



A Guide for Hackney Carriage (Taxi) Drivers and Proprietors

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1. General Matters

Introduction

This guide is intended to advise and assist applicants and licence holders on the law relating to the operation of taxis and to the administrative procedures involved in the application for a licence. The guide is not exhaustive and reference should also be made to the following legislation:

Legislation	Abbreviation
Town Police Clauses Act, 1847	TPCA
Local Government (Miscellaneous Provisions) Act 1976	LG(MP)A
Transport Act, 1985	TA

N.B. Where relevant, in the guide, the source of the law is given in the above abbreviated form.

Copies of the conditions attached to licences are printed on the licences and in this guide.

Correspondence

All correspondence should be addressed to the Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP.

Loss of Licence

This should be reported immediately to the Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP.

Driver's Badge

Photographs for a driver's badge must be a true likeness, in colour, showing the full face, with no hat, helmet or sunglasses and be taken against a light background.

Lost or Stolen Driver's Badge

This should be reported immediately to the Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP. Upon receipt of a small charge and passport sized photograph, a duplicate badge can be issued.

Lost or Stolen Vehicle Plate

This should be reported immediately to the Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP. Upon receipt of the hire of plate charge, a new plate (possibly with a new number) will be issued.

Personal Visits to the Licensing Office

If you want to visit the Council's Tedder Hall Offices and talk in person to a member of the Licensing Team you should telephone first and arrange an appointment. We are sorry but we can not guarantee to see you if you call into Tedder Hall without an appointment.

The hours normally offered for appointments are as follows:

- Monday to Thursday 9.30 am until 12pm and then 2pm until 4pm.
- Friday 9.30 am until 12pm and then 2pm until 3.30 pm.

We may in some limited circumstances be able to make appointments outside the above hours. However, this will not always be the case.

Please note the Offices are not open on Saturdays, Sundays and Public Holidays.

Collection of Driver's Badge and Licence

The Licensing staff will not normally hand driver's badges and licences to third parties.

Telephone Enquiries to Licensing Office

Telephone enquiries should be made by telephoning (01507) 601111 and asking for the Licensing Team.

E-Mail: licensing@e-lindsey.gov.uk

Public Information

Licence holders are advised that some of their personal details will form part of the Public Register of Licence Holders. For further information contact the Licensing Team.

2. Applications

Fees and Charges

All fees and charges are payable in advance and not normally refundable once the licence applied for has been issued.

Full details of all current fees and charges are available from The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP.

Cheques and Postal Orders should be made payable to EAST LINDSEY DISTRICT COUNCIL and crossed.

Any licence issued on payment by a cheque, which is not honoured by the Bank, may be considered invalid.

Please note that we no longer accept cash for the payment of licence application fees. Cheques should be made payable to East Lindsey District Council. The Licensing Team is able to provide facilities for licence payments by credit and debit cards. Further information on payment by credit or debit card is available by contacting the Licensing Team direct.

You are advised to obtain an official receipt for all monies paid.

Where an applicant is refused a licence, the fee previously paid is normally refunded (less any DBS Disclosure and DVLA Data Subject Enquiry Fees), unless the applicant appeals against refusal. If any appeal succeeds the fee will be taken; if the appeal fails the fee will be refunded LESS any costs, which have been awarded by the Court.

Forms of Application etc.

All forms, etc., are available from The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP.

A number of forms (in addition to guidance literature) are also available on the Council's website (www.e-lindsey.gov.uk).

Licence Renewal Reminders

All licence holders will normally be sent a reminder and the necessary forms of renewal in advance of expiry of the licence.

Please note, however, that the responsibility for renewal rests with the licence holder. Reminders are sent purely as a courtesy.

Those drivers who undertake school contract hirings for Lincolnshire County Council are reminded of the need to keep their badge with this Authority up to date. When applying for renewal of their driver's licence with this Authority they should apply in plenty of time so that the renewal application has been determined before the East Lindsey badge expiry date. If the renewal application has not been determined before the expiry date then the County Council will not allow you to drive on school contracts.

When submitting an application for renewal of a Hackney Carriage Driver's Licence, applicants should note that a new driver's licence will not be issued until all the necessary checks (including DBS and DVLA checks) have been completed. The Council, therefore, recommend that all applicants submit renewals in respect of Drivers Licences at least 28 working days before the expiry of the current licence.

Personal Attendance

Applicants may be required to attend the Licensing Office in person.

Identity of Applicants

The Council will make every effort to confirm the identity of all applicants. Verification of identity, date of birth, address, NI number and any change of name will be obtained. Applicants for a Hackney Carriage Driver's Licence should refer to Appendix D of this document and any guidance literature for information regarding the proof of identity required.

Production of U.K. Driving Licences

Applicants for a Hackney Carriage Driver's Licence should note that UK driving licences (or legal equivalent) must be produced.

Medical Examinations – Hackney Carriage Drivers

All applicants making their first application must lodge a certified medical certificate. A medical certificate will then be required:

- up to 65 years of age - once every 6 years
- on attaining the age of 65 years - annually

In certain instances an applicant's medical condition may warrant examination on a more regular basis.

Any fee charged by the Doctor is payable by the applicant. The examination must be carried out by a Medical Practitioner who has full knowledge of the applicant's medical history.

Medical certificate forms and further information can be obtained from the Licensing Office. As recommended by the Medical Commission on Accident Prevention the Council requires licence holders to attain DVLA Group 2 Vocational Licence Standard.

The Council will not normally accept certified medical certificates submitted with an application which are received more than 2 months after the Doctor has signed the report.

Convictions

When submitting an application for a licence to drive a licensed vehicle, applicants are required to declare any convictions (including traffic convictions) or cautions they may have, unless they are regarded as "spent" under the Rehabilitation of Offenders Act, 1974. The information applicants give will be treated in confidence and will only be taken into account in relation to their application.

Applicants should be aware that the Council will require applicants to apply for an Enhanced Criminal Records Disclosure from the Disclosure Barring Service (DBS). The Disclosure will reveal the existence and content of any criminal record or relevant information held in the name of an applicant. Checks will also be made with the Driver and Vehicle Licensing Agency (DVLA). Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained on manual and computer record(s) for no longer than is necessary. Any information received may be used in court proceedings.

It is the general policy of the Council to only request a DBS Disclosure on initial applications and renewal applications thereafter. Exceptionally, the Council may request an additional Disclosure:

- i. in any case if serious allegations are made against a driver, or
- ii. in any case where previously unrevealed information comes to light and the Licensing Officer is satisfied that the information cannot be verified in any other way.

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the Authority considers that the convictions render(s) him/her unsuitable. In making this decision the Authority will consider the nature of the offence, how long ago and the age of the applicant when it was committed and any other factors which may be relevant.

The Council has adopted guidelines relating to the relevance of convictions and each case will be decided on its own merits. The Council's guidelines are set down in Appendix C of this document.

Applicants may contact the Licensing Team to discuss what effect a conviction or caution might have on their application.

Convictions involving dishonesty, indecency, violence or disqualification from driving are those most likely to result in a licence not being issued.

Please Note: By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendments) Order 2002 hackney carriage drivers are now exempt from the requirements of the Rehabilitation of Offenders Act 1974.

Non Disclosure or Misrepresentation

Every applicant must be honest when producing information in connection with a licence application. Any applicant who provides false information or fails to provide information may find his application refused, or if a licence is granted that licence may be revoked or suspended. The applicant may be prosecuted also.

Right to a Licence Check

In line with the requirements of the Immigration Act 2016 the Council must check that all driver and operator licence applicants are permitted to work in the UK. With this in mind when you make your first licence application, you must make it in person at the Council's Tedder Hall Offices and present:

- Your UK Passport, or
- Your UK birth certificate, together with an official document giving your name and National Insurance number, or
- Your European Economic Area Country or Switzerland Passport

You must make an appointment with the Licensing Team for the above check to be undertaken.

We will not be in a position to accept and process your licence application unless you comply with the above requirements.

Once we have made the appropriate 'right to a licence check' we will not need to make another relevant 'right to a licence' check – unless there are specific restrictions on an individual's right to work in the UK (e.g. a limit on the time that an individual may work and remain in the UK).

Checks on Applicant's who have Resided Outside the UK

Applicants for a drivers licence will be asked to declare whether within 5 years of the date of licence application they have at any time lived or worked outside the UK for a continuous period exceeding 3 months. Applicants who answer in the affirmative will be required to obtain a certificate of good conduct (or similar document) from the country in which they resided. Further information is available from the Licensing Team.

Appeals

Any applicant refused a driver's and/or a hackney carriage vehicle licence has a right of appeal to a Magistrate's Court.

Disability and Equality Awareness Training

All holders of a hackney carriage or private hire vehicle driver's licence may be required to attend a disability and equality awareness training course arranged by the Licensing Authority. Further information is available from the Licensing Team.

Hackney Carriage Driver Knowledge Test

All new applicants for a hackney carriage driver's licence will be subject to a knowledge test of the area within the District of East Lindsey and to some smaller extent the wider Lincolnshire area. Further information can be found in Section 7 of this guidance booklet.

English/Comprehension Test (including a basic test relating to the understanding of taxi and private hire licensing)

All new applicants with East Lindsey District Council for a hackney carriage or private

hire vehicle driver's licence must successfully complete a combined English / comprehension test and a basic test relating to the understanding of taxi and private hire licensing before a licence can be granted. The cost of the test and any subsequent first retest (at the time of the first licence application) will be included in the Council's standard licence application fee. Any subsequent retest (after the first retest) will be charged to the applicant at a cost of £10.00 per test. The charge of £10.00 to be paid to the Licensing Authority before the applicant sits the test.

Lincolnshire Road Safety Partnership (LRSP) – Hackney Carriage / Private Hire Driving Test Assessment

The Lincolnshire Road Safety Partnership (LRSP) has developed a Hackney Carriage / Private Hire Driving Test Assessment. The driver assessment is a requirement for all new applicants for hackney carriage and private hire vehicle driver's licences. The cost of the test will be at the applicant's own expense.

In addition the Council will require any existing hackney carriage or private hire vehicle drivers to undergo the assessment, where there are serious concerns as to the fitness of a driver to hold a licence due to driving problems.

Further information in relation to the LRSP assessment (including cost and booking arrangements) is available from the Licensing Team.

Drivers must be judged as a 'low risk driver' by the LRSP.

Applicants can make a driver's licence application to this Authority at the same time as they provide evidence that they have booked the LRSP assessment. If the LRSP assessment is then not passed within 16 weeks of submitting the licence application to the Council the driver's licence application will be refused.

LRSP pass certificates can be accepted for up to 3 years from the date of issue for all new applicants to this Authority who have worked as a taxi or private hire driver previously in another Licensing Authority's area. In all other cases LRSP pass certificates will only be accepted for up to one year from the date of issue.

What is Taxi and Private Hire Work Like?

The Licensing Team has drafted a short leaflet detailing the type of work a licensed driver will undertake. Copies of the leaflet are available direct from the Licensing Team.

Safeguarding Training for Hackney Carriage and Private Hire Drivers

The Council has made the online taxi and private hire vehicle safeguarding training, provided by the Lincolnshire Safeguarding Children Board (LSCB), a mandatory requirement for all hackney carriage drivers, private hire drivers and private hire vehicle operators licensed with this Authority.

All first time applicants for a licence will be required to successfully undergo the relevant online courses prior to their licence being granted.

Further information in relation to the online courses is available from the Licensing Team.

