy.

## **Part I**

### **Procedure for licensing a Hackney Carriage Initial Inspection**

**Brighton & Hove City Council operates a restricted number policy in connection with the number of hackney carriage vehicle licences it issues in accordance with the 1985 Transport Act. A waiting list is maintained by the Council enabling it to issue any extra hackney carriage vehicle licences when they become available, to those persons at the head of that list. Strict conditions apply and to be included on this list existing drivers who meet the conditions need to make application each year during the month of March to obtain credits.**

The vehicle should normally meet the requirements laid down in the Council's Accessibility Policy for Hackney Carriages and be presented to the Licensing Officer prior to licensing for inspection to ensure compliance with the following conditions and bye laws;

#### **89. Suitability**

- 89.1** Vehicles must be M1 ECWVTA (EC Whole Vehicle Type Approved) and in the case of conversions hold a National Small Series Type Approval (NSSTA) or Individual Vehicle Approval (IVA) conforms to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles),
- 89.2** In the case of a first application for a hackney carriage vehicle licence the vehicle must not normally exceed 7 years of age from date of initial DVLA registration and not more than 10 years of age in the case of any subsequent application for renewal of licence or no more than 13 years for petrol, petrol hybrid or electric vehicles with an initial registration of 2009 onwards and not to be left-hand drive.
- 89.3** In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles), or is M1 ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible, the vehicle must not normally exceed 12 years of age from date of first registration, and not more than 12 years of age in the case of any subsequent application and not be left hand drive.
- 89.4** Wheelchair accessible vehicles will normally be required to comply with the requirements of the Council's Hackney Carriage Accessibility Policy in place at the time of licensing
- 89.5** The age of the vehicle in section 89.2 and 89.3 to be taken from the vehicle registration document.
- 89.6** The maximum age limits described in section 1.2 and 1.3 may only be exceeded if the vehicle presented is in exceptional condition (as confirmed by the inspecting garage). A vehicle will be considered to be in "exceptional condition" if all of the following apply:

- The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
  - The vehicle passes the Council's vehicle inspection.
  - The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
  - The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
  - The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
  - The boot or luggage compartment is in good condition, clean and undamaged.
  - Passenger areas are free from damp or any other odours that may cause passenger discomfort.
  - The vehicle must 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.
  - The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.
- 89.7** In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, it must provide at least two doors for the use of passengers conveyed in the vehicle neither being the door used by the driver, with at least one opening to the near-side. The vehicle must be of a size and comfort as decided by the Director of Public Health and conform to the Council's Accessibility Policy for Hackney Carriage vehicles.
- 89.8** All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 89.9** Vehicles must be of a type approved by the Director of Public Health, be fitted with four road wheels and have the appropriate number of doors for entry or egress for the number of passengers on the licence as decided by the Director of Public Health.
- 89.10** In the case of an estate type vehicle or a hatchback type saloon the hatch door will not be considered or counted as a door for means of entry or egress.
- 89.11** That in no circumstances will any vehicle be licensed which would require any passenger to move or tip any seat to enter or egress from any seat they may occupy or that would require them to climb over any seat or luggage in the vehicle. All passenger seats must face forward or rearward to the direction of travel, (no passenger may sit sideways to direction of travel).
- 89.12** An audio warning clearly audible to passengers for vehicles with sliding doors is operational when the ignition is turned on and the rear side

passenger doors are open.

- 89.13** Extra handles be fitted in a position above the steps at the rear side entrances to the vehicle to assist passengers when getting into and out of the vehicle.
- 89.14** A suitable additional step as decided by the Director of Public Health shall be provided at the rear side entrances to the vehicle.
- 89.15** Luggage space must be reasonable and sufficient for the maximum number of passengers permitted on the licence and be physically separated from the passenger seating.
- 89.16** Any spare wheel must normally be of the same type as the road wheels. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres, passengers must not be carried when in use.
- 89.17** LPG conversions other than new vehicles must be carried out by Government Approved Garages for such conversions and the necessary certificate produced. Sufficient space should still be available for luggage.
- 89.18** Vehicles that are Category C & D insurance “write offs” may be licensed provided that a Vehicle Identity Check (VIC) certificate has been issued for category C and written confirmation from the insurer is provided confirming they are aware that the vehicle is a C or D “write off”

## **90. Mechanical Inspection**

If the vehicle meets the standards required by the initial inspection it should be presented to one of the Council nominated test centres for inspection, currently;

Lee Motors, Church Place, Kemp Town, Brighton,  
Autofit, Unit 1, Chalex Industrial Estate, Manor Hall Road, Southwick,  
Smith & Humphries, Ninfield.

TLS, Unit E1, Meridian Industrial Estate, Hoyle Road, Peacehaven,  
KAP, New Town Road, Hove.

HoveMot.com, of The Old Studio, Cambridge Works, Cambridge Grove, Hove  
The inspection is to determine that the vehicle is in road worthy condition to enable a certificate of compliance to be issued. The requirement for Mechanical Inspection applies to all vehicles except those new vehicles with delivery mileage only on the odometer.

## **91. Final Inspection prior to licensing**

The following will be checked prior to licensing;

- 91.1** A satisfactory mechanical inspection form. (Fitness Certificate)
- 91.2** Sight of current vehicle insurance certificate or cover note, (to include towing and the carriage of the number of wheelchairs for which the vehicle is adapted if necessary).

- 91.3** The registration document. – Registered keeper’s details document.
- 91.4** Certificate of Compliance for all vehicles other than new vehicles with only delivery mileage on the odometer.
- 91.5** A Council approved calendar controlled meter fitted in a position as to be readily seen by all passengers and sealed with the current tariff installed.
- 916** A Council approved and valid fire extinguisher
- 91.7** A current tariff card as agreed by the Council fixed in a prominent position where it may be seen by any passenger carried.
- 91.8** In the case of a change of vehicle, the Expiring or Surrendered vehicle licence.
- 91.9** Vehicle presented in full Council livery: - white bodywork, bonnet and boot lid or hatchback or estate rear door painted aquamarine to colour code BSI 6E53 or covered in aqua vinyl with 3M Scotchcal Vinyl – 50-795 or KPMF Vinyl – Turquoise K70076. Council issued door signs and door number showing the vehicle plate number with the pavilion logo foremost on the front doors and plate number to the rear doors. A single telephone number or the name of the operator may be shown on the front doors below the Council logo and shall not exceed the logo in length. Both signs to be provided by the Council.
- 91.10** Council approved roof sign. See Section 112.
- 91.11** CCTV installed to be operated and maintained in accordance with the requirements of the Director of Public Health. See Sections 192 & 193.
- 91.12** Certificate from the CCTV data controller confirming that the CCTV system has been checked and is installed and working correctly

**Note:** All CCTV data control of licensed Brighton and Hove vehicles will only be permitted by council nominated independent data controllers. All nominated data controllers must show a full and comprehensive knowledge of data retention and security, and correct ICO procedure for dealing with authorisations and handling of requests. They will need to ensure that all authorised requests are dealt with in a timely manner (normally 24 working hours from the request being received), and any supplied CCTV footage is in a free standard format.

## **92. Issue of Licence**

Subject to all conditions being met the licence will be granted. An invoice for the appropriate fee including a plate deposit for new plates issued will be raised following application which must be paid within 30 days or any licence issued will be invalid and subsequently be revoked.

## **93. Renewal of Licence, (Annual re-licensing).**

- 93.1** Vehicles must comply with the requirements of section 91.1 to 91.12 and Section 92 above
- 93.2** The licensing period runs for 1 year from date of commencement or 6 months in the case of vehicles over 10 years from registration.

- 93.3** Application for renewal may be made for relicensing up to one month prior to expiry by personal application and an appointment must be pre-booked with the Hackney Carriage Office.
- 93.4** Council policy allows a licence holder to “renew” a Hackney Carriage Vehicle provided that such application is made prior to expiry of the licence as an expired licence cannot legally be “renewed”. As a consequence any request to “renew” an expired licence will normally be refused. Failure to make a prior booking to renew a licence may result in vehicles not being licensed immediately.
- 93.5** No licence will be issued unless the application is complete with all documents, information and the payment required. Any incomplete application will be returned to the applicant.

#### **94. Mechanical Testing**

- 94.1** The Council nominated testing garages will endeavour to test all vehicles within 10 working days of application to them for testing.
- 94.2** If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Road Vehicles (Construction and Use) Regulations 1986, then the plate may be removed by the testing centre, or any authorised officer, until such time as the vehicle passes the test, and until the plate is returned the vehicle may not be used for hire and reward or plying for hire.
- 94.3** Any vehicle called for inspection which fails to attend may have its licence suspended immediately and subsequently the licence may be revoked.
- 94.4** Any vehicle failing to keep an appointment for testing will incur a fee payable to the nominated garage.

#### **95. Vehicle Damage**

- 95.1** The proprietor of any hackney carriage must report to an authorised officer as soon as reasonably practicable, and in any case within seventy two hours, the occurrence of any accident involving the hackney carriage.
- 95.2** The vehicle will be inspected by an authorised officer and a decision made as to whether or not the vehicle is in such condition to continue in service.
- 95.3** If any damage to the vehicle is such that an authorised officer considers it still to be in a fit condition to continue in service until such time as a permanent repair is undertaken these must be undertaken within a maximum of 28 days of the damage occurring.
- 95.4** If any damage is considered by an authorised officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service.

**95.5** In the case of any dispute as to section 95.4 above the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which shall be final. The appropriate fee for such examination will be paid by the proprietor.

## **96. Replacement Vehicles.**

Any replacement vehicle must comply with sections 89 to 95 above.

A completed application form must be submitted with other necessary documents prior to any such vehicle being used as a hackney carriage. An invoice for the appropriate fee will be raised following application which must be paid within 30 days or any licence issued will be invalid and subsequently be revoked.

## **97. Change of Vehicle Owner**

If a proprietor transfers his interest in a vehicle to somebody else he must within 14 days give notice of the transfer in writing to the authorised officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fees paid.

Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer.

Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Director of Public Health, where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.

## **98. Conditions**

The Council has the power to attach conditions to hackney carriage licences. The standard conditions are as set out in this handbook. Proprietors/Owners should ensure that vehicles comply with these conditions before submitting it for test. If any doubts about the application of any of these conditions to a vehicle exist the authorised officer should be contacted.

## **99. Suspension or Revocation**

The Council has the power to suspend or revoke a licence if the vehicle is unfit, for offences or non-compliance with the 1976 Act by operator or driver, or any other reasonable cause. In the case of revocation the plate must be returned to

the Council.

**100. Designated Vehicles.**

A list of wheelchair-accessible hackney carriages and private hire vehicles will be maintained in accordance with Sec 167 Equality Act 2010.

All vehicles will be included in this Designated List if they conform to the accessibility requirements in force at the time.

## **Part J**

### **Conditions relating to Hackney Carriage Vehicles.**

#### **101. Interpretation.**

In these conditions;

- 101.1** “The Council” means Brighton and Hove City Council.
- 101.2** “Director of Public Health” means the Director of Public Health, (for the time being) of the Council.
- 101.3** “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Out of Hours Regulatory Services Officer, Public Health Licensing Manager, (for the time being) of the Council.
- 101.4** “the vehicle” means the vehicle subject to the hackney carriage vehicle licence to which the conditions are attached.
- 101.5** “the proprietor” means the person currently shown on the hackney carriage vehicle licence as the proprietor of the vehicle.
- 101.6** “the driver” means the driver currently of the vehicle.
- 101.7** “mechanical inspection” means the certificate of compliance issued by the Councils nominated garage certifying that the vehicle is mechanically sound.
- 101.8** “any nominated garage” means for the time being the garages approved by the Council for the purpose of undertaking mechanical inspections.
- 101.9** Any obligation 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.
- 101.10** Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

#### **102. Age of Vehicle**

- 102.1** In the case of a first application for a hackney carriage vehicle licence the vehicle must not normally exceed 7 years of age from date of initial DVLA registration and not more than 10 years of age in the case of any subsequent application for renewal of licence or no more than 13 years for petrol, petrol hybrid or electric vehicles with an initial registration of 2009 onwards and not to be left-hand drive.
- 102.2** In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, (i.e. London type hackney carriage purpose built), or is MI ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible the vehicle must not normally exceed 12 years of age from date of first registration, and not more than 12 years of age in the case of any subsequent application and not be left-hand drive.
- 102.3** The age of the vehicle in section 102.1 and 102.2 above to be taken from the vehicle registration document.
- 102.4** The maximum age limit described in section 102.1 and 102.2 above, may only be exceeded if the vehicle presented is in exceptional condition, See Section 89.6 above.
- 102.5** All new or replacement multi-seater vehicles (vehicles capable of carrying

- 5 to 8 passengers) must be wheelchair accessible.
- 102.6** A vehicle shall be taken as being re-licensed only if there was in force in respect of that vehicle a current hackney carriage vehicle licence previously issued by the Council immediately prior to it being re-licensed; there may be no lapse between licences.
- 102.7** Any vehicle with a 'Q' plate registration will not be licensed if in excess of 7 years old from date of manufacture. 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 of the D.V.L.A

### **103. Maintenance and Appearance of Vehicle**

- 103.1** The vehicle and its fittings must at all times when it is available for hire or being used as a hackney carriage;
- 103.1.1** be safe.
  - 103.1.2** be tidy.
  - 103.1.3** be clean.
  - 103.1.4** comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including but without prejudice to the generality of, the foregoing, the Road Vehicles (Construction and Use) Regulations 1986.
- 103.2** 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.
- 103.3** The following shall apply as a minimum:
- 103.3.1 RUST-** Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with more than three visible rust patches each of more than 20 sq.cms, should be failed.
  - 103.3.2 DENTS-** Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter/ length or a single dent of more than 20cms in diameter / length should be failed.
  - 103.3.3 SCRATCHES -**Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed.
  - 103.3.4 PAINT WORK-** All panels on all vehicles including those which are wheelchair accessible and those which conform to the Conditions of Fitness as prescribed by Transport for London shall be painted in manufacturers 'white' colour except for bonnet and boot panels which must be 'Aqua' in colour (BSI 6E53), except vehicles currently licensed which must meet this requirement upon replacement; panels with unmatched colours or in primer should be deemed as failures. Alternatively the bonnet and boot may be

covered in aqua vinyl (3M Scotchcal Vinyl – 50-795 or KPMF Vinyl – Turquoise K70076)

- 103.3.5** SEATS- Passenger seats must be of sufficient size and comfort for the intended number of passengers as decided by the Director of Public Health.. All seats in the vehicle must comply with the Road Vehicle (Registration and Licensing) Regs. 2002. All seats, including the driver's, must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. Front passenger seat must provide a headrest.
- 103.3.6** CARPETS / FLOOR COVERING. All carpets and floor covering shall be complete and free from cuts, tears or serious staining.
- 103.3.7** HEADLINING and OTHER TRIM. All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- 103.3.8** WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent window without difficulty.
- 103.3.9** BOOT / LUGGAGE COMPARTMENT. This should be empty, except for a spare wheel and essential tools. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- 103.3.10** INTERIOR. The interior must be kept clean, tidy and free of any litter or other rubbish.
- 103.3.11** WHEELCHAIRS & SWIVEL SEATS. must comply with Condition 116 below.
- 103.3.12** The inspecting garage will advise if in their opinion the vehicle is suitable to be licensed. Any disputes in interpretation of the above will be at the discretion of the Director of Public Health.
- 103.3.13** Nets must be provided for use where luggage is not separated from the passengers.

#### **103.4** Exterior Markings

- 103.4.1** No vehicle shall be licensed as a hackney carriage vehicle unless its exterior paintwork is white with the bonnet and boot painted aqua marine to BSI 6E53 or covered in aqua vinyl with 3M Scotchcal Vinyl – 50-795 or KPMF Vinyl – Turquoise K70076.
- 103.4.2** Each hackney carriage shall display signs on each door in accordance with the design approved and supplied by the Council. The sign shall be constructed of vinyl and be applied direct to the door.
- 103.4.3** The vehicle plate issued by the Council in respect of the licensed vehicle shall be fixed securely on the outside of the vehicle at the rear in a conspicuous position and in such a manner as to be easily removed by an authorised officer or a constable.
- 103.3.4** Each hackney carriage shall display Cut Engine Cut Pollution signs on

the rear of the vehicle in accordance with the design approved and supplied by the Council. The sign shall be constructed of vinyl and be applied direct to the rear of the vehicle as decided by the authorised officer.

#### **104. Passengers**

The proprietor or driver of the vehicle shall not convey or permit to be conveyed in the vehicle more than the maximum number of persons specified in the licence.

#### **105. Alteration of the 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.

#### **106. Safety Equipment**

A device to effectively prevent luggage and other goods placed in the rear of the vehicle from entering the front of the vehicle shall be available in estate cars and other similar vehicles at all times when such vehicles are used as a hackney carriage.

#### **107. Interior Markings.**

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence and the drivers badge.

#### **108. Inspection of Vehicle.**

**108.1** The vehicle may not be available for hire or be used as a hackney carriage unless there is a current compliance certificate in force in respect of that vehicle.

**108.2** Any vehicle that is 10 years old or older will require relicensing at six monthly intervals. The vehicle will be required to be fitness tested and a new compliance certificate produced following that test before any licence is issued.

**108.3** Any vehicle that has excessive or dangerous faults recorded on a fitness test may be issued with a six month licence as decided by the Director of Public Health until such time the Director of Public Health is satisfied that the vehicle is being maintained to a satisfactory standard.

**108.4** The vehicle must be mechanically inspected by one of the Councils nominated testing garages prior to a licence being issued.

**108.5** The vehicle must be inspected and a mechanical inspection certificate issued within one month of application for a vehicle licence or for re-licensing of a vehicle licence.

**108.6** Subparagraphs 108.1, 108.4 and 108.5 will not apply in the case of a new vehicle with only delivery mileage on the odometer.

## **109. Documents**

There must be carried in the vehicle when it is available for hire or being used as a hackney carriage;

**109.1** The insurance certificate or insurance cover note or copy “for the purpose of plying for hire”.

**109.2** A copy of the current tariff as approved by the Council clearly displayed within the vehicle where it may be seen by any passenger carried.

**109.3** A sign giving the licence number of the vehicle and driver giving the maximum number of passengers to be carried, which will be issued by the Council and be displayed inside the vehicle where it may be clearly seen by any passenger carried.

**109.4** Signs shall not contain anything of a religious or political nature or contain any matter likely to cause offence. An exception will be a small discreetly placed, symbolic item that is reflective of a personal belief that will keep a driver safe. This should not be directly in the line of sight of any passenger and should not present a risk to the safety of a passenger for instance being inadequately fixed and be submitted for approval by the authorised officer.

**109.5** A copy of the Byelaws with respect to Hackney Carriages in Brighton & Hove.

## **110. Signs & Notices etc**

**110.1** No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or any devices whatsoever other than those mentioned in paragraph 110.2 below shall be displayed on, in or from the vehicle.

**110.2** Signs permitted are;

**110.2.1** any registration number.

**110.2.2** any sign required by statute or subordinate legislation.

**110.2.3** any sign on a taximeter indicating that the vehicle is for hire.

**110.2.4** the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle displayed at a level as decided by the Director of Public Health. (This is in addition to the sign required in 109.3 above).

