



# BOSTON BOROUGH COUNCIL

## HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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# 1. INTRODUCTION AND GENERAL MATTERS

## 1.1 Boston Borough Council

Boston Borough Council is a controlled district within the meaning of section 45 of the Local Government (Miscellaneous Provisions) Act 1976. The area incorporates Algarkirk, Amber Hill, Benington, Bicker, Boston, Brothertoft, Butterwick, Fishtoft, Frampton, Fosdyke, Freiston, Holland Fen, Kirton, Leverton, Old Leake, Sutterton, Swineshead, Wigtoft, Wrangle, and Wyberton within its boundaries

## 1.2 Legislation

Boston Borough Council (hereinafter referred to as the Council) is responsible for the licensing of all Hackney Carriage vehicles and drivers and Private Hire operators, vehicles and drivers in the district. In compiling this policy the Council has had regard to the following legislation:

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Town Police Clauses Act 1889
- Department for Transport Taxi and Private Hire Vehicle Statutory Standards
- Taxis & Private Hire Vehicles (Safeguarding & Road Safety) Act 2022
- Transport Act 1985
- Rehabilitation of Offenders Act 1974
- Equality Act 2010
- Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002

## 1.3 Principles and Objectives

This document sets out the policies and principles that the Council will apply when making decisions on applications and licences for:

- Hackney Carriage Vehicles;
- Private Hire Operators;
- Private Hire Vehicles; and
- Hackney Carriage/Private Hire Drivers.

1.3.1 In setting out this policy, the Council seeks to promote the following objectives:

- Protection of the public;
- The establishment of a professional and respected Hackney Carriage and Private Hire service;
- Access to a safe, efficient, reliable and effective transport service; and
- Protection of the environment.
- Improved disability access and awareness.

1.3.2 The Council will work in partnership with other relevant departments, neighbouring authorities, the police, Lincolnshire Road Safety Partnership, Lincolnshire local businesses and local people towards the promotion of the objectives as outlined.

1.3.3 In preparing this policy statement the Council has consulted with the following:

- The Hackney Carriage and Private Hire trade within the district;
- Members of the Boston Borough Council;
- Local residents and their representatives;
- Local businesses and their representatives;
- Lincolnshire Police;
- Lincolnshire Road Safety Partnership;
- Lincolnshire Safeguarding Children's Board
- Lincolnshire County Council Transport Services (School Contracts)
- Disability groups; and other relevant bodies.

Proper weight has been given to the views of all those consulted prior to this policy statement being agreed and taking effect on 15 July 2024

- 1.3.4 The Council is committed to the implementation and application of this policy in such a manner as to ensure that no applicant or interested party is treated less favourably on the grounds of sex, marital status, race, nationality, ethnic or national origin, disability or age, nor is disadvantaged by the application of a rule, condition or requirement, which has a discriminatory effect which cannot be justified either in licensing terms or as a requirement of law.
- 1.3.5 The purpose of licensing is to regulate the Hackney Carriage and Private Hire trade within the terms of the appropriate legislation and the objectives set out above. The Council will discharge its responsibilities identified by Central and Local Government strategies, so far as they impact on the licensing of the Hackney Carriage and Private Hire trade in the district.
- 1.3.6 Notwithstanding the existence of this policy, each application and each enforcement measure will be considered on its own merits.
- 1.3.7 It will be the responsibility of an applicant to show why in each case the Council should depart from the policy. Where it is necessary for the Council to depart substantially from its policy, clear and compelling reasons will be given for so doing.

#### **1.4 Whistleblowing**

The Council has adopted a Whistleblowing Policy and internal procedures are in place for staff to raise concerns if they feel that licensing policies and requirements are not being correctly applied and implemented. The Whistleblowing Policy applies to all employees and officers of the organisation. Other individuals performing functions in relation to the organisation, such as secondees, external contractors and agency employees, whilst they are at the council, are also encouraged to use the policy. The Council recognises that if a worker is aware of, and has access to, effective internal procedures for raising concerns then whistleblowing is unlikely to be needed. Copies of the policy are available by request to the Council.

#### **1.5 Multi-Agency Safeguarding Hub**

The Council has a range of statutory duties to carry out in relation to safeguarding and promoting the wellbeing of individuals and communities. The Safeguarding Policy and Procedures has been written to support the Council in protecting those who need safeguarding by providing a reference point and guidance for staff, elected members, volunteers, key contractors, consultants and directly commissioned providers acting on behalf of the Council. It seeks to provide practical guidance to ensure that the Council plays its full part in safeguarding and promoting the wellbeing of individuals and communities at all times. Copies of the Council's Safeguarding policy and procedures are available on request to the Council.

#### **1.6 Policy review**

The Council will review this policy no later than five years from the date of adoption. However, following consultation, the Council make revisions as deemed necessary.



## 2. THE LICENSING PROCESS

2.1 The functions of the Council may be exercised by the Regulatory & Appeals Committee, or by a Sub-Committee of that Committee, or Officers acting under delegated authority.

### 2.2 Applications

Applicants will be required to submit applications for:

- A Hackney Carriage Vehicle Licence,
- A Hackney Carriage Vehicle Driver Licence.
- A Private Hire Vehicle licence,
- A Private Hire Vehicle Driver licence,
- A Private Hire Operator licence,

2.2.1 Each applicant will be assessed to determine if they meet the fit and proper test applied by the Council. There is no judicially approved fitness and propriety test and subsequently a number of similar tests have developed across different local authorities. The test used by Boston Borough Council is:

“Would you let your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any person for whom you care, get into a vehicle driven by this person?”

The Council will consider all applications on their own merits.

### 2.3 Regulatory & Appeals Committee

The power to grant hackney carriage and private hire licences where the applicant fulfils the mandatory criteria and standards is delegated to Authorised Officers. However, should there be any doubt as to whether an applicant is a fit and proper person, an application will not be granted under delegated powers. In such cases the application will be referred to a Sub-Committee of the Regulatory and Appeals Committee.

Referrals will generally be made where the following matters arise:

- Disclosure of relevant criminal convictions
- Disclosure of relevant motoring convictions
- An applicant’s inability to meet the medical standards for licensed drivers.

The Committee does not meet on a regular basis and there may be a delay between the submission of an application and a hearing to determine the application.

The general procedure for applications which are referred to the committee will be as follows:

- a) A Sub-Committee of the Regulatory & Appeals Committee will convene to consider the application.
- b) A written report will be presented to the Sub-Committee setting out the details of the application and the reason the application has been referred. The applicant will be provided with a copy of the report prior to the meeting.
- c) The applicant or a representative may address the Sub-Committee in support of the application. Applicants are encouraged to attend as the members of the Sub-Committee may wish to ask questions.
- d) If the Sub-Committee decide to grant a licence then the decision takes immediate effect.
- e) Should the Sub-Committee decide to refuse to grant the application, then the applicant will be notified in writing of the decision and the grounds on which it was made. On receipt of notification of the decision, the applicant has the right of appeal against the decision of the Council to the Magistrates’ Court.

**2.4 Appeals against a Council decision**

Any person who has an application refused or a licence revoked or suspended has the right of appeal to the Magistrates' Court within 21 days of being given the notice of the Council's decision.

**2.5 Enforcement**

Where the Council carries out investigation and enforcement any such actions shall be carried out in accordance with the authority's Corporate Enforcement Policy which sets out how it will carry out its regulatory enforcement activities, of individuals, groups and businesses.

### **3. DRIVER LICENCES**

#### **3.1 Driver's Licence**

The Council will not grant a hackney carriage or private hire vehicle 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
- (c) Is not subject to any relevant immigration restrictions

Applicants who already hold a licence with another licensing authority should not assume that a similar application will be granted by this Authority. Each case will be decided on its own merits.

Where a hackney carriage or private hire vehicle driver's licence is granted it shall be in accordance with the conditions as attached to that licence. A copy of those conditions is attached at APPENDIX 1.

#### **3.2 Comprehension test**

The Council requires all potential applicants to sit and pass a comprehension test prior to being issued with application forms. The comprehension test is a means of ensuring that any person who wishes to obtain a licence to carry fare paying members of the public in a licensed vehicle can read, speak and write English, and carry out simple mathematical calculations to a satisfactory standard.

#### **3.3 DVLA Licence requirement**

The law requires any applicant for a Hackney Carriage Driver's Licence to have held a full UK driving licence or a legal equivalent for at least 12 months. However, the Council will not regard an applicant to be sufficiently experienced until they have held a full licence for at least two years.

#### **3.4 Production of valid driving licence**

A full UK or EU driving licence with a minimum of over one year before expiry, (if an EU Licence, the licence together with the paper part issued by DVLA), or legal equivalent should be produced. However, it is recognised that in some circumstances this may not be possible and in these circumstances applicants should contact the DVLA at Swansea and request a letter confirming their licence details for production to the Council. Where an applicant intends to apply with an EU Driving Licence they will be required to make arrangements for the issuing authority to send confirmation of their licence details directly to the Council. Any costs incurred must be met by the applicant.

#### **3.5 Verification of identity**

The Council will require applicants to provide three separate forms of proof of identity. This will include documentary evidence of the applicants name, date of birth, address and any change of name.

#### **3.6 Form of application and supporting documentation**

Applications must be submitted on the appropriate form and be accompanied by the following:

- A full UK/EU driving licence with a minimum of 1 year until expiry
- Accepted forms of identity verification documents
- Accepted forms of address verification documents
- A valid EU settlement code where relevant.
- A valid DVLA share code
- HMRC tax conditionality share code where applicable
- Two passport style photographs baring a true likeness of the applicant
- Completed DBS application form
- Overseas certificate of conduct where applicable
- Completed Group 2 medical assessment
- Completed Safeguarding Training certificates x 2
- Application fee

### **3.7 Right to work**

A right to work check will be undertaken at the time a licence is applied for. A licence will only be granted up to that date and the applicant will then be subject to a new application.