Hackney Carriage Vehicle Intended Use Policy

Applicants for a new hackney carriage vehicle licence will be expected to demonstrate a bona fide intention to ply for a hire within the administrative area of East Lindsey District Council under the terms of the vehicle licence for which the application is being made. There will be a presumption that applicants who do not intend, to a material extent, to ply for hire within the administrative area of East Lindsey District Council will not be granted a hackney carriage licence authorising them to do so. Further information can be found in Section 8 of this guidance booklet.

What further training and development can I do?

Currently you do not need any specific qualifications or training to become a taxi or a private hire driver

Once you are working as a licensed driver, you can complete the NVQ Level 2 in Road Passenger Transport, specialising in taxi or private hire work. The Council are currently considering whether the NVQ should be made obligatory for all licensed drivers or perhaps just newly licensed drivers.

You could also take the BTEC Level 2 Certificate in Transporting Passengers by Taxi and Private Hire. This is a short course designed to support new drivers, and anyone who wants to update their qualifications after a break from driving.



3. Instructions For Hackney Carriage Vehicle Drivers And Proprietors

Plying and Standing for Hire

Licensed Hackney Carriage Vehicles (taxis) may ply for hire on any street within the East Lindsey District Council area (Section 38, TPCA). Hackney carriage stands (taxi ranks) are appointed for the purpose of standing for hire. When plying for hire in any street and not actually hired, the driver of a Hackney Carriage should proceed to the nearest available tank rank.

To ply for hire outside the East Lindsey District boundary is an offence (Section 45, TPCA).

A map of the East Lindsey District is shown at Appendix E of this guidance.

Drivers of Licensed Vehicles must be Licensed

Once a vehicle is licensed as a taxi, **every** driver of that vehicle, whether it be used for business or pleasure, must possess a current Hackney Carriage driver's licence (Section 46, TPCA).

This provision does not apply to a person driving a licensed Hackney Carriage for the purpose of:

- (a) Any test of the mechanical condition or fitness of the Hackney Carriage
- (b) Any test of that person's competence to drive a Hackney Carriage carried out for the purposes of any application made by him for a licence to drive a Hackney Carriage.

It is an offence for a proprietor to employ an unlicensed driver (Section 47, TPCA).

Driver's Badges

All drivers must wear the badge provided, when driving a taxi, in a position so as to be plainly visible.

The driver's badge remains the property of the Council and must be returned to the Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP, either at the termination of the licence or when moving from the District and ceasing to be a Hackney Carriage Driver.

Driver's Licence

This Authority will not grant a Hackney Carriage Driver's Licence unless it is satisfied that the applicant:

- (a) is a fit and proper person.
- (b) is medically fit to drive a taxi (Sections 57 and 59 LG(MP)A).

The law requires any applicant for a Hackney Carriage Driver's Licence to have held a full U.K. driving licence (or a legal equivalent) for at least 12 months (Section 51, LG(MP)A). The Council will not normally regard the applicant to be sufficiently mature or experienced unless he/she has held a full licence for at least two years and is aged at least 19 years.

The licence issued must be deposited with the proprietor of the vehicle being driven (Section 48, TPCA).

Any change in the driver's address or employer should be notified to the Licensing Team.

Production of Licences

Licence holders must produce the licence(s) to an authorised Officer or Police Constable if requested to do so (Sections 50 and 53, LG(MP)A).

Obstruction of Officers

It is an offence to:

- (a) Wilfully obstruct an authorised Officer or Police Constable.
- (b) Fail to comply with any reasonable requirement of an authorised Officer or Police Constable.
- (c) Fail to give an authorised Officer or Police Constable any assistance or information he may reasonably require (Section 73, LG(MP)A).

Obstruction of Other Drivers

It is an offence to wilfully obstruct the driver of another taxi in setting down or picking up passengers or prevent another driver from being hired (Section 64, TPCA).

Suspension and Revocation of Driver Licences

The Council may suspend or revoke or refuse to renew the licence on the following grounds:

- (a) The conviction of an offence involving dishonesty, indecency or violence.

- (b) The conviction of an offence under LG(MP) Act.
- (c) Any other reasonable cause (Section 61, LG(MP)A).

Retention of Driver Licences

A vehicle proprietor must retain in his possession the driver licences issued by the Council of all drivers driving his vehicle(s) (Section 48 TPCA).

Convictions

A licence holder should disclose to the Council, in writing, details of any convictions imposed on him during the currency of his licence.

Procedure on Taxi Ranks

The recommended procedure for the taxi ranks is for drivers to take their proper turn, moving forward as the vehicle in front moves away.

Refusing to Drive

It is an offence for a driver, whilst the taxi is standing on an appointed stand, to refuse, without reasonable excuse, to drive to any point within the East Lindsey District Council area (Section 53, TPCA). The driver is not obliged to drive to a point outside the East Lindsey area.

Passengers

The driver must not convey any other person other than with the consent of the hirer (Section 59, TPCA).

Number of Passengers

A Hackney Carriage Vehicle Licence and Plate are issued for a maximum number of passengers (regardless of age or size) and it is an offence to carry more than the number licensed for.

N.B. One child regardless of age will count as one passenger.

Prolongation of Journeys

A driver must proceed by the shortest route subject to the instructions of the hirer (Section 69, LG(MP)A).

Accident and Damage to Vehicles

Accidents causing damage to vehicles which materially affect the safety, performance or appearance of the vehicle, must be reported to the Council within 72 hours (Section 50, LG(MP)A).

Identification Plates on Vehicles

A licensed hackney carriage vehicle must display the plate issued by the Council at all times (Section 51, TPCA).

On revocation, suspension or expiry of the vehicle licence, the plate must be returned to the Council within 7 days (Section 58, LG(MP)A).

The loss or damage of a plate must be reported immediately to the Council, where upon the payment of a fee, a new plate can be issued.

The display of plate numbers must not be concealed (Section 52, TPCA).

Taxi Roof Sign

All hackney carriage vehicles licensed with East Lindsey District Council must display a roof sign which is capable of being illuminated. Such a sign must not illuminate when the taximeter is in the hired mode. The roof sign must prominently display the word "TAXI" or "TAXIS" to the front of the vehicle. The aforementioned lettering must be at least one and a half inches in size and be of a neat and consistent standard.

The minimum size of lettering will not relate to those vehicles which meet the Metropolitan Conditions of Fitness (London style black cab).

Seatbelts

Hackney Carriage Drivers – when you do not have to wear a seatbelt.

A driver of a taxi can claim exemption from wearing a seatbelt whilst plying for hire, answering a call for hire or carrying passengers for hire. However, this does not include driving to and from his home, office or base, or at any time when he is not plying for hire.

Standard of Dress

N.B. The following section regarding standard of dress is for guidance only

Drivers should be dressed in a clean, tidy and decent manner at all times whilst plying for hire or conveying passengers; the wearing of shorts is not recommended.

In addition, drivers are asked to observe the following minimum standard of dress:

- (a) Male drivers at all times to wear trousers which may include jeans, provided they are clean and tidy and a collared shirt with at least elbow length sleeves.

- (b) Female drivers at all times to wear trousers which may include jeans provided they are clean and tidy, or a knee length dress with at least elbow length sleeves or a knee length skirt with a blouse with at least elbow length sleeves.

Hackney Carriage Byelaws

Drivers and Proprietors must at all times comply with the Byelaws made by the Council under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act, 1875, **and on no occasion charge any fares in excess of those authorised by the Council.** The current fare scale is available for inspection at Tedder Hall, Manby Park, Louth, and must be displayed in every Hackney Carriage. Laminated fare sheets for display in vehicles are supplied by the Licensing Team.

Vehicle Licences

Every vehicle used as a taxi must be licensed by the District Council (Section 37, TPCA).

A licence cannot be issued for a period exceeding a year (Section 43, TPCA).

Type of Vehicle

All vehicles presented for a Hackney Carriage Vehicle Licence **MUST** meet the specification and requirements set out in Appendix A of this guidance booklet (Section 47, LG(MP)A).

N.B. Previous to 14 September 2004 the Council limited the number of hackney carriage vehicles, which could be licensed in the East Lindsey District. On 14 September 2004 the Council removed the limit on vehicle numbers with the proviso that new licences (hackney carriage vehicle licence numbers 250 and above) would only be granted to purpose built wheelchair access/disabled access vehicles. The relevant specification for these vehicles is shown at Appendix A of this guidance leaflet.

All other hackney carriage vehicles (hackney carriage vehicle licence numbers 249 and below) are subject to the second specification shown at Appendix A.

Advertisements and Signage on Vehicles

The Council has adopted standard licence conditions regarding advertisements and signage on hackney carriage vehicles. For further information see Section 5 (Hackney Carriage Vehicle Licence Conditions) of this Booklet.

Vehicle Insurance

Before a vehicle licence can be issued a current insurance certificate or cover note for public hire use (original not a photocopy) must be produced (Section 50, LG(MP)A).

A certificate or cover note must be produced on demand to an authorised Officer (Section 50, LG(MP)A).

Testing of Vehicles

All vehicles must be tested and inspected before a licence can be issued to ensure that they are mechanically fit and of good appearance. (Section 50, (LG(MP)A).

N.B. The Council have agreed to waive the necessity for a vehicle to be mechanically tested if it is not more than six months old at the date of the application for a licence.

Details of the current testing regime can be found on our website (www.e-lindsey.gov.uk).

Every Hackney Carriage licensed by East Lindsey District Council **MUST** be mechanically/visually inspected on at least two separate occasions in every 12 months.

An authorised Officer or Police Constable has power to inspect and test any licensed vehicle at any reasonable time. (Section 68, LG(MP)A).

MOT Certificate Exemptions for Vehicles

Vehicles licensed by East Lindsey District Council are exempt from the requirement to possess an MOT certificate.

If licence holders are requested to produce an MOT Certificate by the Police, the vehicle licence and certificate of compliance issued by the Council should be produced instead. When applying for motor tax, the vehicle licence and certificate of compliance must be produced at the Post Office.

N.B. Once the Council vehicle licence has expired, is suspended, revoked or cancelled, the vehicle reverts to the status of an ordinary private car and the normal traffic laws relating to vehicle excise licences and the holding of an MOT Certificate apply.

Suspension and Revocation of Vehicle Licences

The Council may suspend, revoke or refuse to renew a licence on the following grounds:

- (a) The vehicle is unfit.

- (b) The conviction of an offence under the LG(MP)A or TPCA
- (c) Any other reasonable cause (Section 60, LG(MP)A).

A licence may be suspended by an authorised Officer or Police Constable if he/she considers the vehicle unfit (Section 68, LG(MP)A).

On suspension, revocation or expiry of the licence, the plate must be returned to the Council within 7 days (Section 58, LG(MP)A).

Vehicle Fitness Spot Checks

From time to time a licensed vehicle may be subject to a 'spot check' to determine its road worthiness. This check will normally be carried out by an authorised Officer of the Council, or by an authorised tester, in the presence of an authorised Officer or by a Police Constable, usually by the roadside.

- (a) (i) If, as a result of a check, an immediate Suspension Notice is issued, then the vehicle must not be used under any circumstances as a licensed vehicle until it has been re-examined and the suspension lifted by an authorised Officer. Re-examination is normally by a full test being carried out by an approved garage (unless the licence holder is advised otherwise). This is booked in the normal way.
- (ii) Your attention is drawn to the warnings at the foot of the Suspension Notice.
- (b) (i) If the Suspension Notice gives you 7 days in which to rectify the defects, then a vehicle may continue to be used until the date given on the Notice.
- (ii) If a vehicle has not been re-examined and the Suspension Notice lifted by an authorised Officer by the date given on the Notice, then from that date, the licence is automatically suspended until such time as the vehicle is re-examined and the suspension lifted by an authorised Officer. Re-examination is normally by a full test being carried out by an approved garage (unless the licence holder is advised otherwise). This is booked in the normal way.
- (iii) In the latter case, your attention is drawn to the warnings at the foot of the Suspension Notice.

