

Hackney Carriage and Private Hire Licensing Policy



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Introduction

Hackney Carriages have been licensed since the Town Police Clauses Act of 1847 was enacted.

The Local Government (Miscellaneous Provisions) Act 1976, as amended, extended these licensing requirements to Private Hire Vehicles and placed a duty on Wyre Council (“the Council”) as the relevant Licensing Authority, to undertake the regulation of Hackney Carriages, Private Hire Vehicles, their drivers and operators.

This policy sets out the way in which the Council will administer and regulate the Hackney Carriage and Private Hire Trade that it licenses, in order to provide assurance to the public that only those individuals it considers are fit and proper, are entrusted to transport passengers in licensed vehicles that are safe and suitable for use.

1. Objectives

- 1.1 The protection of the public is of paramount concern for the Licensing Authority when discharging its licensing functions and the Council will not hesitate to act, when it is made aware of issues that have the potential to undermine public safety.
- 1.2 Hackney Carriages and Private Hire vehicles play a vital part in the transport network, providing an invaluable service to residents and visitors to the Borough alike.
- 1.3 Licensed drivers are entrusted to transport some of the most vulnerable members of our society, from the very young, to the elderly and infirm and those who may be incapacitated through alcohol or drug use, and our communities rely on licensed drivers and their vehicles to provide a safe and reliable service.
- 1.4 Licensed vehicles and their drivers enjoy an anonymity on our roads that is shared only by emergency vehicles. The appearance of a vehicle, whether regularly or otherwise, at any time of the day or night, does not raise any suspicion as to the reason for it being there, if it is displaying a Hackney Carriage or Private Hire Vehicle Licence plate.
- 1.5 The Council will, through the regulation of the trade seek to promote the following objectives:
 - The protection of the public
 - A professional Hackney Carriage and Private Hire trade
 - Access to an efficient and effective public transport service
 - The protection of the environment
 - Consideration of accessibility issues associated with the conveyance of all passengers, in line with the Equality Act 2010.
- 1.6 The Council will work with a wide range of partners when carrying out its duties in respect of Hackney Carriage and Private Hire Licensing, including, but not limited to:
 - Licensed drivers, operators and vehicle proprietors

- Local residents
- Locally operating Hackney and Private Hire Trade Associations
- Lancashire Constabulary
- National Anti-Fraud Network
- Driver and Vehicle Standards Agency (formally VOSA)
- HM Revenue and Customs
- UK Border Agency
- Department of Work and Pensions
- Lancashire County Council
- The Disclosure and Barring Service
- The Office of the Police and Crime Commissioner
- Other Licensing Authorities

1.7 This policy will come into effect on xx 2021 and will be subject to periodic reviews at least every 5 years.

1.8 In the exercise of its powers as the Licensing Authority, the Council will have regard to this policy. Notwithstanding this, every application or enforcement measure will be considered on its own merits. Should it be necessary to substantially depart from this policy, the Council will record its reasons for doing so.

2. General Matters

2.1 Legislation

The following list details some of the primary legislation which the Licensing Authority must either have regard to, or is duty bound to adhere to, in order to discharge its licensing function in respect of Hackney Carriage and Private Hire vehicles, licensed drivers and operators.

This list is not exhaustive and will be subject to change over time as UK legislation is amended repealed or replaced.

- Criminal Procedures & Investigations Act 1996
- Data Protection Act 1998
- Deregulation Act 2015
- Disability Discrimination Act 1995
- Equality Act 2010
- Freedom of Information Act 2000
- General Data Protection Regulations 2018
- Health Act 2006
- Health & Safety at Work etc. Act 1974
- Human Rights Act 1998
- Immigration Act 2016
- Legislative and Regulatory Reform Act 2006
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Act 1976

- Local Government (Miscellaneous Provisions) Act 1982
- Measuring Instruments Regulations 2017
- Police & Criminal Evidence Act 1984
- Policing and Crime Act 2017
- Regulation of Investigatory Powers Act 2000
- Rehabilitation of Offenders Act 1974
- Road Safety Act 2006
- Road Traffic Act 1988
- Road Traffic Regulation Act 1984
- Town Police Clauses Act 1847 and 1889
- Safeguarding and Vulnerable Groups Act 2006
- Transport Acts of 1980, 1985 and 2000

2.2 Sharing of Information

- 2.2.1 The Licensing Authority will share with other departments or regulatory bodies, information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. Personal information will only be disclosed in accordance with Data Protection legislation.
- 2.2.2 Information sharing may include requests from the Police or other enforcement/regulatory agencies where this is necessary for the detection or prevention of crime, or required by law, or in connection with legal proceedings.