### **3.8 Code of conduct**

Prior to a licence being issued, the Council requires applicants to sign a declaration to confirm that they have read, understand, and will uphold and operate in accordance with the Driver Code of Conduct which forms part of this the Licensing Authority's Policy. The Code of Conduct is attached at **APPENDIX 2**.

### **3.9 Non-Disclosure or Misrepresentation**

Any person applicant who provides false information or fails to provide any relevant information during the application process may find their application refused, or if a licence is granted, that licence may be revoked or suspended. Non-disclosure of relevant information may result in prosecution.

### **3.10 Referrals to the Disclosure and Barring Service & the Police**

Any decision by the Council to refuse or revoke a licence where the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred by this Authority to the Disclosure and Barring Service (DBS) and the Data Protection Team of the Lincolnshire Police.

### **3.11 Medical Examinations**

3.11.1 All new applicants for the grant of a licence must lodge a completed D4 Medical Examination Report for Group 2 Drivers. Where a licence has been issued to a person aged over 65 years they will be required to undergo an annual Group 2 Medical Assessment. All other licence holders will be required to provide a medical certificate every six years thereafter, unless a medical condition warrants examination on a more regular basis, i.e. licence holders with a history of hypertension, sleep apnoea etc.

3.11.2 As recommended by the Medical Commission on Accident Prevention the authority requires licence holders to attain DVLA Group 2 Vocational Licence Standard report carried out by a Medical Practitioner who has full knowledge of the applicant's medical history. Where the Medical Practitioner cannot carry out the eye examination section of the medical form it must be completed and signed by an optician prior to the full medical examination being carried out.

3.11.3 Any fee charged for the carrying out of a Group 2 medical assessment is payable by the applicant and is not refundable if their application is unsuccessful.

3.11.4 Any applicant who does not meet the DVLA Group 2 Vocational Licence Standard can expect to have their application refused.

3.11.5 Licensed drivers who no longer meet the DVLA Group 2 Vocational Licence Standard either temporarily or permanently must notify the council forthwith and should expect to have their licence suspended or revoked.

3.11.6 If there is evidence of drugs use, misuse or dependency a specialist medical examination may be required before an application is considered. 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.

3.11.7 The Council will not accept certified medical certificates which have been signed by the issuing practitioner more than 6 weeks prior to submission.

### **3.12 Convictions**

3.12.1 Applicants are required to declare all convictions and cautions they have received, including any that are regarded as spent under the Rehabilitation of Offenders Act 1974, on the application form. The information applicants give will be treated in confidence and will only be taken into account in relation to their application. Applicants must also apply for an Enhanced Disclosure from the Disclosure and 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. Information received from the Disclosure and Barring Service will be kept securely and confidentially while the licensing process is undertaken and will be retained for no longer than is necessary. Any information received may be used in Court proceedings. Disclosures that are more than 1 calendar month old at the time of application will not be accepted. Guidance on the Council DBS procedures is attached at **APPENDIX 3**.

Applicants may contact the Licensing Section, in confidence, to discuss the effect a conviction might have on their application.

#### 3.12.2 Overseas criminal record check

Where any applicant has lived outside of the United Kingdom for a period exceeding three months a criminal record check or certificate 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 agreed by the Licensing Authority.

#### 3.12.3 Disclosed convictions

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the authority considers that any conviction renders them 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.

#### 3.12.4 Minimum periods for rehabilitation

The Council has adopted the minimum rehabilitation periods as recommended in the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards and each case will be decided on its own merits. Further information on relevant convictions and the likely effect they will have on an application is detailed in section 9 of this policy.

#### 3.12.5 DBS update service

The Council will require all applicants to evidence that they have subscribed to the DBS Update Service prior to a licence being granted. Applicants will need to retain their DBS Certificate once they have subscribed as the certificate will be linked to the update service.

Every six months thereafter, Officers of the Council's Licensing Team will undertake an online check of the DBS Update Service in order to check the licence holder's current status.

3.12.6 Where an individual fails to maintain their subscription to the Update Service they will be required to apply for a new Enhanced DBS Check and register for the Update Service again. Failure to meet this requirement will result in the suspension of their licence.

### 3.13 DVLA status checks

All applicants will be required to provide the Council with a valid DVLA share code to enable a pre-licence check to be made against their driving licence. The Council reserves the right to request an additional DVLA share code if allegations are made against a driver or information comes to light and the Council are satisfied that the information cannot be verified in any other way.

### 3.14 National Register of Refusals, Revocations and Suspensions– NR3

3.14.1 The Council is required to ensure that those holding hackney carriage and private hire vehicle driver licences are fit and proper persons to do so. On 31 March 2022, the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent. The Act places duties on licensing authorities to improve information-sharing regarding taxi and private hire vehicle drivers and requires licensing authorities to use a licensing information database to record refusals, suspensions and revocations of taxi and private hire vehicle driver licences.

3.14.2 Before making a decision on a person's application, the council will carry out a search of the NR3 database for entries relating to that person. Should a search of the database reveal records regarding an individual, the relevant Licensing Authority will be contacted with a request for further information.

- 3.14.3 Where a determination is made to refuse, revoke or suspend a licence the Council are required to record the details of that decision on the register. Details entered on the register will be retained for a maximum period of 11 years as prescribed by Section 2 (2b) of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.
- 3.15 His Majesty's Revenues & Customs Tax Conditionality – licence renewal only**  
Licensing authorities in England and Wales are required to ensure that existing hackney carriage/private hire drivers and private hire operators are registered for tax. A licence renewal will not be able to be granted until a tax check code has been provided and the registration has been verified by the Council.
- 3.16 Driver Knowledge Test – Hackney Carriage only**  
3.16.1 The Council requires all persons who wish to hold a licence to drive hackney carriages to pass a Knowledge Test prior to being issued with a licence. The test forms part of the process of ensuring that an applicant is a fit and proper person and understands the standards expected when carrying out hackney carriage duties. The Council will retain a number of different test and the format of those tests will be as attached at **APPENDIX 4**.
- A prescribed fee set by the Council must be paid in full prior to an applicant taking the test. Persons failing to attend a booked test or presenting themselves after the test has begun will forfeit the test fee.
- 3.16.2 The Council will endeavour to provide the results of the test within 5 working days. If the required pass mark is not achieved, applicants will be able to make an appointment to take another test. The Council does not limit the number of times an applicant can sit a knowledge test.
- 3.17 Driver Badges**  
3.17.1 Badge display - Hackney Carriage Drivers  
The Council requires all drivers to wear the badge provided at all times, when driving, or plying for hire in a hackney carriage, in a position so as to be plainly visible.
- 3.17.2 Badge display - Private Hire Drivers  
The Council requires all drivers to wear the badge provided when driving a private hire vehicle in a position so as to be plainly visible. The badge need not be worn if:-
- (a) the vehicle is being used in connection with a wedding or funeral.  
(b) the vehicle is carrying written permission by the Council that the plate need not be carried.
- 3.17.3 Driver's badge – return of badge  
A drivers badge remains the property of the Council at all times and must be returned upon expiration, suspension, revocation or upon cessation of work as a licensed driver.
- 3.17.4 Drivers badge – theft or loss  
All thefts or losses of badges must be reported to the Council immediately. A nominal fee will be charged for all replacement badges.
- 3.18 Licensee Self-reporting**  
3.18.1 The Council requires licence holders to notify the licensing Section within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- 3.18.2 An arrest for any the offences within this scope will result in a review by the Council as to whether the licence holder remains a fit and proper person to hold a licence. It is for the Council to consider if any action should be taken in respect of the licence on the balance of probabilities and should not be seen as a direction that a licence should be withdrawn.

- 3.18.3 Failure by a licence holder to disclose an arrest that the issuing authority is subsequently made aware of will be regarded as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.
- 3.18.4 Licence holders 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 licence holders consent to their data being used for that purpose.
- 3.19 Revocation, suspension and refusal of driver licences**
- 3.19.1 The Council may suspend, revoke or refuse to renew any licence on the following grounds:-
- (a) the commission of an offence involving dishonesty, indecency or violence.
  - (b) the commission of an offence under the Local Government (Miscellaneous Provisions) Act 1976.
  - (c) any other reasonable cause.
- 3.19.2 Where a licence holder has been served an immigration penalty, or convicted of an immigration offence, the licence will be revoked by the council. Similarly, any licence applicant who has been served an immigration penalty, or convicted of an immigration offence, is unlikely to be granted a licence by this Authority.
- 3.19.3 Where an appeal against the decision to suspend or revoke a licence has been lodged and new evidence is produced which may result in the Court reaching a different decision to that determined by the Council, the appeal may be settled by agreement between the Council and the driver on terms which, in the light of the new evidence, becomes the appropriate course of action. For example, if the allegations against a driver are subsequently, on the balance of probabilities, considered to be unfounded, a suspension can be lifted or, if the licence has been revoked, an expedited re-licensing process can be used.
- 3.20 Meeting the needs of disabled passengers**
- 3.20.1 The Council expects licensed drivers to be aware of their responsibilities in meeting the needs of disabled passengers and operate in accordance with any guidance documents issued by this authority. A copy of this Councils current guidance is attached at **APPENDIX 5**.
- 3.20.2 The carriage of guide, hearing and other assistance dogs in licensed vehicles  
Section 37 of the Disability Discrimination Act 1995 places a duty on hackney carriage and private hire vehicle drivers to carry guide, hearing and other prescribed assistance dogs accompanying disabled people, and to do so without additional charge. A 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, upon conviction, to a fine not exceeding level 3 (currently £1,000) on the standard scale.
- 3.20.3 The Council considers “other prescribed assistance dog” to be 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 person with an impairment which consists of epilepsy or affects their mobility, manual dexterity, physical co-ordination or ability to lift, carry or move everyday objects and which at the time that its owner hires a licensed vehicle is wearing a jacket inscribed with the name of one of those charities.
- 3.20.4 Medical Exemptions from the Duty to Carry Guide, Hearing and other Assistance Dogs  
The Council will, upon receipt of a completed application and supporting documentation from their General Practitioner, grant a medical exemption certificate to any drivers with a diagnosed medical condition that would be aggravated by carrying dogs. Medical exemptions will be in the format

prescribed by The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000.