- (c) The roadside check carried out on a vehicle, because of practical difficulties, is unable to cover all items normally examined at a full test. The list of defects given to you only serve as justification for the issue of a Suspension Notice.
- (d) When a vehicle is re-examined at the test garage, a full, normal test will normally be carried out. (Details of the test are available by contacting the Licensing Team (or can be found on our website www.e-lindsey.gov.uk).
- (e) When a vehicle passes, the tester will issue a pass certificate. This must be taken to the Licensing Office before the suspension can be lifted.

Transfer of Ownership of Vehicles

Where the ownership of a licensed vehicle is transferred, the Council must be informed in writing, within 14 days, by the person listed as owner by the Council, of the name and address of the new owner. (Section 49, LG(MP)A).

The Licensing Team will need to check the documents for the vehicle and visually inspect the vehicle at the time of transfer.

Taxi Meter

A Hackney Carriage Vehicle shall NOT be operated until:

- (a) The taxi-meter has been set to display a fare not exceeding the maximum fare rate set by East Lindsey District Council.
- AND
- (b) The taxi-meter has been previously tested for accuracy and sealed by an approved tester and a meter inspection report lodged with the Council.

Any person who:

- (a) Tampered with any seal on any taximeter.
- OR
- (b) Alters any taxi-meter with intent to mislead, **shall be guilty of an offence.**

Tinted Windows and Privacy Glass

Heavily tinted windows and privacy glass are not permitted in hackney carriage vehicles licensed by this Authority. The following requirement applies to all hackney carriages presented for their first vehicle licence with this Authority:

- Windscreens and windows to the side/rear of the driver must have a visual transmission of light not less than 70%.

In addition, no new or existing hackney carriage vehicle can be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

The amount of light that is transmitted through any window will be measured by Council Officers with a light meter device.

Rights of Appeal to the Magistrate's Court

There are rights of appeal against a Council's refusal to issue a licence and against conditions attached to the grant of a licence. Rights of appeal also exist where a licence is suspended or revoked.

An appeal must be lodged at a Magistrates' Court within twenty-one days from the Notice of refusal, revocation or suspension of a licence.

The Carriage of Guide, Hearing and other Assistance Dogs in Hackney Carriage Vehicles

Section 37 of the Disability Discrimination Act 1995 places a duty on hackney carriage drivers to carry guide, hearing and other prescribed assistance dogs accompanying disabled people, and to do so without charge.

A hackney carriage driver who fails to comply with the duty to carry guide, hearing or other prescribed assistance dogs will be guilty of an offence and liable to a fine not exceeding level 3 (currently £1,000) on the standard scale of conviction.

"Other prescribed assistance dogs" is defined as a dog which is trained by specific charities (i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence") to assist a disabled person with a physical impairment and which at the time that its owner hires a hackney carriage is wearing a jacket inscribed with the name of one of those charities.

Medical Exemptions from the Duty to Carry Guide, Hearing and other Assistance Dogs

To enable drivers with medical conditions that would be aggravated by carrying dogs to continue to drive hackney carriage vehicles the Council may grant exemptions and issue drivers with Exemption Certificates.

A driver who has been issued a Certificate of Exemption, must exhibit a notice in the hackney carriage vehicle. Any person who with intent to deceive, forges, alters or lends an exemption document to any other person is guilty of an offence.

Any person who is aggrieved by the Council's refusal to issue an Exemption Certificate has a right of appeal against the decision to a Magistrate's Court within 28 days of the date of refusal.

Further information regarding medical exemptions is available from the Council's Licensing Section.

Equality Act 2010

The Equality Act 2010 relates to disabled people and the provision of transport services (including taxis and private hire vehicles). Disabled people have the right not to be differently treated on buses, trains, taxis and private hire vehicles and can expect service-providers to make their services user-friendly for disabled people. Transport providers (including taxi and private hire vehicle providers) are under a legal duty to take reasonable steps (depending on all the circumstances of the case) to make their services accessible to disabled people.

This duty to make reasonable adjustments/steps consists of three main areas:

- changing practices, policies and procedures
- providing auxiliary aids and services and
- overcoming physical features by removing them, altering them, avoiding it or providing services by alternative methods.

When providing transport services licensed drivers and proprietors cannot discriminate against disabled people for reasons relating to their disability.

Hackney Carriage Driver Knowledge Test

Hackney carriage drivers need a good working knowledge of the local area for which they are licensed, because they can be hired directly at ranks or on the street.

In order to assist the Council in determining the fitness of an applicant to hold a hackney carriage or private hire driver's licence, new applicants are required to undertake a communication test of basic reading, writing, arithmetic, and a test to challenge their knowledge of taxi and private legislation, bylaws and licence conditions.

In order to assist the Council in determining the fitness of an applicant to hold a hackney carriage driver's licence such applicants will also be subject to a knowledge test of the area within the District of East Lindsey and to some smaller extent the wider Lincolnshire area. Further information can be found in Section 7 of this guidance booklet.

Hackney Carriage and Private Hire Drivers Penalty Points Scheme

Hackney carriage and private hire operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, the Council's byelaws and the rules, regulations and conditions set by the Council's Licensing Committee.

Should operators, drivers or proprietors of vehicles commit an offence or breach those requirements, persons involved are normally required to attend for an interview and then once the investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the person's file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Committee and/or prosecution.

The aim of a penalty points scheme is to work in conjunction with other enforcement options. It provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct, so as to ascertain whether they are a fit and proper person. It does not prejudice the Authority's ability to take other actions.

The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

Penalty points remain for a rolling three-year period so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licence holder.

Where a licence holder accumulates 12 or more penalty points in any three year period, the matter will be referred to the Licensing Committee for the Committee to decide whether the driver is a 'fit and proper' person. The Committee may then suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances. Periods of suspension of a licence by the Committee will be dependent on the nature of the breaches of licensing legislation/conditions and the compliance history of the individual.

4. Hackney Carriage Fares

The Council sets the maximum hackney carriage fare structure for the East Lindsey District. A copy of the current maximum fare structure is available from the Council's Licensing Team.

All hackney carriage vehicles licensed by the Council must be fitted with a taximeter. The vehicle must not be used as a hackney carriage unless a current certificate from an approved source has been deposited with the Licensing Team, which certifies that the taximeter has been set to display no more than the Council's maximum fare structure.

Journeys which begin and end within the East Lindsey District Council Area

For every such journey the taxi meter must be engaged at the commencement of the journey and no more than is displayed on the meter at the end of the journey be charged, other than permitted additions where the meter is not capable of taking these into account.

Journeys which begin or end outside the East Lindsey District Council Area

For these journeys the fare is negotiable with the hirer, provided that if no negotiation is entered into, no fare greater than that displayed on the meter can be charged. The meter must be used (Section 67, LG(MP)A).

Private Hire

Hackney Carriages when used for Private Hire within the East Lindsey District Council area must charge from the point of pick up to the point of drop and use the meter. The fare charged must not be greater than the Hackney Carriage fare rate set by East Lindsey District Council.

N.B. What must be noted is that for whatever type of journey, the taximeter must be in operation during the hiring even if the fare has been negotiated.

5. Conditions attached to the issue of a Hackney Carriage Vehicle Licence

1. The vehicle identity plate issued by the Council must be affixed to the rear of the vehicle in a conspicuous manner, to the satisfaction of the Council. The plate must be maintained in good condition and not be concealed from public view.
2. The vehicle the subject of this licence shall not be used unless a taximeter is fitted thereto and there is in force in respect of the vehicle:
 - (a) a current mechanical inspection certificate from a garage approved by the Council.
 - (b) insurance cover to carry passengers for hire or reward.
 - (c) a current certificate from a source approved by the Council as to the fitness of the taximeter fitted to the vehicle.
 - (d) a current certificate from a source approved by the Council as to the safeness of the vehicle if it has been converted to run on L.P.G. fuels.
 - (e) an efficient fire extinguisher (minimum 1kg powder) must be carried in such a position in the inside of the vehicle as to be readily available for use. The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).
3. Apart from a "TAXI" roof sign and any signage provided by the Council, proprietors are not required to provide signs, etc., on the hackney carriage vehicle but if they are provided then the following will apply:
 - (a) Advertisements and signage displayed in or on the vehicle must not be, racist or sexist; and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials, vaping materials or alcohol products unless as part of a health education or similar campaign. Furthermore any advertisement or signage should not contain anything of a religious or political nature.
 - (b) Advertisements and signage must be of a neat and consistent standard and be of such a form as not to become easily soiled. The proprietor shall ensure that any advertisement or signage carried on the vehicle is not disfigured or damaged and shall immediately remove any advertisement or signage that has become damaged or disfigured.
 - (c) Advertisements or signage, which cover the whole or a considerable section of the vehicle's rear window(s) will not be allowed.
 - (d) All advertisements should comply with the British Code of Advertising issued by the Advertising Standards Agency (ASA).
4. The proprietor of the vehicle shall cause to be affixed to the roof of the vehicle, a roof sign which shall be capable of being illuminated and such sign shall be illuminated when the vehicle is plying or standing for hire, but not otherwise. The roof sign must prominently display the word "TAXI" or "TAXIS" to the front of the vehicle and the lettering must be at least one and a half inches (approximately 38mm) in size and be of a neat and consistent standard. The minimum size of lettering will not relate to those vehicles, which meet the Metropolitan Conditions of Fitness. The roof sign may also state the words "For Hire" or the proprietor's own taxi business name and/or telephone number; no other information may be displayed on the roof sign.
5. Where this document relates to a hackney carriage vehicle licence granted after the removal of the Council's previous limit on hackney carriage vehicle numbers (that is hackney carriage vehicle licence numbers 250 and above) the vehicle must be a wheelchair / disabled access vehicle and comply at all times with the Council's vehicle specification for hackney carriage vehicle licences 250 and above. All other hackney carriage vehicles must comply at all times with the Council's vehicle specification for hackney carriage vehicle licence numbers 249 and below. Further information regarding vehicle specifications is available from the Licensing Team or in the Council's guidance booklet "A Guide for Hackney Carriage (Taxi) Drivers and Proprietors".

6. Hackney Carriage Byelaws

1. Throughout these byelaws "the Council" means the District Council of East Lindsey and "the District" means East Lindsey.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

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

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;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:
 - (a) the taximeter shall be fitted with a key, flag, or other device the 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 driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any, and what, badges.

5. The driver of a hackney carriage provided with a taximeter shall:
 - (a) when standing or plying for hire, keep the 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) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
 - (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. 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.
13. 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.
14. The driver of a hackney carriage so constructed to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down any such person.

Provisions fixing the stands of hackney carriages

15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:

(N.B. Hackney Carriage Stands are now appointed under Section 63 of the Local Government (Miscellaneous Provisions) Act, 1976).

Provisions fixing the rates or fares to be paid for hackney carriages within the District, and securing the due publication of such fares.

16. 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 following table, the rate of fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

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

N.B.: Table of Fares - Hackney Carriage Fares are now fixed under Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976.

- 17.
- (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions for 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.

18. 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.
19. 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 24 hours, if not sooner claimed by or on behalf of its owner, to the local Police Station, and leave it in the custody of the officer in charge of the Station on his giving a receipt for it;
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the local Police Station, whichever be the greater) but not more than five pounds.