3. Dual Licensed Drivers

3.1 Fit and Proper

3.1.1 The Council will not issue a licence to any applicant, unless it is satisfied that they are a fit and proper person to hold such a licence. There is no statutory definition of what constitutes fit and proper but Wyre Council will consider the following test when determining applications or licence reviews **“Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition or vulnerability, to travel alone in a vehicle driven by this person at any time of the day or night?”**.

3.1.2 Decisions in respect of driver licences will be made on the balance of probabilities and where there are concerns that tip that balance, individuals will not be permitted to hold a Dual Driver Licence.

3.1.3 The Council’s policy on convictions and other relevant matters which it considers are likely to impact on an individual’s suitability to hold a licence is at Appendix 1.

3.2 Duration of Driver’s Licences

The Council normally issues driver’s licences for 3 years, however, in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.

3.3 Age Restrictions on Drivers

The Council will consider applications from persons aged 21 and over and does not have a maximum age limit for the drivers it will licence, however applicants who have reached the age of 65 will only be eligible for a one-year licence to run concurrent with their certificate of medical fitness.

3.4 Entitlement to Drive in the UK

3.4.1 All applicants must have held a valid, full UK driving licence for a minimum of 2 years immediately before making their application.

3.4.2 Applications from holders of a full driving licence issued by a country outside the UK, may be considered in accordance with any provisions contained within National agreements.

3.4.3 All applicants are required to authorise the Council to undertake checks with the DVLA, to verify the existence of any motoring convictions and restrictions on their licence.

3.5 Entitlement to Work in the UK

3.5.1 All applicants must have the right to live and work in the UK and demonstrate this at the point of application.

3.5.2 EU, EEA or Swiss nationals continue to have the right to work in the UK until 30 June 2021. After that date they will be required to demonstrate any ongoing right to work in the UK, under the EU Settlement Scheme.

3.5.3 Applicants who are disqualified from driving a Hackney Carriage or Private Hire Vehicle by reason of their immigration status will not be considered for a licence.

3.5.4 Where a successful applicant is subject to a time limitation on their right to remain and work in the UK, a licence will not be granted beyond that date.

3.6 Disclosure and Barring Service checks

3.6.1 All applicants for a Dual Driver Licence are required to provide an enhanced disclosure certificate issued by the Disclosure and Barring Service (DBS) including a check against the barred lists. This must be applied for via the Council's nominated service provider, GB Group.

3.6.2 Enhanced DBS Certificates made through other organisations will not be accepted.

3.6.3 The Rehabilitation of Offenders Act 1974 does not apply to applicants for a dual driver licence, who are therefore required to disclose all convictions, cautions, fixed penalty notices, Civil injunctions and motoring offences etc., including those that would ordinarily be regarded as spent.

3.6.4 Any applicant who has spent six continuous months or more, overseas within the last 10 years, will also be required to produce a Certificate of Good Conduct from the

relevant Embassy, translated into English, at their own expense, in respect of each of the countries where they have lived, during this period.

3.7 DBS Update Service

3.7.1 All drivers are required to sign up to the DBS update service and maintain their registration throughout the licensed period. They must also authorise the Council to undertake periodic checks with the DBS, to verify that the information on the registered certificate has not changed.

3.7.2 Where there has been a change to the information held by the DBS, the driver will be required to provide a new certificate to the Council and register that one with the update service.

3.7.3 In accordance with the DfT's Statutory Guidance issued in July 2020, Wyre Council will use the update service to check all licensed driver's status every six months throughout the licensed period.

3.7.4 Licensed drivers who fail to register with the update service, or who allow their registration to lapse, will be required to provide a new enhanced certificate every six months.

3.7.5 Where the Council is unable to check the driver's status in accordance with 3.7.3 or 3.7.4 due to failings on the part of the driver, it will suspend the dual drivers licence under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

3.7.6 Nothing in this section will negate the requirement for licensed drivers to inform the Licensing Authority within 48 hours of any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or any motoring offence.

3.7.7 Where there is evidence of new criminal activity or motoring convictions, the applicant will be referred to the Licensing Committee in line with the Council's Policy on Convictions and other relevant matters.