**110.2.5** the roof sign referred to in paragraph 112 below.

**110.2.6** any sign indicating membership of a national motoring organisation.

**110.2.7** any sign requesting passengers not to smoke or eat or drink in

- the vehicle.
- 110.2.8** the tariff and licence number as in 109.2 and 109.3 above.
  - 110.2.9** any sign approved by the Council to indicate that the payment of fares may be made by credit card shall be displayed on the front windscreen of the vehicle.
  - 110.2.10** any sign provided by Brighton and Hove City Council to show that the vehicle is used for school contracts, shall be displayed in the windscreen in such a manner so as to not obstruct the driver's vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
  - 110.2.11** any sign approved by the Director of Public Health to indicate the vehicle is a taxi bus
  - 110.2.12** any sign indicating use of security camera in a vehicle.
  - 110.2.13** 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, nor any hanging obstruction be placed in any part of the vehicle.
  - 110.2.14** any other sign within the vehicle must be approved by an authorised officer and must meet the conditions as set out above.
  - 110.2.15** approved council livery.
  - 110.2.16** Subject to approval from the Director of Public Health advertising is permitted on the tip up seats of wheelchair accessible vehicles and any advertisement displayed conforms to the council's guidance for licensed vehicles.
  - 110.2.17** Advertising is permitted on the rear wing of the vehicles (as decided by the Director of Public Health) provided the vehicle is not exempt from displaying the council's livery and any advertisement displayed conforms to the council's guidance for licensed vehicles. The advertisement must be applied directly to the rear wings of the vehicle. Removable, temporary methods of display such as magnetic or similar applications are not acceptable.
  - 110.2.18** Advertising by headrest cover or dvd/video player is permitted provided any unit fitted complies with Road Vehicles (Construction and Use) Regulations 1986 and does not interfere with any existing airbags or affect passenger safety and any advertisement displayed conforms to the council's guidance for advertising in licensed vehicles.

## **111. Licence Plate**

The design of the rear exterior plate shall be that approved by the Director of Public Health. The Council must be informed immediately should the licence plate showing the number of the hackney carriage licence be broken, lost or defaced. On no account must a hackney carriage ply for hire without a plate. (As

required under the Town Police Clauses Act 1847, sections 51 and 52).

## **112. Roof Signs**

- 112.1** Each hackney carriage vehicle, other than a purpose built or wheelchair accessible vehicle shall have installed on the roof and display a toblorone roof sign bearing the words "Brighton & Hove Taxi" on its front and rear face in a position central to the width of the roof. The word "taxi" must be plainly and distinctly visible from the front and rear of the vehicle. The rear sign may have only the telephone number or name of the hackney carriage company instead of the wording "Brighton & Hove Taxi", and must be capable of being illuminated during the hours of darkness. The sign must be white with black lettering as agreed by the Director of Public Health showing to the front and red with black lettering as agreed by the Director of Public Health the rear. The sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.
- 112.2** Subparagraph 112.1 shall not apply to a vehicle complying with the Conditions of Fitness as prescribed by Transport for London or a wheelchair accessible vehicle. Any vehicle of this specification must display a sign bearing the word "taxi" on its front face at roof level. The word "taxi" must be plainly and distinctly visible from the front of the vehicle.

## **113. Vehicle and Driver Identity Badges**

The vehicle badge issued by the council must be displayed at all times in the top nearside corner of the windscreen. The badge issued to the driver of the vehicle must be displayed directly below. Both badges displayed so as to be easily seen by passengers.

## **114. Criminal Cautions / Convictions.**

In all cases the proprietor must within 3 days disclose to the Council the details of any Criminal Convictions, Cautions, Conditional Cautions, Community Resolutions, Anti-Social Behaviour Orders, Criminal Behavioral Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court injunctions or Fixed Penalty Notices (personally or business related), Motoring convictions and penalty notices imposed upon him / her or in the case of a driver using their licensed vehicle the details of their driver. This covers the period they hold a licence of any kind.

Failing to disclose cautions convictions or any of the issues contained in the Council's guidelines for cautions & convictions section below will be regarded as a serious breach of the terms of the license and action will normally take place.

### **115. Change of address**

The driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place, and in any case within 7 days of such change.

### **116. Wheelchair Accessible Vehicles**

**116.1** For any vehicle that is adapted or designed to carry at least one wheelchair passenger whilst remaining seated in the wheelchair:

**116.1.1** there must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.

**116.1.2** there must be sufficient space for a wheelchair to travel facing forward or rearward.

**116.1.3** there must be a separate means of securing the chair and the wheelchair occupant.

**116.1.4** there must be serviceable wheelchair ramps and clamps carried in the vehicle.

**116.1.5** be of a size and comfort as decided by the Director of Public Health to accommodate a user in a standard wheelchair, at least one carer and have sufficient luggage space.

**116.2** A vehicle designed or adapted to carry at least one wheelchair passenger whilst remaining seated in the wheelchair may carry a maximum of two signs indicating that it is capable of carrying wheelchair passengers.

**116.3** Any swivel seat fitted must meet the requirements of the above Act.

**116.4** The proprietor must ensure that all drivers of the vehicle are adequately trained in embarking, disembarking and safe carriage of passengers in wheelchairs. Proprietors must be able to demonstrate to the Authorised Officer that training has been provided upon demand.

**116.5** The proprietor must ensure that all drivers of wheelchair accessible vehicles have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or the Catstream Drivers Disability Awareness Training

### **117. Assistance Dogs**

No driver may refuse to carry a seeing, hearing or assistance (guide) dog that is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him/her from this condition, any payment for such certificate to be paid by the applicant. The Council may then issue an exemption certificate to be displayed in the vehicle whilst that person is driving that vehicle.

### **118. Towing of Trailers**

No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for plying for hire has been produced to an authorised Officer.

The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle. The contents of such trailer must be secured and covered in a proper and watertight manner.

Any trailer used must comply with regulations in all respects and where required the driver must hold the appropriate towing licence as issued by the D.V.L.A.

The vehicle with a trailer attached may not ply for hire or stand for hire on a taxi rank.

### **119. Dual Plating**

No vehicle will be granted a licence if it is licensed in another district or Council due to the problems of meeting the variance in conditions applied in different districts and Councils and the enforcement of those conditions in cases of non-compliance, (i.e. signs, meters, suspensions or revocation).

### **120. Mechanical Breakdown**

If any vehicle becomes unfit to complete a hiring during a hiring;

**120.1** The driver shall be entitled to demand the fare for the distance already traveled as shown on the meter.

**120.2** The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

### **121. Accidents.**

Any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle should be reported to the council as soon as reasonably practicable and in any case within 72 hours.

### **122. Transfer of Interest.**

**122.1** If the proprietor transfers his/her interest in the vehicle to someone else he/she must, within 14 days, give written notice to the Council of the transfer and the name and address of the transferee.

**122.2** Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible as described in 89.3 above at the next renewal date following transfer.

### **123. Deposit of Driver Licences**

If the proprietor of the vehicle allows somebody other than him/herself to drive the vehicle, s/he shall before allowing that person to commence driving the vehicle ensure that the driver deposits his/her hackney carriage driver's licence with the proprietor for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle or any vehicle of his/hers. Provided that any licence so deposited shall be made immediately available to the driver upon request if she/he is required to produce the licence by any authorised officer of the Council or any constable. Where a driver works for two or more owners, arrangements should be made for duplicate licences to be issued.

### **124. Record of Licences**

The proprietor of the vehicle shall supply the operator of the vehicle, where applicable, such details relating to the vehicle licence, insurance and MOT / Certificate of Compliance as are required by the operator.

### **125. Taximeters**

All taximeters fitted to Brighton & Hove licensed hackney carriages shall be EEC or Transport for London type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. If a taxi meter fitted to the vehicle is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyres fitted to the vehicle or alterations made to the vehicles transmission gearing ratio the proprietor shall not cause or permit the vehicle to be used for hire until the taximeter has been satisfactorily tested and sealed by an authorised officer of the Council.

### **126. Table of Fares**

There shall be displayed within the vehicle in a position so as to be clearly visible to any passenger a current table of fares supplied by the Council. The driver shall if requested by the hirer of the vehicle provide him/her with a written receipt for the fare paid.

### **127. CCTV**

CCTV equipment must be installed and operated in the licensed vehicle as described in the guidance CCTV Monitoring in Brighton and Hove Hackney Carriage and Private Hire Vehicles (Section 192 & 193). Any failure to install, maintain or operate a system is likely to lead to the vehicle licence being suspended, revoked or its licence not renewed depending on the circumstances.

The following licence conditions will apply:

- 127.1** the CCTV equipment shall be of a type approved by the Director of Public Health any images recorded must be retained for at least 28 days.
- 127.2** the CCTV must be operating at all times in the vehicle when trading and carrying passengers for hire and reward
- 127.3** the image quality must be of good quality in which events can easily be viewed and people identified.
- 127.4** the equipment shall be installed and operated and maintained in a manner to the satisfaction of the Director of Public Health.
- 127.5** all CCTV media and its data must be secured, password encrypted and not accessible to any individual, other than the data controller or their appointed administrator.
- 127.6** as far as the Council is concerned any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime, to confirm or rebut complaints made against the driver or as evidence in motor insurance matters
- 127.7** no recording or other material created from the system shall be used or distributed for any purpose other than allowed by 127.6 above or kept more than 31 days if not required under 127.6 above.
- 127.8** access to any recorded material shall be limited to the police, any authorised officers of the Council their legal advisors and persons covered by the Home Office Surveillance Camera Code of Practice and the Information Commissioners CCTV Code of Practice. Access to any material recorded must be available upon demand to the police, or any authorised officer of the Council within 24hrs from request at no charge to the person making the request.
- 127.9** notices indicating that a video / recording system is in operation and giving details of the data controller must be clearly displayed in the vehicle.

**Note:** Any CCTV system must be operating when there are passengers being carried for hire and reward in the vehicle. Audio recordings are acceptable provided they comply with the Home Office Surveillance Code of Practice and the Information Commissioners Code of Practice.

## **128. Safety Screens**

A Safety Screen fitted between the driver and passengers, may be installed in the licensed vehicle subject to the following:

- 128.1** approval in writing must be obtained from the Council before a safety screen is fitted into the licensed vehicle
- 128.2** for any safety screen installed in the licensed vehicle the Director of Public Health must approve (a) the type of screen (b) the manner in which it is installed into the vehicle and (c) the person who installs it.
- 128.3** the vehicle proprietor must produce vehicle insurance for the vehicle, which includes an indemnity covering liability for any injury caused by the presence of the screen.