7. Hackney Carriage Driver Knowledge Test

- 1.1 Hackney carriage drivers need a good working knowledge of the local area for which they are licensed, because they can be hired directly at ranks or on the street.
- 1.2. In order to assist the Council in determining the fitness of an applicant to hold a hackney carriage or private hire driver's licence, new applicants are required to undertake a communication test of basic reading, writing, arithmetic, and a test to challenge their knowledge of taxi and private legislation, bylaws and licence conditions.
- 1.3. In order to assist the Council in determining the fitness of an applicant to hold a hackney carriage driver's licence such applicants will also be subject to a knowledge test of the area within the District of East Lindsey and to some smaller extent the wider Lincolnshire area.
- 1.4. Applicants will be allowed three attempts to pass the knowledge test. After three failed attempts the application will be deemed unsuccessful and they will have to wait 12 months before making a further driver licence application. Applicants will have to wait 2 weeks between knowledge test dates.
- 1.5. The applicant will be invited to sit the knowledge test once the approved payment has been made to the Licensing Authority. The knowledge test will form the initial part of the driver application process and until the applicant has successfully satisfied this part of the process no further part of the driver licence application will be considered.
- 1.6. This driver knowledge test requirement shall apply to all new hackney carriage driver applicants. Current hackney carriage driver licence holders will not be required to sit the knowledge test providing that they renew their licences promptly, ahead of the expiry date. Where a licence holder allows their current driver licence to expire East Lindsey District Council will require a new hackney carriage driver licence application to be made, such application will be subject to the driver communication and knowledge test provisions.

- 1.7. The knowledge test will consist of 20 questions aimed at covering the areas detailed in paragraph 1.3. of this policy document. The test will be administered in exam like conditions. The pass mark will be 16 out of 20. There will be a pool of questions we will draw from dependent on where in the East Lindsey District the applicant proposes to work.

8. Hackney Carriage Intended Use Policy

1. Applications for the New Grant of a Hackney Carriage Licence

- 1.1. Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the administrative area of East Lindsey District Council under the terms of the licence for which the application is being made.
- 1.2. There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of East Lindsey District Council will not be granted a hackney carriage licensing authorising them to do so.
- 1.3. Even where the applicant intends to ply for hire to a material extent in East Lindsey, if the intention is to trade in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.
- 1.4. Each application will be decided on its merits.

2. Applications for the Renewal of a Hackney Carriage Licence

- 2.1. Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within the administrative area of East Lindsey District Council under the terms of the licence for which the application is being made.
- 2.2. There will be a presumption that applicants who do not intend to a material extent

to ply for hire within the administrative area of East Lindsey District Council will not be granted a hackney carriage licensing authorising them to do so. Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause.

- 2.3. Even where the applicant intends to ply for hire to a material extent in East Lindsey if the intention is to trade in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.
- 2.4. Each application will be decided on its merits.

3. Transfer of Ownership – When a Licensed Vehicle is Transferred from One Person to Another

- 3.1. Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his interest to another must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse the new proprietor:
 - R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd [1947] KB583.
- 3.2. Provided the requisite notice has been given in accordance with Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.
- 3.3. The transferee of a licensed hackney carriage will be asked to inform the Council whether he/she has a bona fide intention to use the vehicle to ply for hire within the administrative area of East Lindsey District Council. Transferees should note the obligation under Section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising

its powers of suspension of the licence under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 until such information is forthcoming, in addition to its powers under Section 73.

- 3.4. Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the administrative area of East Lindsey District Council under the terms of the licence in respect of the vehicle being transferred.
- 3.5. Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent to ply for hire within the administrative area of East Lindsey District Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976. Where the transferee proposes to operate remotely from the administrative area of East Lindsey District Council there will be a presumption that his/her licence will be revoked.
- 3.6. Each case will be decided on its merits.

4. Change of Vehicle – When a Proprietor Replaces a Licensed Vehicle

- 4.1. Applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the administrative area of East Lindsey District Council will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent within the administrative area of East Lindsey District Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

4.2. Each case will be decided on its merits.

5. Revocation of Vehicle Licence

5.1. Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the administrative area of East Lindsey District Council but is subsequently found not to plying for hire to a material extent within East Lindsey and/or to be trading in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated), there will be a presumption that the licence will be revoked.

5.2. Each case will be decided on its merits.

6. Exceptional Circumstances

6.1. Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire to a material extent within the administrative area of East Lindsey District Council will be rebuttable in exceptional circumstances. Whilst it is neither possible or prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

7. Reasons for Policy

7.1. The Council wishes to ensure that application for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgement and the declaration made in the case of:

- Newcastle City Council v Berwick upon Tweed Council [2008].

7.2. The Council is required to register the name of the new proprietor of a vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court, unless precautionary steps are taken. Section 3 of this policy document is intended to put the Council in a position to respond responsibly to the transfer of an East Lindsey District Council hackney carriage into the name of someone who operates outside the East Lindsey District

Council zone or remotely from it.

7.3. Unless there has been a change in the proprietor's intention with regard to plying for hire within the administrative area of East Lindsey District Council, there should be no reason why he/she should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within the administrative area of East Lindsey District Council, and who on application to replace that vehicle with another, disclosed that he/she no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

7.4. Each case will be decided on its merits.

8. Application of this Policy

8.1. The Intended Use Policy shall apply to all new applications, renewal applications and change of vehicle applications, (however, applications for transfer of ownership will still be subject to the special provisions for vehicle transfer applications) contained within Section 3 of this policy document. Where a licence holder allows their current licence to expire the Council will require a new application to be made, such application will be subject to this policy.

9. General Licensing Committee

A Designated Officer is delegated by the Council to grant hackney carriage and private hire licences where the applicant fulfils the basic qualifications. However, should in his opinion, there be any doubt as to whether the applicant is a "fit and proper person", an application will not be granted under delegated powers. That application will then be considered by the General Licensing Committee. Generally speaking the Designated Officer will not grant applications which contain a declaration of a conviction involving dishonesty, indecency, violence or a disqualification from driving and which is not clearly covered by the Council's guidelines relating to the relevance of convictions.

The general procedure for applications considered by the General Licensing Committee is as follows:

- a) The Committee (consisting of elected Members of the Council) will consider the application. The applicant and/or a representative of his choice may address the Committee in support of the application. Applicants should attend as the members of the Committee may wish to ask questions.
- b) A written report will be put before the Committee setting out the details of the application. The applicant will have an opportunity to read this before the interview.
- c) If the Committee decide to grant a licence then this can normally be done immediately.
- d) Should the Committee decide to refuse to grant the application, then the applicant will be notified in writing setting out his rights in the matter. Basically, on receipt of such notification the applicant may appeal to the Magistrates Court (within 21 days) against the decision of the Council.

Because the Committee does not meet on a weekly basis, there may necessarily be a delay between application and grant or refusal in such a case.

A guidance booklet, on the subject of licensing hearings is available by contacting the Licensing Team.

10. Taxi Stands in the East Lindsey District Council Area

East Lindsey District Council Hackney Carriage Stands		
	Number of Vehicles	Remarks
CHAPEL ST. LEONARDS		
Site at Eastern end of Trunch Lane	3	24 hour taxi rank
Site in village centre on south side of the green and to the east of the junction with South Road	2	24 hour taxi rank
LOUTH		
East side of Market Place adjacent to Number 19	4	24 hour taxi rank
HORNCASTLE		
In the Market Place (outside the General Post Office)	2	24 hour taxi rank
MABLETHORPE		
Victoria Road - against the kerb on the western side of the northern end of the street	4	For use between 10pm and 10am only
Seacroft Road - at the Bus Station	8	24 hour taxi rank
High Street - southern side to the east of Seacroft Road i.e. outside Co Op stores	3	For use between 10am and 10pm only
High Street end of Admiralty Road	4	For use between 10pm and 3am only
SKEGNESS		
Railway Station Forecourt		Private Taxi Rank maintained by British Rail
Lumley Square - Central Island	10	24 hour taxi rank

East Lindsey District Council Hackney Carriage Stands

	Number of Vehicles	Remarks
Grand Parade (east side) – on the length between the pedestrian crossing north of the Clock Tower and vehicle access to the Embassy Centre	5	24 hour taxi rank
Grand Parade (east side) – on the length adjacent to the Embassy Centre and immediately north of the above 24 hour rank	10	For use every day during the hours midnight to 7am
Grand Parade (east side) – south of Scarbrough Esplanade	6	24 hour taxi rank
North Parade (west side) – north of entrance to Skegness Town Hall	5	For use every day during the hours 9pm to 10pm
Lumley Avenue (east side) – between junctions with Alghitha Road and Prince George Street	6	24 hour taxi rank
Lumley Road (north side) – east of its junction with Rutland Road	5	24 hour taxi rank
Lumley Road (north side) – immediately east of the above 24 hour taxi rank	4	For use every day during the hours 7pm to 7am
Roman Bank (east side) – between junctions with Ida Road and Alghitha Road (adjacent to Bingo Hall)	3	For use every day during the hours 9pm to 10pm
Scarbrough Avenue (south side) – adjacent to the Wellies licensed Premises	7	24 hour taxi rank
INGOLDMELLS		
Outside Eastgate market (in cut out bus layby)	5	For use between midnight and 5am
SPILSBY		
High Street, Spilsby (west of existing bus stop)	1	24 hours a day

11. Meeting the Needs of Disabled Passengers - Advice for Taxi Drivers

Taxis are an invaluable means of door-to-door transport for many people. For a large and growing number of elderly and disabled people, they are quite literally a lifeline. Often taxis provide the only means of accessible local transport, or the only accessible link to long distance transport, for example, by rail or air. In fact, they are the most flexible form of public transport there is.

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people including those who use wheelchairs. But the vehicle design is only part of the answer. **Your attitude and understanding are vital.** If you are not sure how to help or if you are not willing to help elderly or disabled passengers you may lose a significant potential market and they will have lost an invaluable source of independent mobility. Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle. Disability comes in many forms – some visible, some invisible. Never make assumptions. Always ask what help (if any) a passenger may need from you. Make sure you are familiar with any access and safety equipment in your vehicle. It is a condition of a wheelchair accessible hackney carriage vehicle licence that at all times the vehicle be capable of carrying a disabled passenger whilst seated in his/her wheelchair. Ramps must therefore be carried at all times. You have a responsibility to know how to use them safely and correctly. If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:

- Pull up as close as possible to the kerb;
- Ask if they would like to use the ramps;
- If necessary, tip up the back seat (in a London style cab) to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacturer, or conversion team. In the case of a London style cab this position will be facing to the rear of the vehicle. In the case of wheelchair accessible vehicles which have been specially converted for

the purpose of conveying wheelchairs, you should follow the converter's recommendations.

Any other travelling position is unsafe;

- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving your customer;
- Secure the wheelchair and suggest that the passenger also uses the seat belt provided (they may need your help with this);
- If it has been raised, lower the back seat in a London style cab, if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- Leave the passenger in a safe and convenient place which enables them to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able 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.

Remember, many disabled people who have mobility difficulties will not use a stick or crutches. 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 the vehicles. 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;
- Offer the use of the swivel seat (if you have one);

- Be ready to help but do not insist in helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist;
- If you have used the swivel seat, make sure it is locked back in position once inside the vehicle.