3.8 National Anti-Fraud Network

3.8.1 The Council subscribes to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a dual driver licence revoked, or an application for one refused.

3.8.2 Where a dual driver licence is revoked, or an application for one refused, Wyre Council will automatically record this decision on NR3.

3.8.3 All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it.

3.8.4 Information is retained on NR3 for a period of 25 years.

3.9 Medical Fitness

- 3.9.1 The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic and pleasure purposes.
- 3.9.2 Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end Council requires all licensed drivers to meet the Group 2 standard used by the DVLA when licensing Public Service Vehicle drivers.
- 3.9.3 Medical certificates are required every three years for drivers under the age of 65 and then annually for drivers 65 or over, to run concurrent with their licence.
- 3.9.4 Certificates must be completed by the driver's own GP practice, or where this is not possible, with another practice, subject to the prior approval of the Licensing Officer. The certificates must have been issued no earlier than 6 weeks before the application is submitted.
- 3.9.5 Should there be any doubt as to the medical fitness of a licensed driver, the Council reserves the right at any time, to refer that individual to a nominated occupational health service and/or to suspend the driver's licence until such time as it can be satisfied that the driver meets the group 2 standard.
- 3.9.6 All licensed drivers must inform the Licensing Authority, within 7 days, of any change to their health, which could impact on their ability to meet the group 2 standard, or continue to drive a licensed vehicle.
- 3.9.7 No applicant will be issued a licence until medical fitness has been established.

3.10 Local Area Knowledge Test

- 3.10.1 One of the Council's objectives is to have a professional trade. It is important that licensed drivers are not only competent to drive to a high standard, but also that they can deliver a high standard of customer service and offer appropriate assistance to passengers.
- 3.10.2 The Council acknowledges that it is important to the travelling public, that the drivers it licences, have a good knowledge of the Borough including its boundaries, the Highway Code, safeguarding and the ability to comprehend and communicate effectively in English.
- 3.10.3 All applicants for a new driver's licence will be required to pass the Wyre knowledge test before they can be considered for a licence.
- 3.10.4 Licensed drivers, who allow their licence to expire, must apply for a new licence and satisfy all of the requirements in force at that time on a new driver, unless agreement has been obtained from the Licensing Officer prior to the expiry date, to exclude the requirement for them to pass the knowledge test.

- 3.10.5 Payment must be made for each test booked and there is no discount for re-tests. Applicants who fail to appear for a pre-arranged Driver Knowledge Test will forfeit the booking fee.
- 3.10.6 Applicants must bring in their DVLA driving licence on the day of the test. Applicants must ensure that the photo-card driving licence has not expired and that all details on it, including their address are current.
- 3.10.7 If an applicant fails the first test, a period of one week should elapse before they are eligible to take a second test.
- 3.10.8 If the second test is failed, the applicant will have to wait two weeks before being eligible to take a third test.
- 3.10.9 Failure of a third test would indicate that the applicant is not fit and proper and a minimum period of **6 months** must elapse before the applicant would be eligible for any further attempts.

3.11 Safeguarding and Child Sexual Exploitation (CSE) training

- 3.11.1 The Council recognises that licensed drivers are an integral part of modern life and as such play an important role in providing a safe means of transport to all members of our society.
- 3.11.2 Their role within our communities places them in direct daily contact with some of the most vulnerable members of society and as such, they are ideally placed to assist agencies who have a statutory responsibility to safeguard the vulnerable.
- 3.11.3 In order for licensed drivers to recognise the signs of CSE and **other forms of exploitation such as County Lines**, to enable them to report suspicious behaviour appropriately, all applicants for Dual Driver's Licence must have completed basic safeguarding awareness training, provided via the Council's website, before they will be considered for a licence.

3.12 Dress Standards

- 3.12.1 The Council expects all licensed drivers not only to conduct themselves in a professional manner, but also to look professional whilst working.
- 3.12.2 Whilst there is not a prescribed dress code, drivers must not:-
- Have bare chests
 - Wear dirty clothing or shoes
 - Wear flip flops or beach shoes
 - **Wear uniform clothing issued by any other business, except the provider of Hackney Carriage or private hire services associated with the vehicle being used.**
 - Wear clothing that includes offensive words or graphics
 - Wear inappropriate clothing, including very short skirts or tops that do not cover the shoulders

3.13 Alcohol and Tobacco products

- 3.13.1 Licensed drivers must not consume alcohol before, or at any time whilst driving, or otherwise being in charge of a Hackney Carriage or Private Hire vehicle.
- 3.13.2 Licensed drivers must not drive a Hackney Carriage or Private Hire vehicle, after having misused legal drugs or taken illegal drugs.
- 3.13.3 Tobacco products, including e-cigarettes must not be smoked or used inside a licensed vehicle by anyone at any time.