### **129. Complaints**

Any vehicle against which a complaint is laid must be presented to an authorised officer within one working day of being so requested for inspection, testing and for the driver to answer such complaint.

### **130. Inspection**

The vehicle may be called in for inspection at any time by an authorised officer to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation of licence.

### **131. Ranks**

The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time.

### **132. Vehicle Checks**

Any vehicle which is suspected of any infringement of legislation, bye laws or conditions may be inspected by an authorised officer at any time to ensure its fitness to be used as a hackney carriage in the interest of public safety.

### **133. Compliance**

The responsibility for complying with these conditions, unless otherwise stated, shall be the proprietors and drivers jointly and severally.

Any vehicle currently licensed that does not meet the conditions at the time they come into force will be permitted to be re-licensed annually provided it passes the mechanical requirements, but any replacement vehicle will be required to meet all conditions as set out in this handbook.

### **134. Appeals**

**134.1** Licence holders may appeal against all or any of these conditions attached to a licence granted.

**134.2** Any appeal must be made within 21 days of the grant of a licence.

**134.3** Appeals must be made to the Magistrates Court - you should contact the Clerk to the Justices, The Law Courts, Edward Street, Brighton. Before appealing it is advisable to seek independent aid/or legal advice.

**134.4** Applicants may appeal against the refusal to grant a licence.

**134.5** Any appeal must be made within 21 days of the refusal of the licence.

**134.6** Appeals must be made to the Crown Court.

## **Part K**

### **Procedure for the Licensing of a Private Hire Vehicle Initial Inspection**

The vehicle shall normally be presented to the authorised officer for inspection to ensure compliance with the following conditions;

#### **135. Suitability**

- 135.1** Vehicles must be M1 ECWVTA (EC Whole Vehicle Type Approved) and in the case of conversions hold a National Small Series Type Approval (NSSTA) or Individual Vehicle Approval (IVA) Certificate.
- 135.2** In the case of a first application for a vehicle licence it must be under 10 years since date of first registration, not more than 10 years in the case of any subsequent application for renewal of licence or no more than 13 years for petrol, petrol hybrid or electric vehicles with an initial registration of 2009 onwards and not to be left-hand drive. In the case of a first application for a wheelchair accessible vehicle that is M1 ECWVTA under 12 years since date of first registration and not more than 12 years in the case of any subsequent application for renewal of licence.
- 135.3** The age of the vehicle to be taken from the vehicle registration document.
- 135.4** The maximum age limits described in section 135.2 and 135.3 may only be exceeded if the vehicle presented is in exceptional condition (as confirmed by the inspecting garage). A vehicle will be considered to be in “exceptional condition” if all of the following apply:
- The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
  - The vehicle passes the Council’s vehicle inspection.
  - The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
  - The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
  - The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
  - The boot or luggage compartment is in good condition, clean and undamaged.
  - Passenger areas are free from damp or any other odours that may cause passenger discomfort.
  - The vehicle must 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.

- The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.
- 135.5** The vehicle must be any single manufactures colour other than white. White to be decided by the Director of Public Health.
- 135.6** Vehicles must be of a type approved by the Director of Public Health, be fitted with four road wheels and have the appropriate number of doors for entry or egress for the number of passengers on the licence as decided by the Director of Public Health.
- 135.7** In the case of an estate / hatchback type vehicle the hatch will not be considered or counted as a door for means of entry or egress
- 135.8** In no circumstances will any vehicle be licensed which would require any passenger to move or tip any seat to enter or egress from any seat they may occupy or that would require them to climb over any seats or luggage in the vehicle.
- 135.9** In the case of minibus or conversions there must be a minimum of two rear side doors, one opening to the rear side, to the passenger compartment and any luggage which occupies that compartment must be separated from the passengers in a safe manner and not obstruct any passageway or exit door. All passenger seats must face forward or rearwards in relation to direction of travel.
- 135.10** In the case of conversions all external fittings such as roof pods that could lead the vehicle to be mistaken as a hackney carriage must be removed.
- 135.11** Vehicles must be of a sufficient size and comfort to accommodate the number of passengers the vehicle will be licensed to carry (the normal minimum number being 4).
- 135.12** The seating configuration should be that ingress and egress should not be restricted by other seats i.e. that it should not be necessary to move or tip a seat to get into and or out of the vehicle.
- 135.13** An audio warning for vehicles with sliding doors shall be operational when the ignition is turned on when the sliding doors are open.
- 135.14** Extra door handles shall be fitted in a position above the steps at the rear side entrances to the vehicle to assist passengers getting into and out of people carrier type vehicles.
- 135.15** Suitable additional step(s) as agreed by the Director of Public Health shall be fitted at the rear side entrances of people carrier type vehicles.
- 135.16** All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 135.17** In the case of vehicles which make provision for the carriage of passengers whilst still occupying a wheelchair there must be separate means of securing the wheelchair and passenger and serviceable ramps to assist loading and unloading.
- 135.18** The vehicle must not be of such design and appearance as to lead any person to believe that it is a hackney carriage.
- 135.19** Luggage space must reasonable and sufficient for the maximum number

of passengers permitted on the licence and be physically separated from the passenger seating.

- 135.20** Any spare wheel must normally be of the same type as the road wheels. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres passengers must not be carried when in use.
- 135.21** Other than new vehicles with LPG capacity, L P G conversions must have been carried out by a garage approved by the Government for such conversions and a certificate confirming this produced. Sufficient luggage space should still be available following the conversion.
- 135.22** Vehicles that are Category C & D insurance “write offs” may be licensed provided that a Vehicle Identity Check (VIC) certificate has been issued for category C and written confirmation from the insurer is provided confirming they are aware that the vehicle is a C or D “write off”.

### **136. Standards, Maintenance and Appearance of Vehicle**

- 136.1** The vehicle and its fittings must be at all times when it is available for hire or being used as a private hire;
  - 136.1.1** be safe.
  - 136.1.2** be tidy.
  - 136.1.3** be clean.
  - 136.1.4** comply with all relevant statutory requirements application to the class of vehicle to which the vehicle belongs including but without prejudice to the generality of the foregoing the Road Vehicles (Construction and Use) Regulations 1986.
- 136.2** The vehicle must be, and shall be maintained throughout the term of the private hire vehicle licence, to a high standard of appearance to the complete satisfaction of the Council.
- 136.3** The vehicle must be kept in good condition to include the following;
  - 136.3.1** RUST. Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with more than three visible rust patches of more than 20 sq.cms each should be failed.
  - 136.3.2** DENTS. Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter/length, should be failed.
  - 136.3.3** SCRATCHES. any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed.
  - 136.3.4** PAINT WORK. All panels on a saloon vehicle shall be painted in a manufacturers standard colour, which may not be white, or of a colour which may appear to be white under street lighting; panels with unmatched colours or primer should be deemed to

be failures.

- 136.3.5 SEATS.** Passenger seats must be of sufficient size and comfort for the intended number of passengers as decided by the Director of Public Health and comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats including the driver's must be free from cuts, tears or cigarette burns except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. Swivel seats must meet the Equality Act 2010 standards. Front passenger seat must provide a headrest. In the case of wheelchair accessible vehicles they must be of a size and comfort as decided by the Director of Public Health to accommodate a user in a standard wheelchair, at least one carer and have sufficient luggage space.
- 136.3.6 CARPETS / FLOOR COVERING.** All carpets and floor coverings shall be complete and free from cuts, tears or serious staining.
- 136.3.7 HEADLINING and OTHER TRIM.** All interior trim including headlining shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- 136.3.8 WINDOW OPERATION.** All passengers, excepting those occupying a middle seat, must be able to open adjacent window without difficulty.
- 136.3.9 BOOT / LUGGAGE COMPARTMENT.** This should be empty, except for spare wheel, essential tools and first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- 136.3.10 INTERIOR.** The interior must be kept clean, tidy and free of any litter or other rubbish.
- 136.3.11** The-inspecting garage will advise if in their opinion the vehicle is suitable to be licensed. Any disputes in interpretation of the above will be at the discretion of the Director of Public Health.
- 136.3.12**Nets will be provided for luggage not separated from the passengers.

### **137. Inspection of Vehicle**

- 137.1** The vehicle may not be available for hire or be used as a private hire vehicle unless there is a current mechanical inspection certificate in force in respect of that type or class of vehicle.
- 137.2** The vehicle must be mechanically inspected by the Councils nominated testing centre prior to a licence being issued. For nominated garages see Section 90 of this handbook.
- 137.3** The vehicle must be inspected and a mechanical inspection certificate issued within one month prior to application for a vehicle licence or for the re-licensing of a vehicle.
- 137.4** Subparagraph 137.1, 137.2 and 137.3 will not apply in the case of a new

vehicle with delivery mileage on the odometer from the date of first registration as verified by the vehicle registration document.

### **138. Final Inspection Prior to Licensing**

The following will be checked by an Authorised Officer prior to Licensing;

- 138.1** The Mechanical Inspection (Certificate of Fitness).
- 138.2** Insurance cover for the use to which the vehicle will be put to include towing and wheelchairs if necessary and other vehicle documents as listed on the application form.
- 138.3** That the vehicle has a Council approved valid fire extinguisher, and that all windows are clear of stickers with approved exceptions.
- 138.4** If a meter is fitted it must be EEC or Transport for London type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. Any meter fitted must be in a position as to be seen by all passengers, sealed and with the correct tariff.
- 138.5** Certificate of Compliance for all vehicles. New vehicles with only delivery mileage on odometer are exempt.
- 138.6** Door signs, door numbers and cut engine signage are correctly applied as decided by the Director of Public Health if required.
- 138.7** Vehicle registration document or proof of ownership i.e. bill of sale.
- 138.8** CCTV installed to be operated and maintained in accordance with the requirements of the Director of Public Health. Section 192 & 193
- 138.9** Certificate from the CCTV data controller confirming that the CCTV system has been checked and is installed and working correctly

**Note:** All CCTV data control of licensed Brighton and Hove vehicles will only be permitted by council nominated independent data controllers. All nominated data controllers must show a full and comprehensive knowledge of data retention and security, and correct ICO procedure for dealing with authorisations and handling of requests. They will need to ensure that all authorised requests are dealt with in a timely manner (normally 24 working hours from the request being received), and any supplied CCTV footage is in a free standard format.