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

- Look out for the "TAXI" sign which is held out by some blind or partially sighted people in order to hail a cab;
- If you are 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;
- Tell your passenger whether they are entering a saloon car or purpose built cab;
- Demonstrate which way the doors open;
- If possible, place the blind person's hand on the open door and indicate the position of the roof;
- Make sure they know which way the vehicle is facing;
- Make sure they are seated and have secured the seat belt (where applicable) before you move off. They may like help with the belt;
- Advise them if there is a hold-up or diversion;
- Tell them the fare and count out the change;
- Set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to the entrance of a building, offer them your arm; gripping just above your elbow will enable them to be guided more easily;
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog, will be in contravention of the Disability Discrimination Act (unless the driver holds the relevant certificate of exemption). In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

If the passenger is deaf or hard of hearing, always:

- Look at them when you are speaking. Speak clearly – but don't shout;
- Always 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 you are going.

Maintenance of Vehicles:

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

If you drive a purpose built vehicle, make sure you know how to use the equipment. For example, you should know the correct way to secure and load a wheelchair and to operate the swivel seat for vehicles such as the London style Fairway or Metrocab models. In the case of vehicles specifically converted for the conveyance of wheelchairs, methods vary according to the conversion, therefore, you should consult your conversion specialists.

12. Smokefree Taxis and Private Hire Vehicles

It is an offence to smoke in any workplace or work vehicle, including hackney carriage vehicles (taxis) and private hire vehicles. This legislation has been introduced to protect employees and the public from the harmful effects of second hand smoke. Second hand smoke is a serious health hazard – every time someone inhales second hand smoke, they breathe in over 4,000 chemicals. Many are toxic and more than 50 are known to cause cancer. It is estimated that the smokefree legislation will save thousands of lives, prevent serious diseases and help create cleaner, healthier environments.

What does the legislation mean in practice?

It requires a manager or owner / driver to:

- Ensure all commercial vehicles used to transport the public are smokefree
- Display no-smoking signs in a prominent position in all vehicles. The sign should include the international red no smoking symbol.
- Take reasonable steps to ensure that employees and customers are aware that vehicles used for public transport are legally required to be smokefree.

The no smoking sign must be displayed in each compartment of the licensed vehicle in which people can be carried. The sign must show the international no smoking symbol no smaller than 70mm in diameter.

Can a taxi / private hire driver smoke in their vehicles if they don't have any passengers?

No. The legislation requires all vehicles used for public transport to be smokefree at all times. This is because tobacco smoke is absorbed into soft furnishings and stays around for weeks after a cigarette is stubbed out, releasing particles hazardous to health.

Can drivers smoke in their own private vehicle?

Yes, the regulations do not extend to vehicles, including rental or leased vehicles, used solely for private purposes and which are not used for public transport.

Does the office need to be smokefree?

Yes, if it is used as a workplace by more than one person or if members of the public visit it or it is visited by other employees in the course of their work - the drivers, for example. This means that employers will need to:

- Ensure that the office premises are smokefree at all times
- Display the mandatory A5 no smoking signage at least at one entrance to the premises. All other entrances need only carry a sign similar to that for vehicles used for public transport (e.g. carrying the international red no smoking sign).
- Take reasonable steps to ensure that staff and customers visiting the office are aware that the premises are legally required to be smokefree.

What are the penalties for non-compliance?

If you are found smoking in your licensed vehicle (or any other workplace), you are liable to a fixed penalty of at least £50. If someone else is found smoking in your licensed vehicle, they can be served with the above fixed penalty notice and you could be fined £2,500 for failing to prevent smoking in a smokefree place.

If you fail to display the No smoking sign in your licensed vehicle, you may be served with a fixed penalty notice and you will have to pay at least £150.

You must take reasonable steps to stop someone smoking in your vehicle, but do not get into an argument and definitely do not get into a fight about it. If you do have an awkward passenger who insists on smoking then drop them off and note down the date, time, place and name of the person (if known).

The Smokefree (Premises and Enforcement) Regulations 2006 refer.

Appendix A

Dimensions and ability of vehicles to be licensed as Hackney Carriage Vehicles (HCVs)

HCV licences granted after the removal of the Council's previous limit on hackney carriage vehicle numbers (HCV licence numbers 250 and above)

On 14th September 2004 the Council resolved that the restriction on hackney carriage vehicle numbers be removed and that all hackney carriage vehicle licences granted above the previous quantity control policy be for wheelchair and disabled access vehicles. Any licences granted above the previous quantity control policy will be for vehicles, which meet the vehicle specification shown below.

The specification requires vehicles to have been tested in the converted (wheelchair/disabled access) state to one of the following standards:

- European Community Whole Vehicle Type Approval
- UK Low Volume National Type Approval

NOTE: Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

The specification will be reviewed from time to time.

Steering:	The steering wheel must be on the offside (right-hand side)
Doors:	All doors must be capable of being opened from the inside. There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.

Seating Arrangements:	<p>The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed. Bench type seating will not be permitted. Seats must not be sideways to the direction of travel.</p> <p>Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways.</p> <p>Three-point inertia seat belts must be fitted to each seat within the vehicle.</p>
Seat Width:	<p>The size requirement is 16" (approximately 40 cm) per person, measured between the closest points or arm rest(s).</p> <p>Where seats are facing each other, there must be a minimum space of 17" (approximately 43 cm) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.</p> <p>Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 26" (66 cm) in front of every part of each seat squab (padded back). Further to this a clear space of 7" (approximately 18cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.</p>

Wheelchair Access:	<p>A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 29" (75 cm). The minimum angle of the door when opened must be 90 degrees (The minimum angle will not be relevant in the case of a sliding door). The clear height of the doorway must be not less than 47" (approximately 120 cm).</p> <p>There should be sufficient space within the vehicle for the wheelchair to turn. The area required for the wheelchair must be at least 27" (approximately 70 cm) x 47" (approximately 120 cm). The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 51" (approximately 130 cm).</p> <p>A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.</p> <p>There must be a slip-resistant surface on the ramp/ramps. Anchorages must be provided for the wheelchair and chair bound passenger. Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.</p> <p>Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.</p>
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NOTE: Whilst operating, if a vehicle is not being used to carry a passenger in a wheelchair, only an occasional (fold away) seat may be used to substitute for the wheelchair space. Any seats replacing the wheelchair space, which have to be bolted or locked into place will not be accepted since these present problems of storage.

Luggage:	The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.
Miscellaneous:	<p>The flooring of the passenger compartment must be covered with a non-slip material, which can be easily cleaned.</p> <p>Grab handles must be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.</p> <p>All entrances and exits must be sufficiently illuminated at night.</p> <p>The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface. In the case of vehicles with a high floor height, a step will be required.</p>

Tinted Windows and Privacy Glass

Heavily tinted windows and privacy glass are not permitted in hackney carriage vehicles licensed by this Authority. The following requirement applies to all hackney carriages presented for their first vehicle licence with this Authority

- Windscreens and windows to the side/rear of the driver must have a visual transmission of light not less than 70%.

In addition, no new or existing hackney carriage vehicle can be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

Any enquiries concerning these vehicle specifications should be made to the Taxi Licensing Section, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire. LN11 8UP (Telephone (01507) 601111)

Specification last revised September 2013

Dimensions and ability of vehicles to be licensed as Hackney Carriage Vehicles (HCVs)

HCV licences granted before the removal of the Council's previous quantity control policy (HCV licences 249 and below).

NOTE: Until 14th September 2004 East Lindsey District Council maintained a quantity control policy regarding hackney carriage vehicle licences. That policy, which limited the number of hackney carriage vehicles in the district, was removed on 14th September 2004. The policy was removed however with the proviso that any licences granted above the previous quantity control policy would be for wheelchair/disabled access vehicles, which meet a specific detailed criteria. The aforementioned criteria is available from the Council's Licensing Team and is also printed in this booklet. All other hackney carriage vehicles (that is those licences granted before the removal of the previous quantity control policy) are subject to the detailed specification shown below.

HCV licences 249 and below – As from 1st January 2007 any vehicles presented for their first hackney carriage vehicle licence with East Lindsey District Council must meet the vehicle specification shown below. Furthermore, all existing hackney carriage vehicles (in this category) should comply with the specification set out below by 1st January 2010.

NOTE(S):

The specification will also relate to existing hackney carriage vehicles (in this category) where the existing hackney carriage vehicle licence is not renewed and any application for relicensing is not submitted within 8 weeks of the expiry of the previous licence.

Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

The specification will be reviewed from time to time.

The specification requires vehicles to have been tested to one of the following standards:

- European Community Whole Vehicle Type Approval
- UK Low Volume National Type Approval
- Single Vehicle Type Approval

Any wheelchair/disabled access vehicles or converted vehicles must have been tested in the converted (wheelchair/disabled access) state to one of the above Type Approval standards

Steering:	The steering wheel must be on the offside (right-hand side)
Doors:	All doors must be capable of being opened from the inside. There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.
Seating Arrangements:	The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed. Bench type seating will not be permitted. Seats must not be sideways to the direction of travel. Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways. Seat belts must be fitted for use by every passenger capable of being carried.

Seat Width:	The size requirement is 16" (approximately 40 cm) per person, measured between the closest points or arm rest(s). Where seats are facing each other, there must be a minimum space of 17" (approximately 43 cm) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 26" (66 cm) in front of every part of each seat squab (padded back). Further to this a clear space of 7" (approximately 18cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.
Luggage	The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.
Vehicle Licence Requirements	Where there are standard conditions annexed to vehicle licences relating to the condition and fitness or appearance of a licensed vehicle the vehicle must comply with these conditions.

NOTE: The Council are aware that some hackney carriage operators/proprietors may not wish to licence wheelchair/disabled accessible vehicles. Nothing in this specification will require a vehicle to be wheelchair/disabled accessible. However any vehicle, which is wheelchair/disabled accessible must achieve the following standard.

Wheelchair Access:

A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 29" (75 cm). The minimum angle of the door when opened must be 90 degrees (The minimum angle will not be relevant in the case of a sliding door).

The clear height of the doorway must be not less than 47" (approximately 120 cm).

There should be sufficient space within the vehicle for the wheelchair to turn. The area required for the wheelchair must be at least 27" (approximately 70 cm) x 47" (approximately 120 cm). The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 51" (approximately 130 cm).

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps. Anchorages must be provided for the wheelchair and chair bound passenger. Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.

All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

Miscellaneous:

The flooring of the passenger compartment must be covered with a non-slip material, which can be easily cleaned.

Grab handles must be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.

All entrances and exits must be sufficiently illuminated at night.

The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface. In the case of vehicles with a high floor height, a step will be required.

Tinted Windows and Privacy Glass

Heavily tinted windows and privacy glass are not permitted in hackney carriage vehicles licensed by this Authority. The following requirement applies to all hackney carriages presented for their first vehicle licence with this Authority

- Windscreens and windows to the side/rear of the driver must have a visual transmission of light not less than 70%.

In addition, no new or existing hackney carriage vehicle can be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

Any enquiries concerning these vehicle specifications should be made to the Taxi Licensing Section, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire. LN11 8UP (Telephone (01507) 601111)

Specification Last Revised September 2013

NOTE: Whilst operating, if a vehicle is not being used to carry a passenger in a wheelchair, only an occasional (fold away) seat may be used to substitute for the wheelchair space. Any seats replacing the wheelchair space, which have to be bolted or locked into place will not be accepted since these present problems of storage.

Appendix B

Hackney Carriage Vehicle Test Arrangements

Hackney Carriage Vehicle Tests

All **vehicle tests** are carried out by the Council's approved garages. An up to date list of approved garages is available from the Licensing Team. Appointments can be made by telephoning a garage direct or in person by calling at the particular garage.

The Vehicle Test Fee will be payable direct to the garage at the time of the test.