A driver who has been issued a medical exemption certificate must display the exemption certificate, issued by the Council, facing outwards behind the nearside windscreen in the licensed vehicle driven by them. Any person who, with intent to deceive, forges, alters or lends an exemption certificate 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.

**3.21 Seatbelts - periods when you do not have to wear a seatbelt**

Whilst the Council encourages all drivers to wear seatbelts at all times certain exemptions are permitted. The driver of a licensed private hire vehicle may only claim exemption from wearing a seatbelt when a fare paying passenger is ~~actually~~ in the vehicle. The driver of a licensed hackney carriage may only claim exemption from wearing a seatbelt whilst the driver is plying for hire or transporting a fare paying customer. Seatbelts must be worn at all other times. Passengers must wear a seatbelt if available.

**3.22 Standards of dress**

The Council expects licensed driver to dress in a clean, tidy and decent manner at all times whilst carrying out licensed work plying for hire. The wearing of shorts will only be permitted if they are tailored and smart, sportswear is not acceptable.

**3.23 Prolongation of journeys**

A driver must proceed by the shortest route subject to the instructions of the hirer and must not unnecessarily prolong, in distance or in time, the journey for which the vehicle has been hired.

**3.24 Local Byelaws - Hackney Carriage Drivers**

All licensed hackney carriage drivers must at all times comply with the Byelaws made by the Council under Section 68 of the Town Police Clauses Act 1847 and Section 71 of the Public Health Act 1875. A copy is attached at **APPENDIX 6**.

**3.25 Hackney Carriage Drivers - Procedure on taxi ranks**

Drivers should operate in accordance with the Council's Byelaws. Deviation from the byelaws will only be acceptable under the following circumstances:

- Passenger requirement for a wheelchair accessible vehicle.
- Council issued medical exemption from loading wheelchairs or carrying assistance dogs.

**3.26 Refusing to drive – hackney carriage drivers**

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 Boston Borough Council area.

**3.27 Transport of passengers**

A driver must not convey any other person other than with the consent of the hirer.



## **4.0 VEHICLES LICENCES**

### **4.1 Applications**

Applications for Hackney Carriage and Private Hire Vehicle Licences must be made by the proprietor on the prescribed form, together with the appropriate fee and documents, these include:

- Certificate of insurance or valid cover note
- Ministry of Transport test certificate (MOT) including emissions test results

Where a hackney carriage or private hire vehicle licence is granted it shall be in accordance with the conditions as attached to that licence. A Copy of these conditions is attached at **APPENDIX 7**.

### **4.2 Licensing of vehicles**

4.2.1 All vehicles used for hire must be licensed by the Council. The Council will not grant a licence unless it is satisfied that the vehicle is suitable, in type, size and design for such use, in a suitable mechanical condition, safe and comfortable, and insured for such use. Vehicles must as a minimum meet the specifications set out in APPENDIX 8.

#### **4.2.2 Vehicle age – emission standards**

The Council will not license a new petrol or diesel powered vehicle that was registered prior to September 2015 unless that vehicle meets Euro 6 emissions standards. Vehicles already licensed at the date of this policy's adoption which do not meet the standards will only be relicensed for a maximum of 3 additional years.

The Council will consider an exemption to these requirements for non-standard vehicles such as wheelchair accessible vehicles, classic cars, novelty vehicles, limousines and executive hire vehicles on a case by case basis.

#### **4.2.3 Stretched limousines**

This council will not licence left hand drive vehicles with the exception of imported stretched limousines. Stretched limousines will only be licensed as private hire vehicles and will not be licensed unless the V5 document states they have nine or less seats in total. Stretched limousines must be compliant with the all relevant vehicle specifications before licensing is considered.

#### **4.2.4 Funerals and weddings**

Vehicles hired privately and used wholly for funerals by a funeral director, or solely for weddings do not require a licence.

#### **4.2.5 Duration of licence**

The Council may only issue vehicle licences for 12 months from the date of grant.

### **4.3 Wheelchair accessible vehicles**

#### **4.3.1 General**

The Council will not licence a vehicle as wheelchair accessible where there is a necessity to remove seats in order to accommodate a wheelchair. However, seats which fold to allow a wheelchair to be accommodated will be licensed subject to meeting all other requirements.

#### **4.3.2 Hackney carriages**

The Council will not licence a Hackney Carriage Vehicle capable of carrying 5 or more passengers unless that vehicle is immediately wheelchair accessible and capable of accommodating a disabled passenger whilst seated in their wheelchair.

#### **4.3.3 Minimum requirements**

All licensed wheelchair accessible vehicles must adhere to the Council's minimum requirements in terms of structure, dimensions, accessibility and safety. The required standards are attached at **APPENDIX 9**.

#### **4.4 Drivers requirements for licensed vehicles**

Once a vehicle is licensed as a hackney carriage or private hire vehicle, it must not be driven by any other person than the holder of a valid Council issued licence to drive that vehicle type. This includes vehicle used for business or pleasure. It is an offence to employ an unlicensed driver.

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

- Any test of the mechanical condition or fitness of the vehicle.
- Any test of that person's competence to drive a Hackney Carriage or private hire vehicle carried out for the purposes of any application made by them for a licence to drive a hackney carriage or private hire vehicle.

#### **4.5 Change of vehicle ownership**

Where the ownership of a licensed vehicle changes, notification of the transfer must be given in writing to the Council within 14 days. The notification must be accompanied by any prescribed fee and proof of appropriate vehicle insurance.

#### **4.6 Vehicle insurance**

The Council requires all applicants for a vehicle licence to evidence insurance covering the vehicle for use for public hire. Insurance documents must be produced on demand to an authorised officer.

#### **4.7 Licensed vehicle identification plates**

4.7.1 The council shall issue all vehicles with a plate indicating the Hackney Carriage or Private Hire Vehicle Licence number of that vehicle. This plate shall be fitted in a vertical position to the rear exterior of the vehicle below window level so as to be clearly visible. The display of plate numbers must not be obstructed.

4.7.2 Licence plates remain the property of the Council at all times and licence plates must be returned to the Council within 7 days upon revocation, suspension or expiry of the licence. Loss, damage or theft of a plate must be immediately reported to the Council and a replacement plate fee paid prior to a replacement being issued.

##### **4.7.3 Hackney Carriage identification plates**

The Council requires the hackney carriage licence plate issued by them to be displayed on the licensed vehicle at all times. The plate must be attached to the rear of the vehicle, below window level in a vertical position and must be wholly visible at all times. Alterations to the plate must not be made.

##### **4.7.4 Private hire identification plates**

The Council requires the private hire licence plate issued by them to be displayed on the licensed vehicle at all times that the following exemptions do not apply:

- (a) the vehicle is being used in connection with a funeral.
- (b) the vehicle is being used in connection with a wedding.
- (c) the vehicle is carrying written permission by the Council that the plate need not be carried.

When the plate is required to be fitted it must be attached to the rear of the vehicle, below window level in a vertical position and must be wholly visible at all times. Alterations to the plate must not be made.

#### **4.8 Testing of vehicles – MOT tests**

4.8.1 All vehicles must be tested and inspected by a DVSA authorised MOT Testing Station based within the Boston Borough Council area before a licence can be issued to ensure that they are mechanically fit and of good appearance. Every vehicle licensed by the Council, **must** be inspected on at least two separate occasions in every twelve month period. Standard practice will be for the Council to require a MOT test to be undertaken every six months. Vehicle proprietors are responsible for making an appointment for the inspection of a vehicle. Guidance on vehicle testing is attached at **APPENDIX 10**.

- 4.8.2 **MOT Test - defect advisories**  
Where an MOT test contains advisory notes for vehicle defects and the Council deems them to have a detrimental effect on the safety of passengers, and drivers, a rectification notice will be issued. A rectification notice is a formal written notice issued by an Authorised Officer to the proprietor of a licensed vehicle giving details of the defects requiring repair. The notice will specify the maximum period of time in which those defects must be rectified by a bona-fide vehicle service and repair centre. Upon receipt of satisfactory proof of remedial works, rectification notices will be lifted.
- 4.9 **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 Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847.
  - (c) Any other reasonable cause.
- A licence may be suspended by an authorised Officer or Police Constable if they consider the vehicle unfit.
- 4.10 **Alterations to licensed vehicles**  
No material alteration or change in the specification, design, condition or appearance of a vehicle shall be made at any time while the licence is in force, without the prior approval of the Council. Any material alteration or change in the specification, design, condition or appearance made to a vehicle whilst not licensed and subsequently presented for inspection and re-licensing shall be notified in writing to the Council.
- 4.11 **Accidents and damage to licensed vehicles**  
Accidents causing damage to a licensed vehicle, which materially affects the safety, performance or appearance of that vehicle must be reported to the Council within 72 hours. Upon receipt of notification of any such damage, the Council may issue a notice of suspension or a rectification notice specifying the maximum period of time in which the damage must be rectified.
- 4.12 **Taximeters**
- 4.12.1 **Hackney Carriages**  
The Council requires that a hackney carriage shall not operate unless a taximeter is installed and the fare being set is no higher than the maximum fare structure for hackney carriages as set by the Council. Any such meter must be tested for accuracy and sealed by a meter testing garage prior to use and a meter calibration certificate must be submitted to the Council. Any person who tampers with or alters a taximeter with intent to mislead shall be guilty of an offence.
- 4.12.2 **Taximeter – Private Hire Vehicles**  
A taximeter may be fitted in a private hire vehicle subject to the fare being set no higher than the maximum fare structure for hackney carriages as set by the Council. Any such meter and fares must be tested for accuracy and sealed by a meter testing garage prior to use and a meter calibration certificate must be submitted to the Council. Any person who tampers with or alters a taximeter with intent to mislead shall be guilty of an offence.
- 4.13 **Roof signs – Hackney Carriages Only**  
All hackney carriage vehicles licensed with Boston Borough 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 “HACKNEY CARRIAGE” to the front of the vehicle. The aforementioned lettering must be at least 4 cm in height 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).