### **139. Issuing a Licence**

If all of the above items and all conditions are met and are satisfactory then the licence will be issued together with other appropriate material. An invoice for the appropriate fee will be raised following application which must be paid within 30 days or any licence issued will subsequently be revoked.

### **140. Re-Licensing**

- 140.1** All licences issued run from one year from the date of issue.
- 140.2** All vehicles presented for grant of a new licence must have a certificate of

- mechanical inspection dated within one month prior to application.
- 140.3** Council policy allows a licence holder to “renew” a Private Hire Vehicle provided that such application is made prior to expiry of the licence as an expired licence cannot legally be “renewed”. As a consequence any request to “renew” an expired licence will normally be refused. Failure to make a prior booking to renew a licence may result in vehicles not being licensed for the commencement of the following licensing period.
  - 140.4** The vehicle will be re-inspected in accordance with Section 137 above
  - 140.5** A licence will only be granted if all documents, information and the payment required are complete. Any incomplete application will be returned to the applicant.
  - 140.6** The Council’s nominated testing garage will endeavour to test all vehicles within 15 working days of application to them for testing.
  - 140.7** If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Road Vehicles (Construction and Use) Regulations 1986, then the plate may be removed by the testing centre or any authorised officer until such time as the vehicle passes the test, and until such time as the plate is returned, the vehicle may not be used for hire and reward.
  - 140.8** Any vehicle called for inspection, which fails to attend, may have its licence suspended immediately and subsequently the licence may be revoked.
  - 140.9** Any vehicle failing to keep an appointment for testing will incur a fee payable to the nominated garage.

#### **141. Vehicle Damage or Accident Involving a Licensed Vehicle**

- 141.1** The proprietor of any private hire vehicle must report to the Authorised Officer as soon as reasonable practicable, and in any case within seventy-two hours, the occurrence of any accident involving the private hire vehicle.
- 141.2** The vehicle will be inspected by the Authorised Officer and a decision made as to whether or not the vehicle is in such condition to continue in service.
- 141.3** If any damage to the vehicle is such that the Authorised Officer considers it still to be a fit condition to continue in service until such time as a permanent repair is undertaken these must be undertaken within a maximum of 28 days of the damage occurring.
- 141.4** If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service.
- 141.5** In the case of any dispute as to section 141.4 above, the vehicle will be taken to the Councils nominated testing garage (See Section 90) where a qualified mechanic will give a binding decision which shall be final, the

appropriate fee for such examination will be paid for by the proprietor.

#### **142. Replacement Vehicles**

Any replacement vehicle must comply with sections 135 to 141 above. A completed application form must be submitted with any other necessary documents prior to any replacement vehicle being used as a private hire vehicle. An invoice for the appropriate fee will be raised following application which must be paid within 30 days or any licence issued will subsequently be revoked.

#### **143. Operator**

The vehicle used must be covered by an Operator's Licence issued by the Council.

#### **144. Change of Vehicle Owner**

If a proprietor transfers his interest in a vehicle to somebody else he must immediately or in any event within 7 days give notice of the transfer in writing to an Authorised Officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until the licence has been transferred to that person and all documentation completed and any necessary fees paid.

#### **145. Exception from Display of Plate**

There are exceptions if a vehicle is used for a wedding ceremony or funeral. Application must be made in writing and a certificate of exception granted before the plate may be removed from the rear of the vehicle and it will then be displayed inside the vehicle to the side of the drivers seat in such a manner so as to be clearly seen when the drivers door is open. All other signs may in these circumstances be removed and the drivers badge must be carried in the vehicle and produced on demand.

#### **146. Conditions**

The Council has power to attach conditions to private hire licenses. The standard conditions are as set out in this handbook. The vehicle must comply with these conditions before it is submitted for its test. If doubt exists about the application of any of these conditions the Authorised Officer should be contacted.

It is an offence to ply for hire or to stand on a hackney carriage rank with a private hire vehicle or to permit others to do so or tout for business.

The Council has the power to suspend or revoke a licence if the vehicle is unfit or for offences or non-compliance with the 1976 Act by operator or driver, or any other reasonable cause. In the case of revocation the plate must be returned.

## **Part L**

### **Private Hire Vehicle Licence Conditions made Under the Local Government (Miscellaneous Provisions) Act 1976**

#### **147. Interpretation**

- 147.1** In these conditions;
- 147.2** “The Council” means ‘Brighton & Hove City Council.’
- 147.3** “the Director of Public Health” means the Director of Public Health, for the time being of the Council.
- 147.4** “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Out of Hours Regulatory Services Officer, Public Health Licensing Manager for the time being of the Council.
- 147.5** “the vehicle” means the vehicle subject of the private hire vehicle licence to which the conditions are attached.
- 147.6** “the proprietor” means the person for the time being shown on the private hire vehicle licence as the proprietor of the vehicle.
- 147.7** “the driver” means the driver for the time being of the vehicle.
- 147.8** “mechanical inspection” means the certificate issued by the Councils nominated garage certifying that the vehicle is mechanically sound and fit for use as a licensed vehicle.
- 147.9** “nominated garage” means for the time being the garage approved by the Council for the purpose of undertaking mechanical inspections.
- 147.10** 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.
- 147.11** Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

#### **148. Passengers**

The proprietor or the driver of the vehicle shall not convey or permit to be conveyed in the vehicle more than the maximum number of people (irrespective of age) specified in the licence.

#### **149. Age of Vehicle.**

- 149.1** In the case of a first application for a vehicle licence for that vehicle to be under 10 years since date of first registration and not more than 10 years in the case of any subsequent application for renewal of licence or no more than 13 years for petrol, petrol hybrid or electric vehicles with an initial registration of 2009 onwards. In the case of a first application for a wheelchair accessible vehicle that is M1 ECWVTA under 12 years since date of first registration and not more than 12 years in the case of any subsequent application for renewal of licence

- 149.2** The age of the vehicle is to be taken from the vehicle registration document.
- 149.3** The maximum age limit described in section 149.1 above, may only be exceeded if the vehicle presented is in exceptional condition as confirmed by the inspecting garage. See Section 135
- 149.4** A vehicle shall be taken as re-licensed, (renewal of licence), only if there was in force in respect of the vehicle a current private hire vehicle licence previously issued by the Council immediately prior to its being re-licensed, there may not be a lapse period between licenses.
- 149.5** Any vehicle with a "Q" plate registration will not be licensed if in excess of 10 years old from date of manufacture. 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 of the D.V.L.A. and taken from the registration document.

## **150. Maintenance and Appearance of Vehicle**

- 150.1** The vehicle and its fittings must at all times when it is available for hire or being used as a private hire vehicle;
- 150.1.1** be safe.
  - 150.1.2** be tidy.
  - 150.1.3** be clean.
  - 150.1.4** 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 Road Vehicles (Construction and Use) Regulations 1986.
- 150.2** The vehicle must be, and shall be maintained throughout the term of the private hire vehicle licence, to a high standard of appearance to the complete satisfaction of the Council.
- 150.3** The vehicle must be of any single manufacturers colour other than white. (Interpretation of 'white' to be decided by the Director of Public Health).
- 150.4** All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 150.5** Permitted door signs must be permanently fixed centrally on each front door of the vehicle as determined by the council. They should be 30cms by 46cms in size with white lettering, containing only the words "PRIVATE HIRE" and "PRIOR BOOKING ONLY" and a single telephone number or company name for the operator of the vehicle. The rear passenger doors will have signs showing the vehicle plate number. The rear of the vehicle will have a cut engine cut pollution sign. The signs to be supplied by the Council at no extra cost to the licence holder. If door signs are displayed a roof sign must also be displayed showing the single telephone number or company name for the operator of the vehicle on the front and back of the roof sign.
- 150.6** The vehicle must be kept in exceptional condition to include the following;
- 150.6.1** RUST. Any vehicle presented should be free from any significant

areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with more than three visible rust patches of more than 20 sq.cms should be failed.

- 150.6.2** DENTS. Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter / length or a single dent of more than 20cms in diameter / length should be failed.
- 150.6.3** SCRATCHES. Any vehicle with un-repaired scratches down to bare metal on three or more panels of 5cms in length, or a single scratch of more than 20cms in length, should be failed.
- 150.6.4** PAINT WORK. All panels shall be painted in other than white or any colour which may appear to be white panels with unmatched colours or in primer should be deemed a failure.
- 150.6.5** SEATS. In conventional saloon vehicles where it is intended that the licence be for four passengers, the rear seat must be of sufficient size and comfort as decided by the Director of Public Health and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations 2002.  
All seats, including the drivers, must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
- 150.6.6** CARPETS / FLOOR COVERING. All carpets and floor covering shall be complete and free from cuts, tears or serious staining.
- 150.6.7** HEADLINING and OTHER TRIM. All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- 150.6.8** WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent windows without difficulty.
- 150.6.9** BOOT / LUGGAGE COMPARTMENT. This should be empty, except for spare wheel, essential tools and first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- 150.6.10** INTERIOR. The interior must be kept clean, tidy and free of any litter or other rubbish.