All vehicles will also be subject to a visual inspection by a Council Officer. The visual inspection will cover items such as the cleanliness of the vehicle and compliance with licence conditions (further information is available in the Council's Vehicle Compliance Testing Handbook – which can be found on the website: www.e-lindsey.gov.uk).

The visual inspection will normally be undertaken at the Council's Manby Park Offices when an application is made for the vehicle licence. Visual inspections will normally only take place on a Tuesday or a Thursday morning. Appointments for visual inspections should be made at least 24 hours in advance by telephoning the Licensing Team on 01507 601111.

Hackney Carriage Meter Tests

All meter tests must be carried out by an approved and competent inspector.

Condition of Vehicle

The vehicle must be presented for inspection and testing in a thoroughly clean condition inside and out.

ALL vehicles for all tests and inspections must be:

- (a) Fitted with an approved fire extinguisher (minimum 1kg powder) securely fixed in such a position as to be readily available for use.
- (b) Fitted with an approved taximeter set to a fare not exceeding the maximum fare rate, which has been tested for accuracy by an approved inspector.
- (c) Fitted with a **taxi** roof sign which can be illuminated and meets the requirements set by the Council.

In the case of **RENEWAL** of a licence or a **SIX MONTH TEST** they must also:

- (a) Be fitted with the identification plate, issued by the Council, in the correct place,
- (b) Display the Council's fare card.
- (c) The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).

A full list of items to be tested is available in the Council's Vehicle Compliance Testing Handbook – which can be found on the website: www.e-lindsey.gov.uk.

The tester at an approved garage may refuse to test a vehicle which in his opinion is unsafe or dangerous.

Driver of Vehicle

The driver should remain on the approved tester's premises whilst the test is being carried out and answer any questions.

The driver is not allowed in the test bay without the express consent of the tester.

Vehicle Passes the Test at an Approved Garage

A Pass Certificate will be issued if the tester is satisfied as to the condition of the vehicle.

Vehicle Fails the Test at an Approved Garage

The driver will be informed of the reasons for failure.

A retest will have to be subsequently carried out on the vehicle, this must be arranged through an approved garage.

Certificate of Compliance

When the hackney carriage vehicle licence has been issued by the Council, a Certificate of Compliance will also be issued. The Certificate of Compliance exempts the vehicle from holding an MOT Certificate, while the Certificate of Compliance and hackney carriage vehicle licence are both in force.

Testing Stations

At the time of drafting this guidance leaflet the testing stations approved by the Council were as follows:

Alford Area

- 1) Smith's Garage, Calceby Lane, South Thoresby, Alford, LN13 0AT (Tel: 01507 480372).
- 2) T & L Garage Services, Unit 8 Hardwick Court, Beechings Way, Alford, LN13 9BU (Tel: 01507 462854)

Coningsby and Tattershall Area

- 3) Grahams Complete Car Care, Unit 5 Lancaster Court, Coldham Road Industrial Estate, Coningsby, Lincoln, LN4 4SE (Tel: 01526 343535).

Horncastle Area

- 4) Fulletby Motors (2002) Limited, High Street, Fulletby, Horncastle, LN9 6JY (Tel: 01507 533217).
- 5) Stratton 4x4, Devereux Way, Boston Road Industrial Estate, Horncastle, LN9 6AU (Tel: 01507 524050).

Louth & Mablethorpe Area

- 6) John Darke Limited, A16 Garage, Grimsby Road, Louth, LN11 0EA (Tel: 01507 603451).
- 7) G. Harness (Louth) Ltd, Bolingbroke Road, Fairfield Industrial Estate, Louth, LN11 0WA (Tel: 01507 603341)
- 8) Chris Fairburn MOT Centre, Units 11 & 12, Louth Trading Estate, North Holme Road, Louth, LN11 0JQ (Tel: 01507 602608).
- 9) Burtens of Louth, Legbourne Road, Louth, LN11 8ES (Tel: 01507 607555).
- 10) R. & Y. Autos Ltd, Units 1 & 2 Station Estate, Mablethorpe Area
- 11) Seacroft Garage Limited, Seacroft Road, Mablethorpe, LN12 2DT (Tel: 01507 472333).
- 12) Steve Wood Motors, High Street, Sutton on Sea, Mablethorpe, LN12 2HE (Tel: 01507 441215).
- 13) Manby Motors Limited, Unit 4 Block 4, Dowlands Business Park, Manby, Louth, LN11 8UT (Tel: 01507 327222).
- 14) Greenards Garage Limited, Oak House, Keeling Street, North Somercotes, Louth, LN11 7PL (Tel: 01507 358402).

Skegness Area

- 15) Lomax Corner Garage, Croft Bank, Croft, Skegness, PE24 4RH (Tel: 01754 763101).
- 16) Taylor's of Skegness, Berry Way, Wainfleet Road, Skegness, PE25 3QS (Tel: 01754 766019).
- 17) Cavendish Auto Repairs Limited, Cavendish Road, Skegness, PE25 2QZ (Tel: 01754 767964).
- 18) Hudson Motors Limited, 1 Clifton Grove, Skegness, PE25 3HB (Tel: 01754 766217).
- 19) Roman Bank Garage, 124 Roman Bank, Skegness, PE25 1RX (Tel: 01754 760165)

Proprietors are free to use any of the above testing stations - you are not limited to a testing station situated in your particular part of the East Lindsey District.

Appendix C

East Lindsey District Council

Guidelines Relating to the Relevance of Convictions – Hackney Carriage and Private Hire Vehicle (PHV) Drivers and Private Hire Vehicle Operators

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council (the Licensing Authority) when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/ or private hire vehicle driver's licence. The policy also relates to applicants for a private hire vehicle operator licence and holders of a current private hire vehicle operator licence.
- 1.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:
 - That a person is a fit and proper person
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safeguarding of children, young persons and vulnerable adults
- 1.3 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:
 - Applicants for drivers and operator licences
 - Existing licensed drivers and operators whose licences are being reviewed
 - Licensing Officers
 - Members of the Council's Licensing Committee
 - Magistrates hearing appeals against Local Authority decisions

- 1.4 Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision whether or not to grant a licence. Should there be any doubt, in the Officer's opinion, as to whether the applicant is a 'fit and proper' person, then the application will not be granted under delegated powers. Such applications will be referred to the Council's Licensing Committee (consisting of Councillors) for determination. Whilst Officers and the Licensing Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee or Officer may depart from the guidelines, as long as the reasons for doing so are recorded in the decision.

2. General Policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example, where the offence is a one-off occasion or there are mitigating circumstances. However, the overriding consideration should always be the protection of the public.
- 2.2 A person with a relevant conviction need not be automatically barred from obtaining a licence, but would be expected to show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 A series of offences over a period of time is more likely to give cause for concern than an isolated, minor conviction. A serious view will be taken when an applicant shows a pattern of offending and unfitness.
- 2.4 Where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction (see Nottingham City Council v. Mohammed Farooq (1998)) and, for instance, determine that the applicant should never have been convicted.
- 2.5 Persons with a conviction(s) for sexual offences involving children or vulnerable adults or any other very serious crime will not normally be issued with a licence.

2.6. The Council generally considers that, on some occasions, offence(s) committed by licensed hackney carriage and private hire drivers may need to be considered more seriously than offences committed by individuals when not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.

2.7 Cautions - Adult cautions are not regarded as convictions, but being admissions of guilt, may be taken into consideration by the Licensing Authority.

2.8 Private Hire Vehicle Operators – In view of the significant responsibility held by private hire vehicle operators in terms of setting standards for their company, recruiting drivers, and dealing with members of the public, the Council believes that the operator must be a person of impeccable character and should be an example to all those whom he/she employs. Therefore, the view of the Licensing Authority is that applicants for a private hire operator's licence (and holders of a private hire operator's licence) must at least fulfil the same requirements as applicants for private hire drivers licences in terms of being free from serious convictions or a pattern of unlawful behaviour.

3. Criminal Record Checks

- 3.1 It is the policy of the Licensing Authority that every applicant for a licence to drive a hackney carriage and/or private hire vehicle must produce evidence of a current and up to date Enhanced Disclosure and Barring Service Check and evidence that they are not on a child and/or vulnerable adult barring list. Applicants for a private hire vehicle operator licence, who do not hold a hackney carriage or private hire vehicle driver's licence with this Authority, will be required to present the result of a current and up to date Basic Disclosure Check from CRB Scotland (at their own expense).
- 3.2 If an applicant has spent six continuous months or more overseas the Licensing Authority will expect to see evidence of a criminal record check (or certificate of good conduct) from the country/countries covering the relevant period before a licence application can be made.

3.3 Such criminal record checks or certificates of good conduct must be provided in accordance with the Home Office Document "Application Processes for Foreign National Criminality Information". Any criminal record check must be translated into English by a recognised translation service provider that has been approved by the Licensing Authority.

4. Appeals

- 4.1 Any applicant refused a driver's licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 4.2 Any applicant refused an operator licence on the grounds that the Licensing Authority is not satisfied he/she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

5. Powers – Suspension, Revocation or Refusal to Renew a Licence

- 5.1 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a hackney carriage or private hire driver licence if the applicant/licence holder has been convicted of:
- an offence involving dishonesty, indecency or violence; or
 - failure to comply with the provisions of the Town Police Clauses Act 1847; or
 - failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;

The Licensing Authority may also suspend, revoke or refuse to renew on the grounds of any other reasonable cause.

- 5.2 Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a private hire vehicle operator licence if the applicant/licence holder has been convicted of failure to comply with

the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. The Licensing Authority may also act on any of the following grounds:

- conduct which appears to render him/her unfit to hold a licence;
- any material change in the circumstances of the operator;
- or any other reasonable cause.

5.3 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a hackney carriage or private hire vehicle driver's licence, whether spent or not. Therefore, the Licensing Authority may have regard to all relevant convictions (as defined in this policy); particularly where there is a long history of offending or a pattern of repeat offending. However, before having regard to such a spent conviction the Licensing Authority will firstly consider whether the conviction is relevant to the licence application at hand.

5.4 In this policy the term "disqualification" refers to the period served, to take account of the fact that a period of disqualification from driving may be reduced upon the successful completion of a relevant driver rehabilitation course. An applicant must provide the Licensing Authority with sufficient evidence to prove that the period of disqualification was so reduced.

6. Consideration of Disclosed Criminal History

6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. The Authority must not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold it.

6.2 All conviction(s), criminal findings of guilt (including

fixed penalty ticket(s)), caution(s) and warning(s), whether for motoring or other offences and County Court Judgment(s)/Order(s) (where the judgment or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) may potentially be taken into account when deciding to grant a licence or on a review after the issue of a licence. During the currency of a licence the licence holder should, immediately after being told that/she is being reported for an offence, being arrested, convicted or has admitted guilt (including fixed penalty notice(s)), caution(s) and/or warning(s), advise the Licensing Authority of this information in writing.

6.3 The Licensing Authority will consider:

- How relevant the offence(s) are to the licence being applied for (or licence being reviewed)
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Sentence imposed by the court
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other relevant factors

6.4 Applicants, for the grant of a first time licence, can discuss further what effect a caution/conviction or other sanction may have on any licence application by contacting the Council's Licensing Officer in confidence for advice.

6.5 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) from any applicant for a driver licence. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

6.6 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an Enhanced Disclosure at their expense. The Licensing Authority abides by the DBS's

Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

- 6.7 The Licensing Authority encourages applicants and licence holders to register for the DBS's update service and to nominate the Licensing Authority to receive updates. DBS certificates obtained for a hackney carriage or private hire driver licence cannot be used for the purpose of obtaining a Lincolnshire County Council School Transport Badge ("Green Badge") and vice versa. A separate check is required for each authorisation. However, applicants can register both checks with the DBS update service.
- 6.8 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other Licensing Authorities, and information disclosed by the Police.
- 6.9 It is an offence for any person knowingly or recklessly to make a false declaration (or to deliberately omit any relevant material) in submitting information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence may be refused or revoked.