3.14 Dual Driver Conditions

All Dual Driver licences are issued subject to the Council's standard conditions (Appendix 2) and the Driver's code of conduct (Appendix 3).

3.15 Application process

Details of the application process and guidance for applicants is published on the Council's website.

4. Hackney Carriage and Private Hire vehicles

4.1 Proprietors

4.1.1 The Council will not issue a vehicle proprietor's licence to any applicant, unless it is satisfied that they are fit and proper to hold such a licence. There is no statutory definition of what constitutes fit and proper but Wyre Council will consider the following test when determining applications or licence reviews **"Without any prejudice and based on the information before you, are you satisfied that this person will maintain the vehicle to a safe and acceptable standard throughout the licensed period and ensure that it is not used in connection with criminal or otherwise unacceptable purposes"**.

4.1.2 Decisions in respect of vehicle licences will be made on the balance of probabilities and where there are concerns that tip that balance, individuals will not be permitted to hold a licence.

4.1.3 The Council's policy on convictions and other relevant matters which it considers are likely to impact on an individual's suitability to hold a licence is at Appendix 1.

4.2 Duration of Licences

Vehicle licences will normally be issued for 12 months, however the Council will consider issuing a licence for a shorter period, where it deems it appropriate.

4.3 General

- 4.3.1 Licensed vehicles must display in the top left-hand corner of the windscreen, a valid laminated licence, issued by the Council that includes details of the registration number of the vehicle and the number of passengers permitted to be carried.
- 4.3.2 Licensed vehicles must be right hand drive and shall have been so since the date of first registration.
- 4.3.3 Licensed vehicles should not have any fittings attached to, or carried on the inside or outside of the vehicle which have not been approved by the Council.
- 4.3.4 Licensed vehicles must not display any signs, notices or advertisements that are not legally required, or have been expressly authorised by the Council.
- 4.3.5 No smoking signs must be displayed in accordance with the Health Act 2006.
- 4.3.6 Licensed vehicles must carry suitable means to issue a receipt, if requested by the passenger. Such a receipt must show as a minimum, the date and time of the journey, the badge number of the driver and the amount paid.
- 4.3.7 One of the Council's objectives is the protection of the environment and to this end it encourages vehicle proprietors to purchase hybrid or electric vehicles when purchasing new vehicles.

4.3.8 New or replacement vehicles being presented for a licence must meet the following minimum emissions standards.

Euro 4 emission limits (petrol)

CO – 1.0 g/km

HC – 0.10 g/km

NO_x – 0.08

PM – no limit

Euro 6 emission limits (diesel)

CO – 0.50 g/km

HC+ NO_x – 0.17 g/km

NO_x – 0.08 g/km

PM – 0.005 g/km

PM – 6.0x10⁻¹¹/km

4.3.9 Where an existing vehicle licence is temporarily transferred to another vehicle due to accident or collision damage or mechanical failure whilst repairs are undertaken, the requirements of 4.3.8 will not be applied to the original vehicle when it is presented for re-licensing.

- 4.3.10 All vehicles must have an appropriate "type approval" which is either a:-
 - i) European Whole Vehicle Type approval;
 - ii) British National Type approval; or
 - iii) British Individual Vehicle Approval.

4.3.11 It is also recommended that only vehicles with Euro NCAP star ratings of 4 or more should be presented as new or replacement vehicles.

4.4 Bodywork

4.4.1 Licensed vehicles shall have no signs of accident damage and the paintwork shall be of a consistent colour over the whole of the vehicle.

4.4.2 There shall be no significant sign of corrosion, including visible rust or blistering of paintwork.

4.4.3 Where the vehicle is fitted with a step to assist passengers, it shall have a suitable non-slip surface and the edge shall be highlighted in a clearly visible colour which differs from that of the vehicle.

4.4.4 Electronically operated steps must have a failsafe device which prevents the vehicle from moving while the step is extended.

4.5 Windows

All factory fitted glass to the front of the driver's door pillar vehicle, shall permit a minimum of 70% light transmission. No vehicle shall be fitted with any additional film designed to tint or darken the glass.