#### **4.14 Advertisements and signs on vehicles**

The Hackney Carriage hereby licensed shall display no advertisement unless its size, colour and subject matter and its position on the vehicle has first been approved in writing by the Council. A draft copy of the advertisement must be firstly submitted for approval. All advertisements on the exterior of the vehicle are restricted to being displayed on the side doors of the vehicle. Any advertising on the interior of the vehicle must not be easily visible from outside and any advertising on the vehicle windows is not permitted.

Advertisements and signage displayed in or on the vehicle must not discriminate against any person or group of persons on the grounds of age, gender, disability, race, religion or sexual orientation and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking 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 political nature.

Advertisements and signage must be of a neat and consistent standard and be of such a form as not to be 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. All advertisements should comply with the British Code of Advertising issued by the Advertising Standards Agency (ASA).

##### Hackney carriages

The proprietor must not cause or permit any advertisements on the vehicle unless it meets the criteria of the Hackney Carriage Conditions.

##### Private hire vehicles

A Private Hire Vehicle shall not display any signs on or from the vehicle as to lead any person to believe that the vehicle is a Hackney Carriage. A sign consisting of the words TAXI or CAB or FOR HIRE or HACKNEY CARRIAGE or similar words is prohibited. Roof signs are prohibited on private hire vehicles by this Authority.

#### **4.15 Vehicle fitness spot checks**

4.15.1 The Council may carry out unannounced inspections of licensed vehicles to determine their roadworthiness. Any such checks will usually be carried out by the roadside by an authorised Officer of the Council or by an authorised tester in the presence of an authorised Officer or by a Police Constable.

##### 4.15.2 Issue of an immediate suspension notice

If, as a result of such 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 by a full test being carried out by the test garage.

##### 4.15.3 Issue of a time limited suspension notice

If a suspension notice is issued and gives a set number of days in which to rectify the defects, then a vehicle may continue to be used until the date given on the notice. If the vehicle has not been re-examined and the suspension notice lifted by an authorised Officer by the date given on the notice, then the licence will be automatically suspended until such time as the vehicle is re-examined and the suspension lifted by an authorised Officer.

#### **4.16 Towing of trailers by licensed vehicles**

No trailer of any description shall be attached to a licensed hackney carriage or private hire vehicle without prior written authorisation being granted by the Council. Where authorisation is granted all trailers must conform with and be used in accordance with the Councils trailer conditions and guidelines. A copy is attached at **APPENDIX 11**.

**4.17**      **Number of passengers**

Vehicle licences are issued with details of the maximum number of passengers the vehicle can carry. It is an offence to carry more passengers than the number displayed on the licence plate regardless of the age of the passenger.

**4.18**      **Plying and standing for hire – hackney carriages only**

Licensed hackney carriages may ply for hire on any street within the Boston Borough Council area. Hackney Carriage stands 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 must proceed to the nearest available taxi rank. Any private hire vehicle and driver using a taxi stand commits an offence and may be liable for prosecution.

The Council has designated the following locations as taxi stands within the Borough. The location of taxi stands and the number of vehicles they can accommodate may be subject to revision by the Council.

Bond Street, Boston	3 vehicle spaces
Market Place, Boston	13 vehicle spaces
Station Approach, Boston	5 vehicle spaces
Wide Bargate, Boston	5 vehicle spaces

## 5. PRIVATE HIRE OPERATORS

### 5.1 Private hire operators

#### 5.1.1 Definition

As prescribed by Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 "Operate" means in the course of business to make provision for the invitation or acceptance of bookings for a hire vehicle. Section 46 of the Local Government (Miscellaneous Provisions) Act 1976 prescribes that every operator of private hire vehicles must be licensed in the Borough in which they operate. The Council will not grant a licence unless it is satisfied that applicants are fit and proper person to hold a licence.

5.1.2 The Council will not licence an applicant who operates from premises outside the Boston Borough Council area.

5.1.3 Where a licence is granted it shall be in accordance with the conditions as attached to that licence. A copy of the private hire operator conditions are attached at **APPENDIX 12**.

### 5.2 Private hire operator licences

#### 5.2.1 Private Hire Vehicle Operators Licence

The Council will grant and renew operator licences to applicants who are fit and proper persons to hold such a licence. Licences will normally be issued for a five year period. Where the applicant is subject to immigration control, a licence will only be issued up to their leave to remain date at the time of application.

#### 5.2.2 Form of application and supporting documentation

Applications must be submitted on the appropriate form and be accompanied by the following:

- A Basic Disclosure Certificate from the Disclosure and Barring Service, which is less than one calendar month old for each named individual or company director. Where the applicant is licensed as a hackney carriage or private hire vehicle driver they will be exempt from this requirement.
- Documentation demonstrating proof of right to work in the United Kingdom for each applicant or director of a limited company; and
- The prescribed fee.

Where the holder of a Private Hire Operator licence is also licensed as a hackney carriage or private hire vehicle driver they will be exempt from the requirement to provide a basic disclosure certificate.

### 5.3 Criminality checks for Private Hire Operators

In view of the significant responsibility held by private hire vehicle operators in terms of setting the standards of their company, recruiting drivers and dealing with members of the public, the operator must be a fit and proper person and an example to those whom they employ. Therefore the Council will require all applicants for, and holders of, a private hire operator's licence to meet the same standards as drivers in terms of being free from serious convictions or a pattern of unlawful behaviour.

#### 5.3.1 Overseas criminal record check

Where any applicant has lived outside of the United Kingdom for a period exceeding three months a 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 agreed by the Licensing Authority.

#### 5.3.2 Disclosed convictions

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the authority considers that any conviction renders them 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.

### 5.3.3 Minimum periods for rehabilitation

The Council has adopted the minimum rehabilitation periods as recommended in the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards into our guidelines relating to the relevance of convictions and each case will be decided on its own merits. Further information on relevant convictions and the likely effect they will have on an application is detailed in section 9 of this policy.

### 5.3.4 Annual criminality check for licensed operators

The Council requires each holder, or company director of a Private Hire Operator licence to submit to this Authority a Basic Disclosure certificate on an annual basis. Certificates must not be more than one calendar month old when submitted. Where the holder of a Private Hire Operator licence is also licensed as a hackney carriage or private hire vehicle driver they will be exempt from this requirement.

## 5.4 Suspension, Revocation and refusal of Operator Licences

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

- any offence under, or non-compliance with the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976-
- any conduct on the part of the operator which appears to the Council to render them unfit to hold a licence.
- any material change in the operator's circumstances on the basis of which the licence was granted.
- any other reasonable cause.

## 5.5 Responsibility for hiring

Every hiring of a hire vehicle is deemed to have been made with the operator who accepted the booking, whether or not they provided the vehicle (Section 56 LG (MP) A). Operators are directly responsible for the actions or omissions of drivers or proprietors used by them and must ensure that all vehicles and drivers are licensed and insured. Operators are required to produce their booking and vehicle records for inspection upon request by any authorised officer of the Council.

## 5.6 Advance Booking of Private Hire Vehicles and Illegal Plying For Hire

5.6.1 Private hire vehicles must only pick up passengers where a prior booking has been made directly between the hirer and the licensed private hire operator for which the driver works. The driver must not take bookings direct from the customer under any circumstances. Failure to do otherwise is an offence and may invalidate a vehicle's hire car insurance cover.

The Council considers the practice of a driver of a private hire vehicle taking a booking directly from a passenger and that driver then relaying the booking information to the operator to constitute plying for hire. Under no circumstances is it acceptable for the driver to act as the go-between from passenger to operator.

5.6.2 Plying for hire with a Private Hire is an offence and the Council may instigate prosecution proceedings in the Magistrates Courts against any operator or driver committing such an offence. Any person, on summary conviction, is liable to a fine not exceeding £2,500. Any private hire driver found guilty for illegally plying for hire can expect to have their licence revoked or suspended.

5.6.3 The Council considers 'Plying for Hire' to mean being on view and inviting the public to use the vehicle. This can be inferred by the appearance of the vehicle, and the place it is on view and its conduct. Private hire vehicles must not wait near taxi ranks, without reasonable cause. In addition to this the Council may consider. Any gathering of more than 2 private hire vehicles, as forming a rank which may and lead to prosecution for plying for hire without a licence.