7 Serious Offences Involving Violence

- 7.1 Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life unless the circumstances are exceptional.
- 7.2. Given the wide range of the offences that involve violence, consideration will be given to the nature and type of the conviction.
- 7.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
 - Manslaughter

- Manslaughter or culpable homicide while driving
- Terrorism offences
- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

- 7.3 A licence will not normally be granted where the applicant has a conviction for an offence below (or similar offence(s) which replace the below offences) or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction (or completion of sentence - whichever is longer) is less than 10 years prior to the date of application:

- Actual bodily harm which is racially aggravated
- Robbery
- Possession of firearm
- Riot
- Assault of a Police Officer
- Common assault (racially aggravated)
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A hackney carriage or private hire driver found guilty of any of the offences (detailed in this paragraph 7.3 of the policy) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence - whichever is longer) has elapsed.

- 7.4 A licence will not normally be granted where the applicant has a conviction for an offence below (or similar offence(s) which replace the below offences)

or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction (or completion of sentence - whichever is longer) is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A hackney carriage or private hire driver found guilty of any of the offences (detailed in this paragraph 7.4 of the policy) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence - whichever is longer) has elapsed.

7.5 A licence will not normally be granted where the applicant has a conviction for an offence below (or similar offence(s) which replace the below offences) or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A hackney carriage or private hire driver found guilty of any of the offences (detailed in this paragraph 7.5 of the policy) should expect to have his/her licence

revoked immediately and not be considered for the grant of a licence until a minimum period of 5 years has elapsed.

7.6 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

7.7 In the event of a licence being granted, a strict warning both verbally and in writing will be administered.

7.8 Fixed Penalty Notices (Public Order Offence) -

The Licensing Authority recognises that in some instances a Fixed Penalty Notice (FPN) may be issued for a Public Order Offence rather than the option of prosecution through the Courts or acceptance of a Caution. A serious view will be taken of the existence of a FPN for a public order offence. In certain instances where a FPN has been issued it may be appropriate for the Council to issue a strong warning regarding future conduct rather than the refusal of a licence application or suspension / revocation of a licence. The existence of more than one FPN will raise serious concerns regarding an individual's suitability to act as a licensed driver.

8. Possession of a Weapon

8.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give rise to serious concern as to whether the person is fit to carry the public. Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before an application for a licence is considered.

8.2 A hackney carriage or private hire driver found guilty of any offence involving a weapon(s) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 5 years since conviction (or completion of sentence - whichever is longer) has elapsed.

9. Sex and Indecency Offences

- 9.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences will normally be refused.
- 9.2 In particular, an application will normally be refused where the applicant has a conviction for an offence or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence such as:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Sexual assault
 - Indecent assault
 - Exploitation of prostitution
 - Trafficking for sexual exploitation
 - Any offence involving child sexual exploitation and/or sexual exploitation of vulnerable adults
 - Possession of indecent photographs, child pornography, etc.
 - Or any sex or indecency offence that was committed in the course of employment as a taxi or private hire vehicle driver
 - Indecent exposure
 - Soliciting (kerb crawling)
 - Or any similar offences or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence.
- 9.3 A driver found guilty of a sexual or indecency offence during the period of a licence should expect to have his/her hackney carriage or private hire vehicle driver's licence revoked immediately. It is unlikely that anyone in this situation will ever be licensed again.
- 9.4 In addition, to the above the Licensing Authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

10. Dishonesty

- 10.1 Licensed drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied

property, taking children to school and families on holiday, is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any lost property being kept by an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 5 years free of conviction should be required before entertaining an application.

- 10.2 A licensed driver found guilty of a dishonesty offence should expect to have his/her licence revoked immediately and be banned from holding such a licence with the Council for a minimum period of 5 years after conviction (or completion of sentence - whichever is longer).
- 10.3 In general, a minimum period of 5 years free of conviction or at least 5 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:
- theft
 - burglary
 - fraud
 - benefit fraud
 - handling or receiving stolen goods
 - forgery
 - conspiracy to defraud
 - obtaining money or property by deception
 - other deception
 - taking a vehicle without consent
 - and any similar offences
 - Or any similar offences (including attempting, conspiring to commit, aiding and abetting or procuring such offence) or any offences which replace the above
- 10.4 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

11. Drugs

- 11.1 A very serious view is taken of any drug related offence.
- 11.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction (or completion of sentence - whichever is longer) for at least 5 years.
- 11.3 A licence will not normally be granted where the applicant has a conviction for an offence related to the possession of drugs and has not been free of conviction (or completion of sentence - whichever is longer) for at least 3 years.
- 11.4 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of at least 5 years free from drug taking after detoxification treatment.
- 11.5 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.
- 11.6 A hackney carriage or private hire vehicle driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug-related offence should expect to have his/her drivers licence revoked immediately and be banned from holding such a licence with the Council for 5 to 7 years since conviction (or completion of sentence - whichever is longer)

12 Driving Offences Involving the Loss of Life

- 12.1 A very serious view will be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
- 12.2 A licence will not normally be granted where the applicant has a conviction for an offence such as:
- Causing death by dangerous driving
 - Causing death by careless driving whilst under the influence of drink or drugs
 - Causing death by driving: unlicensed, disqualified or uninsured drivers
 - or any similar offences

13 Drink Driving or Driving Under the Influence of Drugs

- 13.1 Motor Vehicle** - A serious view will be taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident may not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence.
- 13.2 At least 3 years should elapse (after the restoration of the DVLA driving licence) before an applicant is considered for a licence. If there is any suggestion that the application is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 5 years should elapse after treatment is complete before a further licence application is considered.
- 13.3 A hackney carriage or private hire vehicle driver found guilty of a drink-driving offence (or driving under the influence of drugs) should expect to have his/her drivers licence revoked immediately and be banned from holding a hackney carriage or private hire vehicle drivers licence with the Council for at least 5 years after the restoration of the DVLA driving licence.
- 13.4 With a Licensed Vehicle** - A driver found guilty of driving passengers for hire and reward whilst under the influence of drink should expect to have his/her driver's licence with the Council revoked immediately and be banned from holding a driver's licence with the Council for a minimum period of 7 years after the restoration of the DVLA driving licence.

14. Major Traffic Offences (Not Involving the Loss of Life)

- 14.1 An isolated conviction for reckless driving or driving without due care and attention, etc., should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 3 years free from convictions has elapsed.

14.2 Similarly, a first conviction during the period of a hackney carriage or private hire vehicle driver's licence will indicate that the driver may have ceased to be a fit and proper person and will lead to a licence suspension or warning as to future conduct, and may lead to revocation of that licence for subsequent convictions.

14.3 Applicants who have been disqualified from driving due to Major Traffic Offences (Not Involving the Loss of Life)- At least 3 years should elapse (after the restoration of the DVLA licence) before the individual is considered for a hackney carriage or private hire vehicle driver's licence.

15 Insurance Offences (With a Motor Vehicle)

15.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for at least 3 years; however, a strict warning should be given as to future behaviour.

15.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

15.3 A driver found guilty of driving passengers for hire and reward whilst without insurance should expect to have his/her hackney carriage or private hire vehicle drivers licence revoked immediately and not be considered for another licence for a minimum period of 5 years.

15.4 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least 5 years.

15 Using a Mobile Phone Whilst Driving

15.1 Applicants (and licence holders) should be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- are much less aware of what's happening on the road around them

- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

16.2 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

16.3 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving whilst using a mobile phone and a licensed driver who is convicted can expect the suspension or revocation of their licence.

17. Other Traffic Offences

17.1 **New Applicants** – Any conviction for other traffic offences, (e.g. obstruction, waiting in a restricted street, speeding, etc.) should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances it may be appropriate to issue a licence together with a strong warning as to future driving requirements. If a significant history of offences is disclosed, refusal of an application may result.

17.2 New applicants who have received 9 or more penalty points (in respect of minor traffic offences) on their driving licence during the 12 months prior to the date of application may be refused.

17.3 Applicants who have been disqualified from driving under the "totting-up" procedure will not normally be granted a licence unless they have held a licence for at least 2 years following the expiry of the period of disqualification and can show a significant improvement in a history of traffic offences received during that period.

17.4 Existing Licence Holders - A hackney carriage or private hire vehicle driver receiving 6 or more penalty points during any three year period will be issued with a written warning as to future conduct.

17.5 Any current driver disqualified from holding a DVLA licence under the "totting-up" procedure should expect to have his/her hackney carriage or private hire vehicle driver licence revoked. At least 3 years should then elapse (after the restoration of the DVLA licence) before he/she is considered for a licence and then a licence should only be granted if he/she can show a significant improvement in a history of traffic offences received during that period.

17.6 In the case of an existing hackney carriage or private hire vehicle driver where the "totting-up" disqualification of a DVLA licence is considered by the Court, even if the Court does not disqualify, the Council is likely to revoke the hackney carriage or private hire vehicle driver's licence. At least 3 years should elapse (after the restoration of the DVLA licence) before the individual is then considered for a licence.

17.7 In the case of an existing hackney carriage or private hire vehicle driver, who shows a pattern of driving endorsements, the Licensing Authority reserves the right to require such a driver to successfully undergo the DSA Taxi and Private Hire Driver Driving Assessment or the Taxi and Private Hire Driving Assessment provided by the Lincolnshire Road Safety Partnership (or other similar body approved by the Licensing Authority).

18 Drunkenness (Not in a Motor Vehicle)

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

18.2 In cases of severe alcohol abuse, a period of 5 years after the last conviction must elapse before an application is considered and then only after examination by a consultant with a special interest in such cases with confirmation being provided of satisfactory liver enzyme tests and mean cell volume (MCV).

19 Licensing Offences

19.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences (or possible pattern of unlawful behaviour) under the hackney carriage and private hire licensing legislation.

19.2 Certain offences under hackney carriage and private hire legislation such as plying for hire without a hackney licence, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since the date of conviction.

19.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

20 Smokefree – Taxis and Private Hire Vehicles

20.1 Any hackney carriage or private hire vehicle driver who receives a first fixed penalty notice or fine for smoking in a licensed vehicle will be issued with a warning as regards future conduct.

20.2 Any hackney carriage or private hire vehicle driver receiving two or more fixed penalty notices or fines during any two year period for smoking in a licensed vehicle will be reported to the Licensing Committee who may consider suspension or revocation of his / her driver's licence(s).

21 Perverting or Attempting to Pervert or Conspiring to Pervert the Course of Justice

21.1 At least 3 years should elapse since conviction or release if an immediate custodial sentence is imposed (whichever is longer) before an applicant is considered for a licence.

21.2 A licence holder found guilty of such an offence should expect to have his/her licence revoked immediately and not be re-considered for a licence until a minimum period of 5 years has elapsed since conviction or release if an immediate custodial sentence is imposed (whichever is longer).

22 Outstanding Charges or Summonses

- 22.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 22.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

23 Non-Conviction Information

- 23.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration will be given to refusing the application.
- 23.2 In assessing the action to take, the safety of the travelling public will be the paramount concern.

24 Once a Licence Has Been Granted

- 24.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- 24.2 All of the preceding contents of this policy document apply equally to current hackney carriage and private hire vehicle drivers as they do to licence applicants (unless otherwise stated).