## **151. Inspection of Vehicle**

- 151.1** The vehicle may not be available for hire or be used as a private hire vehicle unless there is a current mechanical inspection certificate in force in respect of that type or class of vehicle.
- 151.2** Any vehicle that is 10 years old or older will require relicensing at six monthly intervals. The vehicle will be required to be fitness tested and a new compliance certificate produced following that test before any licence

- is issued.
- 151.3** Any vehicle that has excessive or dangerous faults as decided by the Director of Public Health recorded on a fitness test may be issued with a six month licence until such time the Director of Public Health is satisfied that the vehicle is being maintained to a satisfactory standard.
  - 151.4** The vehicle must be mechanically inspected by the Councils nominated testing garage prior to a licence being granted. (For list of nominated testing garages see Section 90).
  - 151.5** The vehicle must be inspected and a mechanical inspection certificate issued within one month of application for the vehicle licence or for the re-licensing of a vehicle.
  - 151.6** Subparagraphs 151.4 and 151.5 will not apply in the case of a new vehicle with only delivery mileage on the odometer.
  - 151.7** The vehicle may be called for inspection at any time by the Authorised Officer to ensure compliance. Failure to attend and show any documentation requested may lead to suspension or revocation of licence.

## **152. Alteration of the Vehicle**

No alterations in the original type specification, design or appearance of the vehicle shall be made without the approval in writing from the Director of Public Health.

## **153. Documents**

There must be carried in the vehicle when it is available for hire or used as a private hire vehicle:

- 153.1** A copy of the insurance certificate or current insurance cover note.
- 153.2** A copy of the current tariff as advertised by the operator clearly displayed within the vehicle where it may be seen by any passenger carried in cases where a meter is fitted.
- 153.3** A sign giving the licence number of the vehicle and giving the maximum number of passengers to be carried, will be displayed where it may be clearly seen by any passenger carried such notice to be issued by the Council.

## **154. Signs and Notices**

- 154.1** No signs notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices whatsoever (collectively referred to as "signs"), other than those mentioned in paragraph 154.2, 154.7, 154.8 and 154.10 below shall be displayed on, in or from the vehicle.
- 154.2** Signs permitted are;
  - 154.2.1** any registration numbers.
  - 154.2.2** any sign required by statute or subordinate legislation.
  - 154.2.3** any sign on a taximeter indicating the vehicle has been

- hired.
- 154.2.4** the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle displayed to the rear side at bumper height. (This is in addition to the sign required in 153 above inside the vehicle).
  - 154.2.5** the roof sign referred to in Section 156 below. If required vinyl door signs as provided by the Council to be fitted direct to the vehicle front doors indicating that the vehicle is only available for hire by prior booking and showing one telephone number or company name of the operator. If front signs used, rear door vinyl signs as provided by the Council showing the vehicle plate number to be fixed by the door handles.
  - 154.2.6** Cut engine cut pollution sign on the rear of the vehicle.
  - 154.2.7** any sign indicating membership of a national motoring organisation.
  - 154.2.8** any sign requesting passengers not to smoke in the vehicle.
  - 154.2.9** the tariff and licence number as in 154.2 and 154.3 above.
  - 154.2.10** any sign approved by the Council to indicate that the payment of fares may be made by credit cards shall be displayed on the front windscreen of the vehicle.
  - 154.2.11** any sign provided by 'Brighton & Hove City Council' to show that the vehicle is used for school contracts shall be displayed in the windscreen in such a manner so as not to obstruct the drivers vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
  - 154.2.12** any sign approved by the council to indicate that a security camera system is operated within the vehicle.
  - 154.2.13** Any sign approved by the Director of Public Health to indicate the vehicle is a taxi bus
  - 154.2.14** any other sign on or in the vehicle must be approved by the Authorised Officer.
- 154.3** Any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be positioned on the rear window of the vehicle, nor any hanging obstruction be placed in any part of the vehicle.
  - 154.4.** No sign may include in the lettering any word whether in the singular or the plural the words "taxi", "cab" or "hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word.
  - 154.5** All badges, plates or signs provided by the Council remain the property of the Council at all times.
  - 154.6** Only licensed vehicles shall be permitted to carry advertising in relation to Hackney carriage or Private Hire Operators.
  - 154.7** Advertising is permitted on the tip up seats of wheelchair accessible vehicles and any advertisement displayed conforms to the council's guidance for licensed vehicles.

- 154.8** Advertising is permitted on the rear wing of the vehicles (as decided by the Director of Public Health) provided the vehicle is not exempt from displaying the council's livery and any advertisement displayed conforms to the council's guidance for licensed vehicles. The advertisement must be applied directly to the rear wings of the vehicle. Removable, temporary methods of display such as magnetic or similar applications are not acceptable.
- 154.9** Advertising by headrest dvd player is permitted provided any unit fitted complies with Road Vehicles (Construction and Use) Regulations 1986 and does not interfere with any existing airbags or effect passenger safety and any advertisement displayed conforms to the council's guidance for advertising in licensed vehicles.
- 154.10** No vehicle may be double plated (i.e. be licensed in two districts), due to the variance in conditions, signs required and matters relating to suspension and revocation
- 154.11** Livery as permitted by Brighton & Hove Council.

### **155. Licence Plate**

The Council must be informed immediately should the licence plate showing the number of the private hire vehicle be broken, lost or defaced. On no account must a private hire vehicle be used for hire without a plate unless written application has been made for, and an exemption certificate been granted. An exemption certificate will only be granted if the application meets the requirements of section 75 of the Local Government (Miscellaneous Provisions) Act 1976.

### **156. Roof Signs**

An approved roof sign may be displayed on a private hire vehicle provided that it does not exceed 28cms by 10cms by 10cms, being white to the front and red to the rear. If such a sign is used it must at all times in black numbering or lettering display the telephone number or company name of the company operator to the front and to the rear. Such signs must be gutter or magnetically mounted to the near side of the vehicle above the front passenger door and may be illuminated. The sign must at all times comply with any requirement of vehicle lighting regulations if and when illuminated.

### **157. Vehicle and Driver Identity Badges**

The vehicle badge issued by the council must be displayed at all times in the top nearside corner of the windscreen. The badge issued to the driver of the vehicle must be displayed directly below. Both badges displayed so as to be easily seen by passengers.

### **158. Criminal Cautions / Convictions**

In all cases the proprietor must within 3 days disclose to the Council the details of any Criminal Convictions, Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behavioral Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court injunctions Fixed penalty notices (personally or business related), Motoring convictions and penalty notices imposed upon him / her or in the case of a driver using their licenced vehicle the details of their driver. This covers the period they hold a licence of any kind.

Failing to disclose cautions convictions or any of the issues contained in the Council's guidelines regarding convictions and cautions section below will be regarded as a serious breach of the terms of the license and action will normally take place.

### **159. Change of Address**

The driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place, and in any case within 7 days of such change.

### **160. Assistance Dogs**

No driver may refuse to carry a seeing, hearing or assistance (guide) dog which is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him from this condition, any payment for such a certificate to be paid by the applicant. Drivers must comply with the Equality Act 2010 at all times.

### **161. Wheelchair Accessible Vehicles**

**161.1** The proprietor must ensure that all drivers of the vehicle are adequately trained in the embarking, disembarking and safe carriage of passengers in wheelchairs. Proprietors must be able to demonstrate to the Authorised Officer that training has been provided upon demand.

**161.2** The proprietor must ensure that all drivers of wheelchair accessible vehicles have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or the Catstream Drivers Disability Awareness Training

### **162. Compliance**

The responsibility for complying with these conditions unless otherwise stated shall be the proprietor and drivers jointly and severally. Any complaint in writing

regarding a vehicle will result in the vehicle being called for inspection by the Authorised Officer and the vehicle must be presented within one working day with all documents, from the time the owner is informed. Failure to comply with any condition or legislation may result in the issue of a notice under Section 68 of the Act. (Stop notice).

### **163. Interim Inspection**

A vehicle may be called for inspection, including documents, at any time. If it fails to meet the required standards the licence may be suspended or revoked under Section 68 of the Act of 1976. (Vehicles which fail to comply with any condition or requirement of legislation may be suspended until such time as they comply, failure to comply within two months will result in automatic revocation of licence).

### **164. Maintenance of Vehicle and Safety Equipment**

The proprietor of the vehicle shall;

- 164.1** provide sufficient means by which any person in the vehicle may communicate with the driver.
- 164.2** cause the roof or covering to be kept watertight.
- 164.3** provide adequate windows and the means of opening and closing them.
- 164.4** cause the seats to be properly cushioned and covered.
- 164.5** cause the floor to be provided with a proper carpet, mat or other suitable covering.
- 164.6** cause the fittings and furniture generally to be kept in a clean and well maintained condition.
- 164.7** provide means for securing luggage.
- 164.8** provide an efficient vaporising liquid or dry powder fire extinguisher which shall be carried in such a position as to be readily available at all times, and this should be to BS EN3: 1996 Standard.
- 164.9** A device to effectively prevent luggage and other goods placed in the rear of the vehicle from entering the front of the vehicle shall be available in estate cars and similar types of vehicle at all times when such a vehicle is in use as a private hire vehicle.
- 164.10** ensure that the vehicle and all its fittings and equipment are at all times when the vehicle is in use or available for hire are kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in the Road Vehicles (Construction and Use) Regulations) are fully complied with.
- 164.11** ensure that no material alteration or change in the specification, design condition or appearance of the vehicle are made without the written approval of the Council at any time whilst the licence is in force.
- 164.12** all vehicles with rear seat belt anchorage points must be fitted with rear seat belts.
- 164.13** no private hire vehicle may be white or appear to be white in colour.
- 164.14** if a vehicle is fitted with a meter it shall be maintained in working order at

all times and must be inspected and sealed by the Authorised Officer prior to use.

**164.15** At all times a tariff card will clearly be displayed where it may be seen by any passenger giving the tariff applied by the operator through whom the vehicle is operated.

### **165. Mechanical Breakdown**

If any vehicle becomes unfit to complete a journey during a hiring;

**165.1** The driver shall be entitled to demand the fare for the distance already travelled.

**165.2** The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver is entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

### **166. Towing of Trailers**

No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Authorised Officer. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle. The contents of such trailer must be secured and covered in a proper manner so as to be watertight.