4.6 Roadworthiness

4.6.1 In addition to the standard annual MOT requirements for vehicles, the Council must be satisfied that the vehicles it licences are safe and fit for purpose.

4.6.2 The Council will not issue a vehicle licence for any vehicle that has been written off by insurers under category A, B or S.

- A relates to vehicles that must be scrapped
- B relates to vehicles that may be broken and their parts reused
- S relates to vehicles that have sustained structural damage that is repairable.

4.6.3 Licensed vehicles must pass the Council's roadworthiness test, no earlier than 28 days before a licence is granted. Vehicle testing is carried out at the Council's Copse Road Garage and applicants are responsible for booking and paying for this test, directly with the Council's Contact Centre.

4.6.4 Licensed vehicles are liable to be inspected and tested at any time by an Authorised Officer of the Council or Police Constable. If upon inspection it is discovered that the vehicle is not being properly maintained, or kept in good order, a notice may be served on the proprietor to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

4.7 Insurance

- 4.7.1 Vehicle proprietors must ensure that an appropriate insurance policy is in force at all times that the vehicle is licensed. Any failure to ensure that a Hackney Carriage is not adequately insured for public hire, or a Private Hire vehicle is not adequately insured for private hire use will result in the immediate suspension of the vehicle licence.
- 4.7.2 Vehicle proprietors must produce proof of the policy required in 4.7.1 to an Authorised Officer of the Council or Police Constable, on request.

4.8 Wheelchair Accessibility

- 4.8.1 The Council encourages applications for vehicle licences for wheelchair accessible vehicles. There are no restrictions on whether accessibility is via rear or side loading doors.
- 4.8.2 A list of wheelchair accessible vehicles and weights is maintained on the Council's website in accordance with section 167 of the Equality Act 2010.

4.9 Passenger numbers

- 4.9.1 Vehicle licences are normally issued for the carriage of between 4 and 8 passengers.
- 4.9.2 When assessing the maximum number of passengers that may be carried in a licensed vehicle, the Council will take into account factors, including the number and location of seats and their proximity to the doors.
- 4.9.3 The Council will not normally licence a saloon, hatchback, estate or purpose built taxi vehicles that does not have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors, not including any tailgate or rear door.
- 4.9.4 The Council will not licence a vehicle to carry passengers in sideways facing seats or seats which require more than 1 other passenger to move in order to permit access or egress.
- 4.9.5 The Council will not licence a vehicle to transport passengers in a rear facing seat, unless such seats are secured to the bulk head in a purpose built vehicle, specifically manufactured for the carriage of passengers for hire or reward.
- 4.9.6 Any space within a vehicle designed to carry luggage or similar, must not be used to transport babies or children in prams or pushchairs.
- 4.9.7 Applications for vehicle licences which do not meet any of these criteria will be referred to the Licensing Committee for consideration.

4.10 CCTV

- 4.10.1 Wyre Council does not mandate the requirement for CCTV in the vehicles it licences.
- 4.10.2 The Council does however recognise the benefits to the trade and passengers alike of having CCTV in licensed vehicles and encourages the installation of such systems, but

is also mindful that there are data protection concerns arising from the use of such surveillance.

4.10.3 Where CCTV is installed there must be a minimum of 2 signs which are clearly visible to passengers, advising them of the presence of CCTV.

4.10.4 Audio recording should not be routinely activated but is permitted where there is a specific threat to persons in the vehicle.

4.10.5 The person responsible for the CCTV system must be registered as the Data Controller under Data Protection legislation and CCTV systems must comply with all current legislation and guidance from the Information Commissioner and Surveillance Commissioners Offices.

4.10.6 All equipment must be installed in accordance with the equipment and/or vehicle manufacturer installation instructions. The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

4.10.7 Images captured must remain secure at all times. The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen.

4.11 Application process

4.11.1 All vehicle licences clearly indicate the expiry date of the licence. It is the responsibility of the proprietor to ensure that a valid application is submitted to the Council before the licence expires.

4.11.2 When a vehicle proprietor has allowed the vehicle licence to lapse, for any reason, they will be required to sign a declaration that the vehicle has not been used for hire or reward, during the unlicensed period.