25 Licences Issued by Other Licensing Authorities

- 25.1 Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
- 25.2 Licensees who are licensed by multiple Licensing Authorities are expected to inform each of them that they hold licences elsewhere and which Authorities have granted licences to them. When applying for a licence or during the currency of a licence they should inform this Council if another Authority has refused, revoked or suspended a licence and

advise each Authority of any changes in their circumstances; such licence holders should expect those Authorities to share information regarding their conduct and to take it into account as appropriate. Any personal data collected in this way is shared with other Authorities for the purposes of the protection of the public and all licensees consent to their data being used for that purpose.

26 Conclusion

- 26.1 To conclude, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant will be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered.
- 26.2 While it is possible that an applicant may have a number of convictions that, individually, would not prevent him/her being licensed, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public. This consideration is vital because taxi and private hire licence holders have unprecedented access to the public and are in a position to exercise control over an individual (including children and vulnerable adults).
- 26.3 A man or woman who has committed an offence and has to wait a period of time before being accepted as a hackney carriage or private hire vehicle driver (or operator) is more likely to value his/her licence and act accordingly.

Guidelines last revised January 2016

Appendix D

Disclosure(s) from the Disclosure and Barring Service (DBS)

Applicants for Hackney Carriage and Private Hire Vehicle Drivers' Licences

East Lindsey District Council requires all applicants for a hackney carriage or private hire vehicle driver's licence to undergo a criminal record disclosure from the Disclosure and Barring Service (DBS) before a licence is granted. This will include details of cautions, reprimands or final warnings, as well as convictions.

Scope

1. The legislation provides that local authorities with responsibilities under the Local Government (Miscellaneous Provisions) Act 1976 may require applicants for a hackney carriage or private hire vehicle (PHV) driver's licence to apply for a DBS Disclosure.

Disclosure and Barring Service (DBS) Disclosure

2. In all cases the DBS Disclosure will be made against Government Records and the national collection of criminal records maintained on the Police National Computer (PNC). A fee (for each individual enquiry) is payable to the DBS at the time the request for a Disclosure is made.

Lead Counter Signatory

3. An officer in the Council will take responsibility for use of the Disclosure Service. He or she will be responsible for: -
 - Overseeing the operation of the disclosure procedure within the authority and act as
 - the principal point of contact with the DBS;
 - Ensuring that disclosure requests fall within the terms of the legislation;
 - Ensuring that requests are made at the right time;
 - Ensuring that any relevant provisions of Rehabilitation of Offenders Act 1974 are observed;

- Ensuring that information received from the DBS is released only to those who need to see it;
- Ensuring that records are kept securely and for no longer than is necessary;
- Specify additional Countersignatories to assist in the Disclosure application process.

Roles Of The Countersignatory

4. All countersignatories will be required to:

- Countersign applications and receive the Disclosures;
- Control the use of, access to and security of disclosures;
- Confirm the details of the documentary evidence requested by the DBS, to establish the identity of the applicant applying for the Disclosure;
- Ensure compliance with the Code of Practice; and
- Ensure the position is covered by the exceptions Order to the Rehabilitation of Offenders Act 1974 and the Disclosure requested is at the appropriate level.

Procedure

5. DBS Disclosures form an integral and important part of the licensing procedures. Other checks, however, to establish a person's integrity and fitness to hold a licence to drive a hackney carriage or PHV will be carried out, and attempts may be made to account satisfactorily for any unexplained gaps in employment.
6. When submitting an application for a licence to drive a hackney carriage or PHV an applicant is required by the Council to declare any convictions (including traffic convictions) or cautions he/she may have. An applicant must include spent convictions under the Rehabilitation of Offenders Act, 1974 (by virtue of the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002). The information will be treated in confidence and will only be taken into account in relation to the application.
7. An applicant will be required to undertake an Enhanced DBS Disclosure. He/she will be informed in writing when a Disclosure is required.

8. The East Lindsey District Council area is predominately a rural area with limited public transport options. Vulnerable adults and persons under 18 regularly use hackney carriage and PHVs as a means of transport. The logistics of the area are such that these journeys will often be in the early hours of the morning or late at night and be unsupervised. Parents, guardians, schools and welfare organisations regularly use licensed vehicles as a means of transporting persons under 18. Furthermore, legislation is such that when waiting on a taxi rank a hackney carriage driver is unable, without reasonable cause, to refuse a hiring from a person under 18. When plying for hire hackney carriage drivers are therefore not in a position to decline hirings from young persons. The majority of hackney carriage and private hire hirings will be unsupervised, placing the driver in a position of trust. When entrusting young persons to the care of licensed drivers, the public expect those drivers to have been through rigorous checking procedures. They expect the licensing system to ensure a high level of protection. For these reasons the Council are of the opinion that an Enhanced Level of DBS Disclosure is required.

9. The Council will make every effort to confirm the identity of the applicant before the DBS are asked to process a Disclosure. Verification of identity, date of birth, address, NI number and any change of name will be obtained. Incomplete or incorrect identification details may invalidate the DBS Disclosure. In line with the advice of the DBS all applicants applying for a DBS Disclosure must normally produce the following documentary evidence:

One item of photographic evidence. The following being acceptable:

- a current passport, or a new-style UK photocard driving licence

Plus at least two items of address-related evidence (e.g. a utility bill, or a bank, credit card or mortgage statement containing the name and address of the applicant).

In the absence of photographic evidence, a full birth certificate issued within 12 months of the date of birth plus two items of address-related evidence may be sufficient.

Any items of address-related evidence (including the following) will be accepted only if the personal details match those on the application form(s):

- marriage certificate, credit card statement, mortgage/insurance statement, bank details/statement, utility bill.

The Council will require proof of the applicants NI Number

Where an applicant claims to have changed his/her name by deed poll or any other mechanism (e.g. statutory declaration) he/she must produce documentary evidence of such a change.

Photocopies of any of the above documentation will not be acceptable. Original documents must be produced.

The Council will take copies of photographic evidence and any birth certificates presented, but will not normally make photocopies of any address-related evidence. With regard to address-related evidence applicants will be assured that it is only the address section of the evidence that will be scrutinised by Officers.

10. The Council have a policy statement available to people who will be subject to a DBS Disclosure under these arrangements.
11. When a DBS Disclosure is desired, the request should be sent to the DBS using the official Disclosure Request Form.
12. The DBS will reply to the applicant either indicating that there is no trace on DBS records of a record, which matches the details, provided, or that those details appear identical with the person whose record will be attached. The record will contain details of all convictions recorded nationally against that person. The applicant must then present the DBS certificate to the Licensing Team.
13. It should be noted that the DBS record will not normally include details of motoring convictions. Such information under separate arrangements will be obtained from the Driver and Vehicle Licensing Agency. This will be provided on receipt of a written request, which must include the subject's driver number. A fee (for each individual enquiry) is payable at the time the request is made. The information given will include endorsement/disqualification details.

14. Where the information provided by the DBS differs from that provided by the applicant, and is of significance, the nominated Countersignatory will discuss the discrepancy with the applicant before reaching any final decision in which the nature of the information received is a factor.
15. It is noted that applicants themselves may reveal certain minor convictions or cautions, which are not recorded in the national collection of criminal records and, therefore, not included in the convictions provided by the DBS. In general, corroboration of such convictions or cautions will not be sought from the DBS.
16. A person who believes the information provided by the DBS is incorrect and who wishes to make representations to the Council regarding the matter, may do so. Applicants however must always approach the CRB if they think a mistake has been made on a disclosure.

Checks on Persons Already in Possession of Hackney Carriage/PHV Drivers' Licences

17. Checks will not normally be made on persons other than in connection with an application for grant or renewal of a licence. If, however, serious allegations are made against a driver, or previously unrevealed information comes to light and the Council is satisfied that the information cannot be verified in any other way, the licence holder may be asked to produce a current Disclosure. The Council will undertake to pay the cost of the Disclosure. The Disclosure cannot be undertaken without the knowledge of the individual concerned who will be given an opportunity to discuss the outcome of the same.

The Council will not cover the cost of Disclosures in respect of first time and renewal applications for a licence.

Should a licence holder refuse to cooperate with a request to produce a Disclosure, then the Council will take action accordingly, which could lead to the revocation or suspension of a licence.

Use of Information

18. The fact that a person has a criminal record or is known to the police does not necessarily mean that he or she is unfit to hold a driver's licence. The Council will make a balanced judgement about a person's suitability taking into account only those offences, which are considered relevant to the person's suitability to hold a licence. A person's suitability will be looked at as a whole in the light of all the information available.
19. In deciding the relevance of convictions, the Council will bear in mind that offences which took place many years in the past may often have less relevance than recent offences. Similarly, a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. In any event the importance of rehabilitation will be weighed against the need to protect the public.
20. In order to ensure consistent and fair treatment when determining whether or not criminal convictions render an applicant unsuitable to hold a licence, the Council have drawn up detailed policy guidelines containing general criteria against which applications may be considered.
21. Where it is discovered that a driver, licensed prior to implementation of the Disclosure and Barring Service, had failed to disclose past convictions, the Council will consider carefully whether they should now refuse to re-grant the driver licence. In most cases, if those convictions are such that they would now lead to the refusal of a licence, refusal will be considered. If, however, previously unrevealed convictions are discovered which would not now disqualify the individual from holding a licence, consideration may be given to granting it.

Appeals

22. Any person who is aggrieved by the Council's decision to refuse a driver's licence may appeal to a Magistrates' Court.

Storage and Destruction of Records

23. Any information the DBS supply will be of a sensitive and personal nature. It will be used only in connection with the application, which gave rise to the request for a Disclosure to be

made. The Lead Counter Signatory must ensure it is kept securely while the licensing process takes its course and that the information is not kept for longer than is necessary. An indication on the Council's own record that a DBS disclosure has been carried out may be made but this will not refer to specific offences.

Checks on Applicants from Overseas

24. The Council cannot always:

- Make enquiries about the antecedents of people from overseas; or
- Establish details of convictions acquired outside the United Kingdom.

Applicants from certain countries may, however, be able to produce certificates of good conduct or a copy of their own criminal record. All applicants must be in a position of being able to prove that they are a "fit and proper person" to hold a hackney carriage or PHV driver's licence with East Lindsey District Council. Wherever possible the Council will make use of any Overseas Information Service provided by the DBS.

Monitoring

25. Where possible the Council will collate the following information in respect of DBS Disclosures:

- Number of DBS disclosures requested in respect of taxi applicants;
- Time taken to receive disclosures, and
- Any apparent difficulties with these arrangements, including the resource implications;

Hackney Carriage and PHV Drivers Undertaking Contract Hire Work

26. Applicants who intend to undertake Contract Hire work may be required to undertake a further DBS Disclosure by the hirer. Lincolnshire County Council, for example, require hackney carriage and PHV drivers to undertake a Disclosure before undertaking contract work involving the transport of schoolchildren or vulnerable adults.

July 2013

Appendix E

Map of the East Lindsey District Council Area



The information and guidance contained in this guidance booklet is provided for information purposes only. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself. Every reasonable effort is made to make the information and commentary accurate and up to date, but East Lindsey District Council assumes no responsibility for its accuracy and correctness, or for any consequences of relying on it. Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.

The information and commentary does not, and is not intended to, amount to legal advice to any person on a specific case or matter. You are strongly advised to obtain specific personal advice from a solicitor or licensing consultant about your case or matter and not to rely entirely on the information or comments in this leaflet.



These blank pages are provided for you to make notes (if you wish to do so):



If you would like this information in a different format, please contact us on 01507 601111.

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