## 5.7 Booking and Dispatch Staff

5.7.1 Private hire vehicle drivers are not the only persons that have direct contact with hirers. A vehicle Booking and dispatch staff have direct contact with hirers and can decide which driver to send to a

hirer. The Council considers this to be a position that could be abused by those seeking to exploit children and vulnerable adults. The Council considers it essential that staff who have contact with private hire vehicle users, and are responsible for the dispatching of vehicles, should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

5.7.2 The Council considers it imperative that they are satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public or oversee the dispatching of vehicles do not pose a risk to the public. Boston Borough Council requires all private hire operators to keep a register of all staff who take bookings or dispatch vehicles. Operators must ensure that each relevant member of staff has been subject to an annual basic disclosure check with the DBS. The operator must record all such checks on the register of staff including the name of the staff member, the date of the basic disclosure certificate and the certificate number. The records must be retained for the duration of the individual's employment or for the duration for which booking records must be kept, whichever is the longer

5.7.3 Where an operator outsources booking and dispatch they will be required to evidence that comparable protections for children and vulnerable adults are applied by the company to which they outsource these functions.

5.7.4 Policy on Employing Ex-Offenders

The Council requires all private hire operators employing booking and dispatch staff to and maintain a policy on employing ex-offenders. This Council recommends that a person would not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a licensed vehicle, if that individual has unspent convictions for crimes falling into any of the following categories:

- Crimes resulting in death
- Exploitation
- Offences involving violence against the person
- Possession of a weapon
- Sexual offences
- Dishonesty
- Drugs
- Discrimination

5.8 Use of Public Service Vehicles and PCV licensed Drivers

Where a private hire vehicle is unsuitable for a booking (i.e. where more than eight passenger seats are required or to accommodate luggage), the private hire operator must obtain the consent of the hirer to use a Public Service Vehicle and advise them that a driver licensed to drive such vehicles may not be subject to the same high level of criminality checks that a private hire vehicle driver is.

5.9 Booking Records

5.9.1 Required information

Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. The Council requires that as a minimum, private hire operators record the following information for each booking:

- the name of the passenger;
- the time of the request
- the pick-up point
- the destination
- the name of the driver
- the driver's licence number
- the registration number of the vehicle
- the name of any individual that responded to the booking request
- the name of any individual that dispatched the vehicle.



5.9.2 Retention of records

The Council will require private hire operators to retain booking records for a minimum period of six months.

5.9.3 Information handling and security

The Council requires all private hire operators to comply with their duty under data protection legislation to protect the information they record. Further guidance on registering as a data controller and how to meet the subsequent obligations is available from the Information Commissioner's Office.

## **6. HACKNEY CARRIAGE PROPRIETORS**

### **6.1 Criminality Checks for Vehicle Proprietors**

6.1.1 The Council requires all proprietors applying for a hackney carriage vehicle licence to a Basic Disclosure Certificate, issued by the Disclosure and Barring Service (DBS), for each person named on the licence application or each director of a limited company. The certificate must not be any more than 1 calendar month old at the time the application is submitted.

6.1.2 Where the applicant for a hackney carriage vehicle licence is also licensed as a hackney carriage or private hire vehicle driver they will be exempt from the requirement to provide a basic DBS certificate as these individuals' fitness and propriety has already been assessed.

6.1.3 The Council requires each vehicle licence holder or Director of a limited company to submit an up to date result of a Basic DBS Certificate Check on an annual basis. Where an individual has signed up to the DBS Update Service and authorised the Council to check their DBS status a check will be carried out by the Licensing Section without any action required on the licence holders part.

### **6.2 Retention of drivers licences**

A vehicle proprietor must keep copies of the Council issued licences of all drivers driving their vehicles.

## **7. FARES**

### **7.1 Hackney carriage fares**

7.1.1 For journeys that begin and end within the Borough of Boston the taxi meter must be engaged at the commencement of the journey. No more than is displayed on the meter at the end of the journey may be charged, other than permitted additions where the meter is not capable of taking these into account.

7.1.2 For journeys which begin or end outside the Boston Borough Council area the fare is negotiable with the hirer. Regardless of whether or not a fare has been agreed, the taxi meter must be engaged at the commencement of the journey and no fare greater than that shown on the meter may be charged, other than permitted additions where the meter is not capable of taking these into account.

7.1.3 when a hackney carriage is used for a private hire booking and a fare has been agreed at the point of booking, the taxi meter must still be engaged at the commencement of the journey and no fare greater than that shown on the meter may be charged, other than permitted additions where the meter is not capable of taking these into account.

### **7.2 Charging separate fares**

The practice of 'doubling up' of passengers and charging separately is permitted only in the following circumstances:-

- (a) The driver, proprietor or any other person of a hackney carriage must not organise people to share a vehicle whilst the vehicle is plying for hire on the streets or standing for hire at a rank. Only prospective passengers may agree amongst themselves to share and then approach the driver or proprietor with the request, and the requirements in points 7.1.1 to 7.1.3 above are complied with:-
- (b) where the vehicle is undertaking a private hire booking, all the passengers carried on the occasion in question booked their journey in advance and each of them consented, when booking their journey to sharing the use on that occasion with others on the basis that a separate fare would be payable by each passenger for their own journey on that occasion.

### **7.3 Fares for private hire bookings**

The driver shall not demand from any hirer for a Private Hire booking any fare in excess of any previously agreed for that hiring, or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

## **8. GENERAL – DRIVERS, OPERATORS AND PROPRIETORS**

### **8.1 Production of Licences**

Licence holders are required by law to produce their licenses to an authorised Officer or Police Constable if requested to do so.

### **8.2 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.
- (b) fail to give an authorised Officer or Police Constable any assistance or information he may reasonably require.

### **8.3 Penalty point scheme for drivers, operators and proprietors**

Where a number of previous complaints have been made against a driver, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by the Council during its determination of a licence application and the review of the status of an existing licence.

This Authority has adopted a Penalty Point Scheme in relation to the licensing of drivers, operators and proprietors. The aim of the penalty point scheme is to work in conjunction with other enforcement options that are available to the Authority. The scheme provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver and operator behaviour and conduct, so as to ascertain whether an individual is a fit and proper person to hold a licence. The scheme does not prejudice the Council's ability to take other forms of compliance or enforcement action. A copy of this Authority's Penalty Point Scheme is attached at **APPENDIX 13**.

### **8.4 Complaints and compliments regarding licence holders**

The Council will produce guidance for passengers on making complaints directly to the Licensing Authority, and this guidance will be made available in the licensing area of the Council's website. To ensure that passengers know who to complain to the Council requires that all licensed vehicles clearly display information on how to make a complaint, within the vehicle. The format of this information has been set by the Licensing Team and each vehicle will be provided with an adhesive backed sign for display.

## **9. RELEVANCE OF CONVICTIONS FOR DRIVERS AND PRIVATE HIRE OPERATORS**

### **9.1 General**

- 9.1.1 The Council's policy in relation to the relevance of convictions provides clear criteria which will be taken into account when determining whether an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage driver licence, a private hire vehicle driver licence or a private hire operator licence.
- 9.1.2 In setting and adopting these criteria, the Council has had due regard to the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards issued in July 2020.
- 9.1.3 The overriding aim of the licensing authority is to protect children, vulnerable adults and the wider public when using hackney carriage and private hire vehicles. In setting and applying these standards the Council can demonstrate due diligence in ensuring:
- 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.
  - That the policy ensures fair access, eliminates unlawful discrimination and promotes equality in line with the Public Sector Equality Duty and the protected characteristics, namely, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- 9.1.4 The Councils policy on the relevance of convictions provides guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:
- Applicants for driver and operator licences
  - Existing licensed drivers and operators whose licences are being reviewed or renewed.
  - Licensing officers
  - Members of the Regulatory & Appeals Committee
  - Magistrates hearing appeals against local authority decisions
- 9.1.5 Where 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 Regulatory & Appeals Committee, or a sub-committee of that committee.
- 9.1.6 Whilst officers and the committee will have regard to the criteria contained in this policy, each case will be considered on its individual merits but a particularly cautious view will be taken where any offences have been committed against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.
- 9.1.7 The committee may depart from the criteria where they consider the circumstances justify doing so, for example, where the offence is less serious and a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness. Where a decision is made to depart from the policy criteria clear reasons for doing so must be recorded in the decision notice.
- 9.1.8 In accordance with the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, the Council may take into account all convictions recorded against an applicant or the holder of a hackney carriage/private hire vehicle driver licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions. However, before having regard to spent convictions the Licensing Authority will first consider whether the conviction is relevant to the licence application.

- 9.1.9 A criminal history in itself may not automatically result in refusal of a licence and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the following paragraphs indicate, in most cases, an applicant will be expected to remain free from conviction for between 3 and 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 9.1.10 While it is possible that an applicant may have a number of convictions that, individually, would not prevent them from 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 hackney carriage/private hire licence holders have unprecedented access to the public and are in a position to exercise control over individuals including children and vulnerable adults.
- 9.1.11 The Council generally considers that offences committed by licensed hackney carriage/private hire vehicle drivers should be considered more seriously than offences committed by individuals who are not licensed. This is because current licence holders 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.
- 9.1.12 Whilst officers and the 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/officer may depart from the guidelines.
- A person with a relevant conviction need not be automatically barred from obtaining a licence, but would be expected to show adequate evidence that they are a fit and proper person to hold a licence and 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.
- 9.1.13 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/or unfitness.
- 9.1.14 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction or determine that the applicant should never have been convicted.
- 9.1.15 A person with a conviction(s) for sexual offences or connected with illegal sexual activity or any other serious crime will not normally be issued with a licence.
- 9.1.16 The Council considers that offences committed by a licensed hackney carriage/private hire driver may need to be considered more seriously as they have previously been judged as fit and proper and are aware of the high standards of personal conduct required of them and are expected to maintain those standards.