Any trailer used must comply with regulations in all respects and where required the driver must hold the appropriate towing licence as issued by the D.V.L.A.

### **167. Hackney Carriage Ranks**

Private hire vehicles may not stop on or near an appointed hackney carriage rank at any time.

### **168. Private Hire Ranking**

Any private hire vehicle, singularly or with others, which give the appearance that it is available for immediate hiring, may commit an offence. No more than two vehicles may congregate in any one location giving the appearance that they are a rank and may be plying for hire, except at the office location of the operator for whom they work.

### **169. Immediate Hire**

Any private hire vehicle must not be used for immediate hire while that vehicle is on a road or other public place, except where such offer is first communicated by the operator to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle and the driver has no knowledge of such offer prior to such

communication.

### **170. Dual Plating**

No vehicle may be licensed in two districts due to problems in the variance of conditions applied and enforcement of such conditions in cases of non-compliance.

### **171. Vehicle Checks.**

Any vehicle which is suspected of any infringement of any legislation or condition may be stopped by an Authorised Officer at any time to ensure its fitness to be used as a private hire vehicle in the interest of public safety.

### **172. Deposit of Licence**

Any vehicle proprietor who is employed by an operator to fulfil bookings made by the operator shall produce the original licence and deposit a copy of his vehicle licence with that operator during the period that the vehicle is employed by that operator. The operator shall return the licence to the vehicle proprietor at the end of the period. The deposit of licence will not be required of proprietors who hold their own operator licence.

### **173. CCTV and Safety Screens.**

CCTV equipment must be installed and operated in the licensed vehicle as described in the guidance CCTV Monitoring in Brighton and Hove Hackney Carriage and Private Hire Vehicles. Sections 192 & 193. Any failure to install, maintain or operate a system is likely to lead to the vehicle licence being suspended, revoked or its licence not renewed depending on the circumstances.

The following licence conditions will apply:

- 173.1** the CCTV equipment shall be of a type approved by the Director of Public Health and any images recorded must be retained for at least 28 days.
- 173.2** the image quality must be of good quality in which events can easily be viewed and people identified
- 173.3** the equipment shall be installed and operated and maintained in a manner to the satisfaction of the Director of Public Health.
- 173.4** as far as the Council is concerned any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime, to confirm or rebut complaints made against the driver or as evidence in motor insurance matters
- 173.65** no recording or other material created from the system shall be used or distributed for any purpose other than allowed by (173.4) above or kept more than 31 days if not required under 173.4 above.

**173.6** access to any recorded material shall be limited to the police, any authorised officers of the Council their legal advisors and persons covered by the Home Office Surveillance Camera Code of Practice and the Information Commissioners CCTV Code of Practice. Access to any material recorded must be available upon demand to the police, or any authorised officer of the Council within 24hrs from request at no charge to the person making the request.

**173.7** notices indicating that a video / recording system is in operation and giving details of the data controller shall be clearly displayed in the vehicle.

**Note:** Any CCTV system must be in operation when there are passengers being carried for hire and reward in the vehicle. Significant negative weight will be given if no recording is available on investigation and no proper explanation is given for failing to provide recordings on request.

Audio recordings are acceptable provided they comply with the Home Office Surveillance Code of Practice and the Information Commissioners Code of Practice.

#### **174. Safety Screens**

A safety screen may be installed in the licensed vehicle subject to the following conditions:

**174.1** Approval in writing must be obtained from the Council before a safety screen is fitted into a licensed vehicle.

**174.2** For any safety screen installed in the licensed vehicle the Director of Public Health must approve

(a) the type of screen

(b) the manner in which it is installed in the vehicle

(c) the person who installs it

**174.3** The vehicle proprietor must produce vehicle insurance for the vehicle which includes an indemnity covering liability for any injury caused by the presence of the screen.

#### **175. Accidents**

Any accident to the private hire vehicle causing damage materially affecting the safety performance or appearance of the vehicle must be reported to the Council as soon as reasonably practicable and in any case within 72 hours.

#### **176. Transfer of Interest**

If the proprietor transfers his/her interest in the vehicle to someone else he/she must, within seven days, give written notice to the Council of the transfer and the name and address of the transferee.

### **177. Record of Licences**

The proprietor of the private hire vehicle shall supply the operator of the vehicle, where applicable, such details relating to the vehicle licence insurance and MOT/Certificate of Compliance as are required by the operator.

### **178. Taximeters.**

If a taximeter is fitted in a licensed private hire vehicle it shall be EEC or Transport for London Office type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. If the meter is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicles transmission gearing ratio the proprietor shall not cause the vehicle to be used for hire until the taximeter has been satisfactorily tested and seal by an authorised officer.

### **179. Table of Fares**

If a taxi meter is fitted in the vehicle, there shall be displayed within the vehicle in a position so as to be clearly visible to any passenger a current table of fares in form and printing previously submitted and approved by the Council. The driver shall if requested by the hirer of the vehicle provide him/her with a written receipt for the fare paid.

### **180. Licence Conditions**

Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the Blue Handbook for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators a summary of any statutory provisions you are advised that such summary is not exhaustive.

Any vehicle licensed that does not meet the conditions at the time they come into force will be permitted to be re-licensed annually provided it passes the mechanical requirements, but any replacement vehicle will be required to meet all conditions as set out in this handbook.

### **181. Appeals**

**181.1** You may appeal against all or any of the conditions attached to a licence granted to you.

**181.2** You may appeal against the refusal of a licence to you.

**181.3** Any appeal must be made within 21 days of grant of licence or the refusal of such a licence.

**181.4** Appeals must be made to the Magistrates' Court - you should contact the Clerk to the Justices, The Law Courts, Edward Street, Brighton.

## **Part M**

### **182. Hackney Carriage Bye Laws**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Brighton & Hove Council with respect to hackney carriages in the Brighton & Hove Council area.

#### **INTERPRETATION**

**182.1.** Throughout these byelaws "the Council" means the Brighton & Hove City Council and "the district" means the area of the City of Brighton & Hove.

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

#### **182.2.**

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

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

**182.3.** The proprietor of a hackney carriage shall:

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

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

- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and 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 time as well as for distance in pursuance of the tariff fixed by the Council;
- (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; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND THEIR DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES.

**182.5.** 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; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise, and also at any other time at the request of the hirer.

**182.6.** 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 the seals affixed thereto.

**182.7.** 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 appointed by the Council which that hackney carriage is permitted to use;
- (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 which that hackney carriage is permitted to use;
- (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; and

(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.

**182.8.** A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

**182.9.** 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.

**182.10.** 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.

**182.11.** 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.

**182.12.** 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 manner as to be plainly visible.

**182.13.** 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; and

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

**182.14.** 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 and time unless the hirer expresses at the commencement of the hiring his desire to pay by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time 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.

**182.15.**

(a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage in clearly distinguishable letters and figures.

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

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

**182.16.** 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.

**182.17.** 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) 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 a police station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound if 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.

## **PENALTIES**

**182.18.** 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 therefore.

## **Part N**

### **183. Procedure for fares increases**

- 183.1** Applications for hackney carriage fare increases will be made through the Taxi Forum in accordance with the agreed formula approved by the Council.
- 183.2** If the general consensus of the trade is in agreement with a fare increase, representatives of the trade will be called to a meeting to discuss any proposals with officers of the Council and Chairman of the Licensing Committee who will then present any proposal agreed by that meeting to the next available meeting of the Licensing Committee for their consideration.
- 183.3** No increase in fares can come into operation until the proposals have been advertised as required and objections have been considered by the Licensing Committee
- 183.4** Any fare increase approved must be set into the taximeter within one week of the date on which such increase comes into force.
- 183.5** No proprietor may charge any increase until the due date and the taximeter has been re-calibrated to the new fare rate.
- 183.6** All taximeters must be checked and sealed by the authorized officer prior to being used for hire and reward in any vehicle
- 183.7** The Council may not set fares for private hire as these are set and advertised at the discretion of individual private hire vehicle operators in accordance with the provisions of the Act of 1976.

### **184. Fees for licences**

All fees for licences and plates deposits are made by the Council with an annual review each year to come into effect for any licence issued and valid from 1st April following or sooner if necessary to prevent loss of income. This applies to both hackney carriages and private hire. There are procedures for objections to certain fees and details will be included when the Council advertises such increases. The Act does not allow this function to be profit making.

### **185. Hackney Carriage Ranks**

See the latest list as approved by the Council.

### **186. Horsedrawn Vehicles**

The council has a policy of not issuing licences to Horse Drawn Vehicles.

### **187. Rickshaws or other vehicles**

The council has a policy of not issuing licences to rickshaws or novelty vehicles .

Any person wishing to license any vehicle, which does not have four wheels, is not propelled by mechanical means, or does not comply with the conditions as relating to Hackney Carriages or Private Hire Vehicles is advised to seek the assistance of an authorised Officer.

### **188. General Advice**

\*\*Operators must be licensed in the same district as the district in which they have the office, and only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.

\*\*Once licensed the vehicle becomes a Hackney Carriage or Private Hire and can only be driven by a person who holds a licence to drive that type of vehicle i.e. A Hackney carriage is always a Hackney Carriage and can only be driven by a Hackney Carriage Driver Licence holder (Yates v Gates, 1970, and Thain v Darlington, 1995,) and Private Hire has similar cases in respect of drivers and vehicles (Mahmood v Leeds, 1995 and Benson v Boyce, (Copeland), 1997), the law has not changed since those decisions were handed down.

\*\*If the vehicle does not comply with the requirements of the law or the licence conditions in any respect it may not be used until it complies in all respects.

\*\*Touting or plying by Private Hire are serious offences which could not only see the offender being arrested but also liable to a fine of up to £2,500, (plus the revocation of any licenses held). The touting legislation also applies to hackneys.

\*\*Any gathering of more than 2 private hire vehicles could be seen as 'forming a rank' and lead to prosecution for plying for hire.