4.11.3 Applications will not be considered until the applicant is able to produce original evidence of:-

- A valid and appropriate insurance policy
- Proof that the vehicle has passed the Council's roadworthiness test, no more than 28 days before the application is made
- The original V5 log book (in the case of new or replacement vehicles the V5C and a bill of sale or hire agreement)
- And the appropriate fee

5. Specific additional requirements for Hackney Carriages

All Hackney Carriage vehicle licences issued by the Council are subject the Hackney Carriage By-Laws (Appendix 4) and the Council's standard conditions (Appendix 5).

5.1 Restrictions on the issue of Hackney Carriage Licences

- 5.1.1 The Council currently restricts the number of Hackney Carriages it licenses to 160.
- 5.1.2 Every 3 years the Council will normally undertake a survey to establish if there is any significant unmet demand for Hackney Carriages which it would need to address either by increasing the limits, **or delimiting Hackney Carriage numbers.**

5.2 General

- 5.2.1 The Council provides 2 licence plates on a yellow background for Hackney Carriages and these must be displayed at the front and rear of the vehicle and fixed externally to the vehicle
- 5.2.2 Hackney Carriages must have a roof sign displaying the word TAXI, which must be illuminated at all times when, and only when, the vehicle is available for hire. The roof sign must be clearly visible from the front of the vehicle.

5.3 Taximeters

- 5.3.1 All Hackney Carriages must be fitted with a calendar controlled taximeter which is sealed and approved by a recognised agent.
- 5.3.2 The meter must be calibrated to the current Hackney Carriage Tariff and vehicles must be presented, on request, to an Authorised Officer of the Council to validate the accuracy of the taximeter.

5.4 Intended Use

- 5.4.1 The Council is concerned to ensure that the Hackney Carriage vehicles it licenses must predominantly operate within the Borough of Wyre, in the interests of public safety.
- 5.4.2 Hackney Carriage proprietors are required to confirm on each and every application that they intend to ply for hire predominantly within Wyre.
- 5.4.3 If it appears, however, that the applicant intends to trade in another authority's area for a substantial period of time and so frustrate the purpose of the legislation and potentially undermine public safety, there will be a presumption against the granting of a licence.
- 5.4.4 Section 60 of the Local Government (Miscellaneous Provision) Act 1976 provides for the Licensing Authority to refuse to grant or renew a Hackney Carriage Licence 'for any reasonable cause' and it is the Council's position that the Hackney Carriages it licenses must operate predominantly from within the Borough.

5.5 Hackney Carriage Ranks

- 5.5.1 The Council has provided a number of designated Hackney Carriage ranks throughout the Borough (Appendix 6).

- 5.5.2 Where a designated ranks design requires Hackney Carriage drivers to queue, the front vehicle must be positioned so as to allow the 2nd vehicle to easily pass and leave the rank.
- 5.5.3 Drivers **must not** leave a vehicle unattended on a rank at any time.

6. Specific additional requirements for Private Hire Vehicles

All Private Hire vehicle licences issued by the Council are subject the Council's standard conditions (Appendix 7).

6.1 Taximeters

- 6.1.1 The Council permits the use of taximeters in private hire vehicles which are calendar controlled, sealed and approved by a recognised agent. No private hire passenger shall be charged more than the metered fare for a journey, when the taximeter is in operation for that journey.
- 6.1.2 Where a taximeter is fitted, the current tariff must be displayed where it can easily be seen and read by the passenger.

6.2 Executive Vehicles

- 6.2.1 Wyre Council does not provide a definitive list of vehicles it considers to be suitable for the dispensation to display external identification plates.
- 6.2.2 Applications for exemption will be considered by the Licensing Committee where the following requirements are met;
- The type of work undertaken is exclusively 'executive' in nature. This means that the vehicle is used specifically to provide transport for a company or individuals who for security or personal safety reasons would not want the vehicle to be identifiable.
 - Vehicles should be of a standard of comfort and equipped to a level equal to, or above luxury brands of vehicles.
 - Only vehicles under 5 years old would ordinarily be considered for executive hire.
- 6.2.3 When considering such applications, the Committee will take into account factors including, but not restricted to:
- The make and model of the vehicle
 - The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation
 - The nature of the Operator's business
 - How and where the vehicle is advertised and marketed
- 6.2.4 Where dispensation is granted, male drivers are required to wear a suit jacket and trousers, plus shirt and tie. Female drivers must follow an equivalent dress code but will not be required to wear a tie.

This dress code shall be followed at all times the vehicle is being used to undertake a booking, unless a specific request to depart from the code has been received and recorded by the operator.