## 9.2 **Consideration of disclosed convictions**

All convictions, criminal findings of guilt, fixed penalty notices, cautions and warnings, whether for motoring or other offences, and County Court Judgments and Orders (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 making a determination on an application or licence. The Licensing Authority will consider:

- How relevant the offence is to the application or licence.
- The seriousness of the offence.

- When the offence was committed.
- The date of conviction.
- Sentence imposed by the court.
- Circumstances of the individual concerned.
- The applicant's age at the time of conviction.
- Whether the offence forms part of a pattern of offending.
- Any other character check considered reasonable (e.g. personal references).
- Any other factors that might be relevant.

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.

### **9.3 Acceptability of DBS Certificates**

DBS certificates obtained for a Hackney Carriage/Private Hire Driver Licence should not be used for the purpose of obtaining a Lincolnshire County Council School Transport Badge. DBS certificates obtained for any other purpose, including a licence with another Licensing Authority, cannot be used for the purpose of obtaining a licence with this Council. A separate check will be required for each authorisation. However, applicants can register all certificates with the DBS update service for a single fee.

### **9.4 Other records and information**

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.

### **9.5 False declaration and omission of relevant information**

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.

### **9.6 DBS Barred lists**

In the interests of public safety this Authority will not issue a licence to any individual that appears on either of the regulated activity barred lists – Activity with Children and Activity with Adults.

### **9.7. Rehabilitation periods for relevant offences**

#### **9.7.1 Serious offences involving violence or resulting in death**

Where an applicant or licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed. Such offences include:

- Murder
- Manslaughter
- Any 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.

A hackney carriage/private hire driver found guilty of any of the above offences should expect to have their licence revoked immediately.

### 9.7.2 Offences of violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Such offences include:

- Actual bodily harm which is racially aggravated.
- Grievous bodily harm
- Robbery.
- Possession of a firearm.
- Riot.
- Assault of a Police Officer
- Common assault which is racially aggravated
- Violent disorder.
- Resisting arrest.
- Or any similar 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.
- or any offence of attempting, committing, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence that will replace the above or be considered as serious as the above.

A hackney carriage/private hire driver found guilty of such an offence should expect to have their 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.

### 9.7.3 Racially aggravated offences

Where an applicant has a conviction for a racially aggravated offence a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Such offences include:

- Racially-aggravated criminal damage.
- Any other racially-aggravated offence.
- Any similar offence (including attempted or conspiring to commit), offences which replace the above.
- Any offence of attempting, committing, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence that will replace the above or be considered as serious as the above.

A hackney carriage/private hire driver found guilty of any of the above offences should expect to have their 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.

Where an applicant has been convicted of more than one of the above offences in the 10 year period preceding their application, they can expect their licence to be refused.

### 9.7.4 Miscellaneous offences involving violence and harassment

Where an applicant has a conviction for any of the following offences, a licence will not be granted until at least 3 years have elapsed since the completion of any sentence imposed.

- 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 offence (including attempting or conspiring to commit) offences which replace the above.
- or any offence of attempting, committing, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence that will replace the above or be considered as serious as the above.

A licence holder found guilty of any of the above offences at should expect to have their 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 if longer) has elapsed.

Where an applicant has been convicted of more than one of the above offences in the 10 year period preceding their application, they can expect their licence to be refused.

#### 9.7.5 Offences for possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

A licence holder found guilty of an offence involving a weapon(s) should expect to have their licence revoked immediately and not be considered for the grant of a licence until a minimum period of seven years since conviction (or completion of sentence if longer) has elapsed.

#### 9.7.6 Sexual and indecency offences

Where an applicant has a conviction for any of the following offences the Council will not grant a licence.

- 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.
- Any sex or indecency offence that was committed in the course of employment as a hackney carriage/private hire vehicle driver
- Indecent exposure
- Soliciting (kerb crawling)
- Or any offence of attempting, committing, 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.

A licence holder found guilty of a sexual or indecency offence during the period of a licence should expect to have their licence revoked immediately. They can expect not to be licensed again.

In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any Barred List.

#### 9.7.7 Exploitation offences

Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

A licence holder found guilty of any such offence during the period of a licence should expect to have their licence revoked immediately. They can expect not to be licensed again.

#### 9.7.8 Discrimination offences

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

A licence holder found guilty of a discrimination offence can expect to have their licence revoked immediately. They can expect not to be licensed again until a period of at least seven years has elapsed since the completion of any sentence imposed.

#### 9.7.9 Dishonesty offences

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Dishonesty offences 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 offences (including attempting, committing, conspiring to commit, aiding and abetting or procuring such offence) or any offence which may replace the above or be considered as serious as the above.

A licence holder found guilty of a dishonesty offence should expect to have their licence revoked and not be considered for the grant of a licence until a minimum period of 7 years after conviction (or completion of sentence if longer).

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

#### 9.7.10 Drugs offences

##### Drugs – supply or intent to supply

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

A licence holder found guilty of any such offence during the period of a licence should expect to have their licence revoked and not be considered for the grant of a licence until a minimum period of 10 years have elapsed since conviction, or completion of sentence, whichever one is longer.

##### Drugs – possession

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since conviction or the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

A hackney carriage/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 their drivers licence revoked

immediately and not be considered for a licence for 10 years since conviction (or completion of sentence – whichever is longer).

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

#### 9.7.11 Motoring offences

##### General

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 disqualifications was so reduced.

##### Driving offences involving the loss of life

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 driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

A licence holder found guilty of any of the above offences should expect to have their licence revoked immediately and not be considered for relicensing.

##### Drink driving or driving under the influence of drugs and/or alcohol

Where an applicant has a conviction for drunk driving, driving under the influence of drugs or being in charge of a vehicle while under the influence of drink or drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

A licence holder found guilty of a drink-driving offence or found guilty of driving whilst under the influence of drugs should expect to have their licence revoked immediately and not be considered for the grant of a licence until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

##### Major Traffic Offences - dangerous driving or driving without due care and attention

where an applicant has more than one conviction for an offence of dangerous driving or driving without due care and attention within the two years prior to application, licensing will normally be refused and no further application considered until three years has elapsed since convictions. An isolated conviction for dangerous driving or driving without due care and attention or similar offences will normally result in a strong warning as to future driving and advice on the standard expected of licence holders.

A licence holder convicted of such an offence can expect a licence suspension, a requirement to complete additional driver competency training at their own expense or a warning as to future conduct. Where there are subsequent convictions revocation of the licence will be considered with no further application being considered until a period of three years from conviction has elapsed.

Where an applicant has been disqualified from driving due to major traffic offences the Council will not normally grant a licence until at least three years have elapsed since the reinstatement of their DVLA licence.

A licence holder who has been disqualified from driving due to major traffic offences can expect to have their licence revoked and not be considered for the grant of a licence until at least three years have elapsed since the reinstatement of their DVLA licence.

#### Insurance offences (with a motor vehicle)

An isolated incident in the past will not necessarily prevent a licence being granted provided the applicant has been free of conviction for at least three years and a strict warning will be given as to future conduct. However, a licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

A licensed driver found guilty of driving passengers in a licensed vehicle without valid insurance should expect to have their licence revoked immediately and not be considered for the grant of a licence until 5 years has elapsed since the date of conviction.

An operator found guilty of causing or permitting the driving of passengers for hire and reward without valid insurance will normally have his operator licence revoked and will not be considered for the grant of a licence until 5 years has elapsed since the date of conviction.

#### Using a mobile phone whilst driving

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the longer.

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

A licensed driver who is convicted of an offence of using a hand-held mobile telephone or a hand-held device whilst driving, can expect to have their licence revoked immediately and not be considered for the grant of a licence until 5 years has elapsed since the date of conviction.

#### **Other Traffic Offences and DVLA licence endorsements**

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

Any motoring conviction by a licensed driver will call into question that persons professional integrity and will result in the Council making a reassessment of that persons continued ability to meet the fit and proper test. - However, it is accepted that offences may be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the suspension or revocation of a licence providing that the authority considers that the licence holder remains a fit and proper person.

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

Applicants who have been disqualified from driving under the totting-up procedure will not normally be granted a licence until at least 2 years following the expiry period of the disqualification and they can demonstrate a significant improvement in history of motoring offences during that period.

A licensed driver receiving 6 or more penalty points during any 3 year period will be issued with a written warning as to future conduct.

A licensed driver disqualified from holding a DVLA licence under the totting-up procedure should expect to have their licence revoked and not be considered for the grant of a licence until three years has elapsed since the date of disqualification.

Where a licensed driver's DVLA licence has been endorsed with the required number of penalty points to instigate a totting-up hearing and the court determine not to impose a disqualification, they can still expect to have their licence revoked immediately and not be considered for the grant of a licence until 3 years has elapsed since the reinstatement of their DVLA licence.

In the case of an existing licence holder, where a driver shows a pattern of driving endorsements or receives a short period disqualification, they can expect their licence to be suspended and be required to successfully undergo the Taxi and Private Hire Driving Assessment provided by the Lincolnshire Road Safety Partnership or other similar approved assessment body and attain a low risk assessment.

In cases where there is a pattern of offences the driver can expect their licence to be revoked and not be considered for another licence for at least 3 years.

#### 9.7.12 Drunkenness (Not in a Motor Vehicle)

A single 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 warning may be sufficient.

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).

#### 9.7.13 Perverting the Course of Justice

Where an applicant has a conviction for perverting, attempting to pervert or conspiring to pervert the course of justice a licence will not be granted until at least three years have elapsed since the conviction or completion of any sentence imposed, whichever is the longer.

A licence holder found guilty of such an offence should expect to have their licence revoked and not be re-considered for a licence until a minimum period of 5 years has elapsed since conviction (or completion of sentence if longer).