\*\* Anyone convicted of any criminal offence, (this could include many offences against the taxi and private hire requirements) can be disqualified from holding a DVLA driving licence and this is particularly so if a vehicle was used in the crime.

\*\*No unlicensed driver or vehicle may be used at anytime for the fulfilling of any booking which falls within the licensing requirements of the 1847 or 1976 Acts.

### **189. Authorised Officers**

It is an offence to obstruct or not give assistance or information to any such Officer or Police Constable in relation to the performance of his duties for the purpose of the licensing of Private Hire or Hackney Carriages.

### **190. First Aid**

Your attention is drawn to your liability if rendering first aid. The kit if carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self-administration by the customer in the interest of customer care.

## **191. Joint Responsibility**

Drivers, vehicle proprietors and operators will be held responsible to ensure that each is licensed and any information passed to the authorised officer of non compliance will be treated in strictest confidence.

## **192. CCTV Monitoring in Brighton and Hove Hackney Carriage and Private Hire Vehicles**

All Hackney Carriage & Private Hire vehicles must have CCTV operational at all times when working and/or carrying passengers for hire and reward but can be optional at other times. The system must be of a sufficient standard to clearly record all persons in the vehicle with the objective of preventing disorder or crime, enhancing public safety, the protecting health & morals, and the protecting the rights & freedoms of others and to confirm or rebut complaints made against the driver or as evidence in motor insurance matters.

The installation and operation of in-vehicle CCTV shall comply with the requirements of the Home Office Surveillance Camera Code of Practice which is available via -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/204775/Surveillance\\_Camera\\_Code\\_of\\_Practice\\_WEB.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf)

and with the Information Commissioner's CCTV Code of Practice, which is available via –

[http://ico.org.uk/Global/~media/documents/library/Data\\_Protection/Detailed\\_specialist\\_guides/ICO\\_CCTVFINAL\\_2301.ashx](http://ico.org.uk/Global/~media/documents/library/Data_Protection/Detailed_specialist_guides/ICO_CCTVFINAL_2301.ashx)

There is no minimum retention time in the above guidelines but in order to assist investigations the system must have sufficient storage capacity for at least 28 days of good quality pictures. This is necessary due to the delay in complainants contacting law enforcement agencies and delays in contacting data controllers.

Recordings must be available within 24hrs following a request by any law enforcing agency at no charge to that agency. However, a charge may be made for a subject request.

The CCTV system may incorporate a cut out system. However it should not be used when there are passengers being carried for hire and reward in the vehicle. An explanation of why a cut out system was deployed will be required if an incident is reported which requires investigation. Significant negative weight will be given if no proper explanation as to the use of a cut out system is received. Audio recordings are acceptable provided they comply with the Home Office – Surveillance Camera Code of Practice and the Information Commissioners Code of practice.

### **193. CCTV Data Controller/Administrator Conditions**

All CCTV data control of licensed Brighton and Hove vehicles will only be permitted by council nominated independent data controllers **or their appointed administrators**. All approved data controllers must show a full and comprehensive knowledge of data retention and security, and correct ICO procedure for dealing with authorisations and handling of requests. They will need to ensure that all authorised requests are dealt with in a timely manner (normally 24 working hours from the request being received), and any supplied CCTV footage is in a free standard format.

All nominated data controllers will need to ensure, by way of a yearly test, that the following conditions are met on behalf of the Hackney Carriage Office.

- 193.1** Ensure all CCTV media and its data is secured, password encrypted and not accessible to any individual, other than the data controller or their appointed administrator.
- 193.2** Test all equipment for full functionality, calibrate metadata and cameras annually. Provide a test certificate, confirming the CCTV in the licensed vehicle meets the council's standards, prior to the vehicle being re-licensed.
- 193.3** Ensure every CCTV is hard fixed to the vehicle (no windscreen suckers), and permanently wired to the vehicles ignition with no on/off switch fitted.
- 193.4** Ensure the media is capable of retaining a minimum of 28 days recording, in line with the vehicles working hours and number of cameras.
- 193.5** Ensure that all persons (including the driver) are clearly identifiable in all light conditions, and the CCTV footage is recording real time events.
- 193.6** Conditions 193.1 to 193.5 are vehicle license conditions that are to be checked by the data controller, or their data administrators, once a year prior to the council re-licensing the vehicle.
- 193.7** Any nominated controller failing to meet or enforce these conditions will have their approval status removed.

### **194. Advertising in Brighton & Hove Hackney Carriage and Private Hire Vehicles**

No advertisement is permitted on or in a taxi unless it meets the following requirements.

- 194.1** Advertising on the interior of the taxi is permitted within the passenger compartment on the base of occasional (tip-up) seats of wheelchair accessible vehicles, headrest cover or by DVD/Video player contained in the headrest in saloon cars provided any unit or cover fitted complies with

- Road Vehicles (Construction and Use) Regulations 1986 and does not interfere with any existing airbags or effect passenger safety.
- 194.2** Occasional seat advertisements must be encapsulated in clear non-flammable plastic and should be of a quality not easily defaced, soiled or detached.
- 194.3** The advertising agency name should be carried on the advertisement.
- 194.4** Advertising may be displayed on the exterior rear wing of hackney carriage and private hire vehicles (as decided by the Director of Public Health) provided that the vehicle is not exempt from displaying the Council's livery and any advertisement displayed conforms to the council's guidance for licensed vehicles. The advertisement must be applied directly to the wings of the vehicle. Removable, temporary methods of display such as magnetic or similar applications are not acceptable.
- 194.5** The advertisement(s) in each vehicle should not advertise more than one company, product, service, or location although a sponsor's details are permissible.
- 194.6** Advertisements will not be approved if, in the Director of Public Health reasonable opinion, the advertisement falls within any of the following categories:  
The advertisement ...
- does not comply with the law or incites someone to break the law.
  - does not comply with the British Code of Advertising, Sales Promotion and Direct Marketing.
  - is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement or by way of inference.
  - depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.
  - depicts or refers to indecency or obscenity or uses obscene or distasteful language.
  - relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours
  - depicts direct or immediate violence to anyone shown in the advertisement.
  - condones or provokes anti-social behaviour.
  - relates to films which have not been granted permission for public exhibition or which do not show the British Board of Film Classification certificate.
  - contains images or messages which relate to matters of public controversy and sensitivity.
  - relates to a political party or parties or a political cause.

**Note:** Proprietors and drivers do not need to seek prior approval to display advertisements that comply with the above.

In cases of doubt, they should consult the Authorised Officer in the first instance, *prior to displaying the relevant advertisement.*

However, if the Authorised Officer or Director of Public Health considers an advertisement may not comply with these guidelines they may request a copy of the advertisement in either hard copy or electronic form, along with other reasonable information including details of the relevant advertising agency that prepared the advertisement.

If the Director of Public Health considers that the advertisement does not comply with these guidelines, s/he may propose or invite reasonable variations to the advertisement or require the advertisement to be removed. In the latter case the Director of Public Health will provide written reasons for the decision.

**195. The process for the determination of appeals against the refusal to allow the “renewal” of an expired licence.**

- 195.1** Under the terms of the Council’s Constitution the Head of Regulatory Services has full Delegated Powers to determine the allocation of licences relating to the Hackney Carriage and Private Hire Licensing regime. These powers are in turn delegated to appropriate officers to exercise on a day-to-day basis.
- 195.2** The provision for the issue of Hackney Carriage Licences is made under the Town Police Clauses Act 1847 and Private Hire under the Local Government (Miscellaneous Provisions) Act 1976. A decision to refuse, suspend or revoke a Hackney Carriage or Private Hire Licence is subject to appeal to the Courts.
- 195.3** Council policy allows a licence holder to “renew” a Hackney Carriage or Private Hire Driver, Vehicle or Operator Licence, provided that such application is made prior to expiry of the licence as an expired licence cannot legally be “renewed”. As a consequence any request to “renew” an expired licence will normally be refused. There is no route of appeal to the Courts in relation to such a refusal. In light of this, a route of appeal against a refusal to “renew” an expired licence will be provided through the Corporate Complaint process and whenever a request to “renew” an expired licence is refused, the person making the request will be advised of this process.
- 195.4** In recognition of the restriction on Licences issued by Brighton & Hove City Council and the consequent impact on a person’s livelihood as a result of the expiry/loss of such a licence, together with the need to ensure that regulation is carried out consistently, proportionately and transparently any such complaints will be dealt with as Stage 1 Corporate Complaints and determined by the Licensing & Health Manager.
- 195.5** A Complaint/Appeal against a refusal to allow the “renewal” of an expired licence should normally be submitted by the complainant/appellant, to the Standards and Complaints Team. You should write to them stating why

you are not happy with the refusal to renew and why your licence should be renewed. The address to write to is Brighton and Hove City Council Standards and Complaints Team FREEPOST SEA2560 BRIGHTON BN1 1ZW or by email to [complaints@brighton-hove.gov.uk](mailto:complaints@brighton-hove.gov.uk) within 14 days of the date of that refusal. The Public Health Licensing Manager will then, consistent with the Corporate Complaint procedure consider and determine the Complaint/Appeal within 14 days of its submission. Where consideration/determination requires a longer period the appellant will be advised of this together with the date by which they should expect the Complaint/Appeal to be determined.

**195.6** The basis for determining any such complaints/appeals shall include consideration of the following criteria:

- Evidence that the party concerned had a reasonable claim on the licence in question prior to its expiry;
- Evidence that the party concerned made reasonable attempts to renew the licence prior to its expiry;
- Evidence of exceptional circumstances that prevented renewal of the previous licence prior to its expiry;

The above list is not exclusive, additional relevant criteria may also be taken into account.

**195.7** Having considered and determined a Complaint/Appeal against a decision to refuse the “renewal” of an expired licence, the Public Health Licensing Manager will provide a written response to the complainant/appellant detailing the outcome of that consideration, including the basis for determination. Any subsequent Complaint/Appeal against the decision of the Licensing & Health Manager will be dealt with as a Stage 2 Corporate Complaint.

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