- 6.2.5 Exempt vehicles must display a windscreen badge, provided by the council and the vehicle licence plates must be carried in the boot of the vehicle at all times.

7. Stretched Limousines

- 7.1 Stretched limousines are as the name suggests elongated vehicles. The vast majority are imported from the USA and so are left hand drive.

- 7.2 Unlike other vehicles, this does not preclude them for being considered suitable for licensing as Private Hire vehicles.

- 7.3 The Council will consider applications to licence stretched limousines as Private Hire vehicles subject to the following criteria:

- The vehicle must have one of the following:
 - (i) British Individual Vehicle Approval Certificate
 - (ii) A European Whole Vehicle Approval Certificate
 - (iii) UK Low Volume Type Approval Certificate
 - (iv) Limousine Declaration of Condition of Use
- There must be appropriate, Private Hire insurance.
- It must have passed the Council's roadworthiness test within the last 28 days.
- It must not carry more than 8 passengers at any time.
- Sideways facing seating is acceptable, but no seat will be permitted that permanently obstruct any door.
- All forward or rear facing seats must be fitted with seatbelts.
- Additional seats in the driver's compartment must not be used to carry passengers.
- With the exception of the glass in the windscreen and front doors, there shall be no restriction to the level of tint for the remaining windows.
- The vehicle must carry a safety hammer capable of being used to break the vehicles windows. It should be securely located in the driver's compartment, and visible and accessible in the event of an emergency.
- If fitted with a sun roof, the switch must be isolated so it cannot be operated by passengers.
- All doors must be capable from being opened from the inside and outside of the vehicle.
- A suitable means of two-way communication between the driver and passengers must be available.

- 7.4 Licences will be issued subject to the Standard Conditions for Stretched Limousines (Appendix 8).

8. Private Hire Operators

8.1 General

8.1.1 Anyone in Wyre wishing to invite private hire bookings and dispatch a private hire vehicle and driver to fulfil those bookings, must hold a Private Hire Operators licence.

8.1.2 Private Hire operators are responsible for ensuring that all the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys.

8.1.3 The Council will not issue a Private Hire Operators licence, unless it is satisfied that the applicant is fit and proper to hold such a licence. There is no statutory definition of what constitutes fit and proper but Wyre Council will consider the following test when determining applications or licence reviews **“Without any prejudice and based on the information before you, would you be comfortable providing sensitive information about yourself and family members, such as holiday plans, to this person and trust them not to disclose it further, or otherwise use it for criminal or unacceptable purposes”**.

8.1.4 The Council’s policy on convictions and other relevant matters which it considers are likely to impact on an individual’s suitability to hold a licence is at Appendix 1.

8.1.5 All Private Hire Operator’s licences are issued subject to the Council’s standard conditions (Appendix 9).

8.2 Disclosure and Barring Service Checks

8.2.1 The Council requires applicants to provide a recent basic DBS certificate before a Private Hire Operators licence will be granted, and then annually throughout the duration of the licence, for each person named on the licence, or for each director or partner where the licence is held by a company or partnership.

8.2.2 Where an individual also holds a valid Wyre Dual Driver’s licence, the requirements in 8.2.1 are dis-applied in respect of that individual.

8.2.3 Any applicant, who has lived outside the UK within the last 10 years, will also be required to produce a Certificate of Good Conduct from the relevant Embassy, translated into English, at their own expense, in respect of each of the countries that they have lived in within that period.

8.2.4 Operators are also expected to be able to demonstrate that all staff who have contact with the public or oversee the dispatching of vehicles do not pose a risk to the public and should evidence that they have had sight of a satisfactory Basic DBS check for each individual named on the register required by 8.7.4.

8.3 Duration of Licence

The Council normally issues operator’s licences for 5 years however in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.

8.4 Safeguarding training

- 8.4.1 The Council recognises that Private Hire Operators and their dispatchers play an important role in providing access to a safe means of transport to all members of society.
- 8.4.2 Their role, alongside that of the licensed driver's they dispatch, places them in daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable.
- 8.4.3 In order for them to recognise safeguarding issues and to enable them to report suspect behaviour or bookings appropriately, all applicants for a new Private Hire Operators licence who are not licensed drivers, shall have completed basic safeguarding training, provided via the Council before they will be granted a licence.
- 8.4.4 Operators are also expected to ensure that all non-licensed dispatch staff they employ complete the online training package, "an introduction to Child Sexual Exploitation (CSE)" provided through Lancashire County Council's website.
- 8.4.5 Training records must be held by the operator and made available to any Authorised Officer of the Council, on request.