#### 9.7.14 Licensing offences

Where a person has committed an offence such as plying for hire without a hackney carriage licence, overcharging and refusing to carry disabled persons they can expect their application to be refused and not be considered for a licence for at least 3 years from the date of conviction.

Where an applicant has more than one conviction for a licensing related offence, a licence will not normally be granted.

A licensed driver with such a conviction can expect their licence to be revoked and not be considered for the grant of a licence for at least 3 years from the date of conviction.

#### 9.7.15 Immigration Offences

Where an applicant has been served an immigration penalty, or convicted of an immigration offence they can expect to have their application refused.

Where a licence holder has been served an immigration penalty, or convicted of an immigration offence, they can expect to have their licence revoked.

#### 9.7.16 Smoke free legislation offences – Hackney Carriages and Private Hire Vehicles

Any hackney carriage/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 to future conduct.

Any hackney carriage/private hire vehicle driver receiving two or more fixed penalty notices or fines during any three year period for smoking in a licensed vehicle will be referred to a sub-committee of the Regulatory & Appeals Committee who may consider suspension or revocation of their licence.

9.7.17 Outstanding charges or summonses

If the individual is the subject of an outstanding charge or summons their application can be processed, but the application will be reviewed at the conclusion of any outstanding proceedings. However, if the outstanding charge or summons involves a serious offence then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

9.7.18 Fixed Penalty Notices (Public Order Offence) –

The Licensing Authority recognises that in some instance a Fixed Penalty Notice (FPN) may be issued for a public order offence rather 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 circumstances where a FPN has been issued it may be appropriate for the Licensing Authority 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.

9.7.19 Non-conviction information

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, consideration should be given to refusing the application.

**HACKNEY CARRIAGE DRIVER LICENCE CONDITIONS**

Where a licence is hackney carriage or private hire vehicle driver's licence is granted it shall be in accordance with the conditions as attached to that licence. More information on licence conditions can be obtained from the Licensing Section.

**1. Driver's Badge**

- (a) When driving a Hackney Carriage Vehicle the driver is required to display the badge issued by the Council in such a position and manner to be plainly and distinctly visible to the passengers.
- (b) The badge (which remains the property of the Council) must be returned to the Council, either at the termination of this licence or when moving from the Borough and ceasing to be a Hackney Carriage Driver.
- (c) If a driver's badge and/or licence is misplaced or lost the driver must notify the Council immediately.

**2. Change of Address or Employer**

The driver must notify the Council in writing of any change of their address or employer during the period of the licence within seven days of such change taking place.

**3. Conduct of Driver**

The driver shall at the request of any authorised Officer of the Council or any Constable produce for inspection their official driver's licence forthwith or;

- (a) In the case of a request by any authorised Officer, before the expiration of the period of five days beginning with the day following that on which the request was made at the above address;
- (b) In the case of a request by a Constable before the expiration of the period aforesaid at any Police Station which is within the Borough and is nominated by the driver when the request is made.

**4. Hackney Carriage Byelaws**

The driver shall comply at all times 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 shall charge any fares in excess of those authorised by the Council. The current fare scale is available for inspection at the Municipal Buildings and must be displayed in every Hackney Carriage.

**PRIVATE HIRE DRIVER - LICENCE CONDITIONS**

**1. Change of Address or Employer**

The driver must notify the Council in writing of any change of their address or employer during the period of the licence within seven days of such change taking place.

**2. Driver's Badge**

- (a) When driving a private hire vehicle the driver is required to attach the badge issued by the Council to their jacket or similar garment, in such position and manner to be plainly and distinctly visible to the passengers.
- (b) The badge (which remains the property of the Council) must be returned to the Council, either at the termination of this licence or when moving from the Borough and ceasing to be a Private Hire Driver.
- (c) If a driver's badge and/or licence is misplaced or lost the driver must notify the Council immediately.

**3. Conduct of Driver**

The driver shall:-

- (a) Afford all reasonable assistance with passengers' luggage.
- (b) At all times be clean and respectable in their dress and person and behave in a civil and orderly manner.

- (c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.
- (d) Not without the express consent of the hirer, drink or eat in the vehicle.
- (e) Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (f) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- (g) Not to tout or solicit or cause or procure any other person to tout or solicit in any public place any person to hire or be carried for hire in any Private Hire Vehicle nor proceed along the highway for the purpose of plying for hire.
- (h) The driver shall at the request of any authorised Officer of the Council or any Constable produce for inspection their official driver's licence forthwith or;
  - (i) In the case of a request by an authorised Officer, before the expiration of the period of five days beginning with the day following that on which the request was made at the above address;
  - (ii) In the case of a request by a Constable before the expiration of the period aforesaid at any Police Station which is within the Borough and is nominated by the driver when the request is made.
- (i) The driver of a private hire vehicle shall not without reasonable cause unnecessarily prolong in distance or in time, the journey for which the private hire vehicle has been hired.

#### **4. Passengers**

- (a) The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons than that indicated on the licence plate issued by the Council of any licensed vehicle being driven by them or in their charge.
- (b) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

#### **5. Lost Property**

- (a) The driver shall immediately after the termination of any hiring of a Private Hire Vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in a Private Hire Vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it as soon as possible and in any event within 24 hours to a convenient Police Station and leave it in the custody of the Officer in charge on their giving a receipt for it.

#### **6. Written Receipts**

The driver shall if requested by the hirer of a Private Hire Vehicle provide them with a written receipt for the fare paid.

#### **7. Guide, Hearing or Prescribed Assistance Dog and other Animals**

The driver shall not convey in a Private Hire Vehicle any animal belonging to or in the custody of them or the proprietor or operator of the vehicle.

If the private hire vehicle being driven by the driver has been hired:

- (a) By or for a disabled person with their guide, hearing or prescribed assistance dog; or
- (b) By a person who will be accompanied in the private hire vehicle by such a disabled person; they must:
  - (a) Carry the disabled passenger's dog and allow it to remain with the passenger; and
  - (b) Not make any additional charge for doing so.

Any driver with a medical reason for not complying with this condition must obtain a medical certificate from their registered medical practitioner to exempt them from this condition and lodged the



aforementioned certificate with the Council. Any payment for such a certificate will be paid by the licence holder.

Any animal belonging to or in the custody of any passenger which in the driver's discretion may be conveyed in the vehicle shall only be conveyed in the rear of the vehicle.

At the termination of any such hiring the driver will ensure that the seat occupied is cleared of all fur/hair before accepting another fare.

**8. Prompt Attendance**

The driver of a Private Hire Vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

If for any reason whatsoever the driver is unable to attend at the appointed time and place, he shall take immediate steps to report their circumstances to the proprietor or operator of the vehicle to enable alternative arrangements to be made.

**9. Taximeter**

If a Private Hire Vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fair (unless credit is to be given).

**10. Fare to be demanded**

The driver shall not demand from any hirer of a Private Hire Vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

**11. Convictions**

The driver shall notify the Council in writing of any conviction/cautions/fixed penalty tickets, imposed upon them during the period of the licence within seven days thereof including the date, the Court, the offence and the penalty.

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**CODE OF CONDUCT**  
**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

Hackney Carriage and Private Hire Drivers are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its licensing team and committee, has to ensure that all drivers are 'fit and proper' to undertake their work as drivers and that they also act as ambassadors for the district. It is essential that the council and drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

On occasions, drivers may become aware of, or have suspicions that, a passenger may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, drivers themselves may be accused of misconduct or inappropriate behaviour through the misinterpretation of the driver's actions or conversation.

Therefore, Boston Borough Council has introduced this Code of Conduct which is aimed at providing the best possible service by protecting both passengers and drivers. This code ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the driver being referred to the Regulatory and Appeals Committee to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the code does not over-ride any legislative requirements, licence conditions or contractual obligations, such as County Council contracts under the Green Badge scheme.

**Drivers should:**

- Act in a professional manner at all times
- Treat passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity, pregnancy/maternity and marriage/civil partnership.

**And be aware of:**

- The safety and well-being of passengers being paramount
- The importance of the use of appropriate language
- The vulnerability of children and persons with special needs.
- Any instruction given about the care or first aid requirements of a passenger
- Possible caution required when dealing with passengers in distress
- Personal beliefs and standards, including dress and religion
- Passengers misreading situations
- The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites

**Drivers should never:**

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism.
- Make physical contact with a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger.
- Administer medication unless a specific request has been made by the hirer.

- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office.
- Engage with passengers who are children or vulnerable adults through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games
- Phone or send text messages to passengers other than directly concerning the hiring of your vehicle
- Swear at/in front of passengers or make personal/humiliating comments at/in front of passengers or tell inappropriate jokes to passengers
- Offer sweets, cigarettes or gifts of any sort.
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer.
- Show passengers inappropriate videos or pictures on your mobile phone or any other electronic device.
- Make inappropriate comments about other drivers, proprietors or operators to other persons either verbally, on social media or otherwise.

## **Safeguarding**

If a driver has concerns or suspects abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any suspicions or concerns about the way someone is being treated it is important to report it to the appropriate authority. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a driver is working under a Lincolnshire County Council contract then those procedures set out in the Driver and Passenger Assistant Pack should be followed alongside any training received by the driver. Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation: Action to be taken if you have concerns:

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on 999 or 112
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent nature, please call the Lincolnshire Safeguarding Customer Service Centre on 01522 782111 for children or 01522 782155 for adults
- If you would prefer to speak to the police on a non-urgent matter then call them on 101 and follow the directions for Lincolnshire Police

## **DISCLOSURE(S) FROM THE DISCLOSURE & BARRING SERVICE APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS' LICENCES**

Full details are available on request. The following is a précis.