8.5 Insurance

- 8.5.1 Where appropriate, a Private Hire Operator must maintain a suitable employer's liability insurance policy.
- 8.5.2 Where appropriate, a Private Hire Operator must maintain a suitable public liability policy in respect of any premises covered by the licence.

8.6 Premises

- 8.6.1 Where a Private Hire Operator provides premises for the public they shall at all times, be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided have adequate seating facilities.
- 8.6.2 If sanitary and washing facilities are provided for customers and/or staff they should be clean, easily accessible and have a supply of hot and cold running water, soap and a suitable means to dry hands.
- 8.6.3 If separate male and female facilities are not provided, any WC must be self-contained and in a room that is capable of being locked from the inside to prevent access by more than one person at a time.

8.7 Records

- 8.7.1 Private Hire Operators are required to keep comprehensive records of all bookings. As a minimum, Licensed Operators must record details of:-
- The date and time of each booking

- The name and address of the hirer
- The pick-up point and the destination
- Any fare quoted at the time of booking
- The plate number of the vehicle dispatched
- The drivers name and badge number dispatched to fulfil the booking
- The name of the individual that dispatched the vehicle

8.7.2 Full details must be recorded separately, of any bookings that are sub-contracted to or from another Private Hire Operator.

8.7.3 Booking records must be retained for a minimum of 6 months.

8.7.4 In addition, records including the full name, address, date of birth and National Insurance number of dispatch staff, who are not also Licensed Drivers, shall be maintained and made available to an authorised officer of the Council on request.

8.8 Application process

8.8.1 Private Hire Operators licences clearly indicate the expiry date of the licence. It is the responsibility of the operator to ensure that a valid application is submitted to the Council before the licence expires.

8.8.2 Applications will not be considered until the applicant is able to satisfy the Licensing Authority that they have the right to occupy premises within the Borough in order to offer private hire services and produce original evidence of:-

- Valid, appropriate insurance policy(s)
- Basic Disclosure Certificate issued no more than 1 month prior to the application for each person named on the licence, or for each director or partner where the licence is held by a company or partnership. This requirement will not apply to any applicant who also holds a valid Wyre Dual Driver's Licence
- Proof of the operating address, within the Borough
- Payment of the appropriate fee.

9. Regulation & Enforcement

9.1 The Council has a duty to ensure that the vehicles, drivers and operators that it licenses, carry out their functions in accordance with the legislation and any conditions attached to such licences.

9.2 Anyone who wishes to complain about a licensed driver, vehicle or operator should contact the Licensing Unit at licensing@wyre.gov.uk or by telephone on 01253 887225/887406. All complaints received will be recorded against the licence holder, but anonymous complaints would not normally be investigated further, unless there is independent evidence to corroborate the allegations.

9.3 Officers charged with the regulation of the Hackney Carriage and Private Hire industry will be appropriately trained and authorised within the Council's scheme of delegation.

- 9.4 Authorised Officers will undertake their duties in accordance with the Governments Compliance Code for Regulators, the Crown Prosecution Service's guidance, the Council's Corporate Prosecutions Policy and the Licensing Enforcement Policy.

10. Fares

- 10.1 The Council is responsible for setting the Hackney Carriage Tariff, which is a table of the maximum fares that may be charged for a journey.
- 10.2 Each Hackney Carriage must have its taximeter calibrated to the current tariff and in addition must display the table of fares provided by the Council where it can easily be read by a passenger.
- 10.3 The Council has no ability to control the fares charged by the private hire trade and it is for the hirer to negotiate an appropriate fee or method of charging for each journey.
- 10.4 Where a private hire vehicle is fitted with a taximeter that is used to calculate the journey fee, there must be a corresponding table of fares produced by the operator and displayed in the vehicle where it can easily be read by a passenger.

11. Fees

- 11.1 The Council sets and regularly reviews its fees for taxi and private hire licensing, in line with the Governments requirement that fees should only cover the costs involved in the administration and regulation of licensed operators, drivers and vehicles.
- 11.2 A list of the current licence fees can be found on the Council's website along with some miscellaneous charges.
- 11.3 Licence holders who surrender a licence before its natural expiry, are not eligible for a refund.