As Boston Borough Council meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all applicants for a hackney carriage or private hire vehicle driver licence will be subject to a criminal record disclosure from the Disclosure & Barring Service (DBS) before a licence is granted. This will include details of cautions, reprimands or final warnings, as well as conviction(s)

### **1. Scope**

- 1.1 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 licence to apply for a Criminal Records Disclosure.
- 1.2 The Boston Borough 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. Licensed vehicles are regularly used by parents, guardians, schools and welfare organisations 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 a hiring from young persons. The majority of hackney carriage and private hire hiring's 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 a DBS Disclosure is required.

### **2. Disclosure & Barring Service (DBS) Disclosure**

- 2.1 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.

### **3. Lead counter signatory**

- 3.1 An officer in the Council will take responsibility for use of the Disclosure Service. They 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.

### **4. Role of the counter signatory**

- 4.1 All counter signatories 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 and to establish the identity of the applicant applying for the Disclosure:
  - Ensure the 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.

## 5. Procedure

- 5.1 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 residential addresses.
- 5.2 In considering applications from potential licence holders the Council are aware that applicants have to reveal offences which are spent under the Rehabilitation of Offenders Act 1974, and these may be included in any record provided by the DBS. The Council reserves the right to act as a judicial authority in the case of spent conviction(s) involving serious offences (i.e. death by dangerous driving, drugs, violence, sexual offences or offences of a habitual nature). This means that, the Council may take these into account when they come to light.
- 5.3 An applicant will be required to undertake a DBS Disclosure. They will be informed in writing when a Disclosure is required.
- 5.4 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 and any change of name will be obtained. Incomplete or incorrect identification details may invalidate the DBS Disclosure.
- 5.5 Where an applicant claims to have changed their name by deed poll or any other mechanism (e.g. marriage, adoption, and statutory declaration) they must produce documentary evidence of such a change.
- 5.6 Photocopies of any of the above documentation will not be acceptable. Original documents must be produced. The Council may 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.
- 5.7 When a DBS Disclosure is required, the Council using the official Disclosure Request Form will send the request to the DBS. However, the costs are the responsibility of the applicant.
- 5.8 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.
- It should be noted that the DBS record will not include details of motoring conviction(s). 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. The information given will include endorsement and disqualification details.
- 5.9 Where the information provided by the DBS differs from that provided by the applicant, and is of significance, the nominated counter-signatory will discuss the discrepancy with the applicant before reaching any final decision in which the nature of the information received is a factor.
- 5.10 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.
- 5.11 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 should approach the DBS if they think a mistake has been made on a disclosure.

Information as to how your personal information is handled can be found via the DBS Code of Practice at:

Hard copies can be provided on request from Taxi Licensing.

## **6. Checks on persons already in possession of a licence**

- 6.1 Checks will not normally be made on persons other than in connection with the Policy requirements. If, however, serious allegations are made against a driver, or previously un-revealed 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 subsequent DBS checks in line with the Policy requirements for a licence. Should a licence holder refuse to co-operate 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.

## **7. Use of information**

- 7.1 The fact that a person has a criminal record or is known to the police does not necessarily mean that they are 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.
- 7.2 In deciding the relevance of conviction(s), 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(s). In any event the importance of rehabilitation will be weighed against the need to protect the public.
- 7.3 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.
- 7.4 Where it is discovered that a driver, licensed prior to implementation of the Criminal Records Bureau (now DBS), had failed to disclose past conviction(s), 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 license, consideration may be given to granting it.

## **8. Storage and destruction of records**

- 8.1 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 made 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.

## **9 checks on applicants from overseas**

- 9.1 The council will expect persons who have lived overseas for more than 3 months to provide a certificate of conduct or equivalent from the country of residence.

**10. Hackney carriage and private hire drivers undertaking contract hire work**

10.1 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 school children or vulnerable adults.

**11. Monitoring**

11.1 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;



**DRIVER KNOWLEDGE TEST**

This appendix sets out in more detail what will be expected of applicants during the knowledge test.

Tests will be held on a monthly basis at the Council Offices under examination conditions and examinees will be given 45 minutes to complete the examination paper.

**The use of mobile phones is not permitted.**

The test is in two parts:-

Part 1 tests a driver's knowledge of hackney carriage legislation and the council's hackney carriage byelaws and conditions. This section will consist of 6 written questions on the above legislation as it relates to Hackney Carriage work. To obtain a pass all questions must be answered correctly.

The questions are set out below and information on the answers can be found throughout the Council's policy and appendices.

- (a) What are your duties when passengers are entering or leaving your taxi?
- (b) What are your duties when passengers are carrying luggage?
- (c) When must you display your licensed driver's badge?
- (d) When hired and driving a passenger to a particular destination which route must you take?
- (e) Whilst plying for hire in a Hackney Carriage licensed to carry 4 passengers, you are asked to carry 3 adults and 2 babies. Does the law allow you to carry all the group?
- (f) Whilst at a Hackney Carriage Stand when should you NOT take a fare?

Part 2 tests geographical knowledge of the area covered by Boston Borough Council and is split into 2 sections as follows:

Section A consists of 2 questions giving different routes starting at a designated taxi rank and ending at a set location. The examinee will be expected to select the shortest route for each question. To obtain a pass both questions must be answered correctly.

Section B consists of 20 multiple choice questions requiring examinees to locate 20 places in the Boston Borough Council area, for example, supermarkets, residential streets, schools, leisure premises and public buildings. To obtain a pass a minimum of 17 questions must be answered correctly.

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**MEETING THE NEEDS OF DISABLED PASSENGERS**

Hackney carriage 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 hackney carriage and private hire vehicles 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 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.

Make sure you are familiar with any access and safety equipment in your vehicle. All hackney carriages that are capable of carrying more than 5 passengers must be equipped to carry a disabled passenger whilst seated in their wheelchair. Ramps must therefore be carried at all times in these vehicles. Drivers 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 must 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.
- Always make sure that the brakes of the wheelchair are on.
- Be polite and ask permission before touching or moving your customer.
- Secure the wheelchair and suggest that the passenger also uses the seat belt provided and offer assistance with this.
- If the vehicle is a London style taxi lower the back; 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.
- Place the passenger in a safe and convenient location 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 from the vehicle to the wheelchair. In such circumstances, you should ask the passenger if they require help, listen to their response, and act only as advised. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile and it is important to take care when loading the wheelchair into the vehicle.

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 prepared 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.

Always look out for the “TAXI” sign which is held out by some visually impaired people in order to hail a cab.

If you are picking up a passenger who is blind or partially sighted;

- Knock at the door on arrival if relevant – do not remain in the vehicle and sound your horn;
- Ask if they require assistance and follow any instructions carefully.
- Tell your passenger whether they are entering a saloon car or purpose built cab;
- Tell the passenger 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 request help with the belt;
- Advise them if there is a hold-up or diversion;
- Tell them the fare and count out the change;
- Drop them off 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 assistance dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry an assistance 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 you are picking up a passenger who is deaf or hearing impaired 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.

This guidance is based upon the leaflet “Advice for Taxi Drivers – Meeting the Needs of Disabled Passengers” produced by the Disabled Persons Transport Advisory Committee (DPTAC). The guidance includes details regarding vehicles which meet the Metropolitan Conditions of Fitness (London style cabs) and the use of swivel seats. At the time of writing both were not prevalent within the Boston hackney carriage fleet. Given the provisions contained within the Disability Discrimination Act, however, it was considered prudent to include the details for possible future reference.

**HACKNEY CARRIAGE BYELAWS**

1. Throughout these Byelaws "the Council" means the Council of the Borough of Boston and "the District" means the Borough of Boston aforesaid.

**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 them 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 water-tight;
  - (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. (1) The proprietor of a hackney carriage shall cause it to be provided with a taxi meter so constructed, attached and maintained as to comply with the following requirements -
  - (a) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
    - (i) The words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least 4cm in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
    - (ii) When the flag or other device is so locked the machinery of the taxi meter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
    - (iii) When the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
  - (b) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-

- (i) The taxi meter shall be fitted with a key or other device the turning of which will bring the machinery of the taxi meter into action and cause the word "HIRED" to appear on the face of the taximeter.
  - (ii) Such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
  - (b) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance. (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 may be 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 appliance.
- (2) The proprietor of a hackney carriage provided with a taxi meter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:-
- (a) The sign shall bear the words "FOR HIRE" in plain letters at least 4cm in height;
  - (b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.
5. The driver of a hackney carriage shall -
- (a) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
    - (i) When standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
    - (ii) As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring.
  - (b) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
    - (i) When standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of these byelaws so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;
    - (ii) As soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
    - (iii) As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose 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 taxi meter 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 Transport Lighting Act, 1957, and also at any other time at the request of the hirer. (\*Now defined by the Road Traffic Act, 1972)
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 the stand fixed by the byelaw in that behalf and unless, at the time of his arrival, the stand is already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
    - (b) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
    - (c) Whilst at a stand not take a fare prior to the carriage or carriages in front having left the stand.
  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 as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -
    - (a) convey a reasonable quantity of luggage;
    - (b) afford reasonable assistance in loading and unloading;
    - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

#### **Provisions fixing the stands of hackney carriages**

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

**Provisions fixing the rates or fares as well as for time and distance 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; such fare to be inclusive of value added tax. Provided always that the proprietor or driver of a hackney carriage 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 which it may not be possible to record on the face of the taxi meter.

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

**Fares for Distance**

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 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 them -
- (a) Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on their giving a receipt for it;
- (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.
- (c) OR carry it as soon as possible to a Police Station and deposit the property with the Police



**CONDITIONS – HACKNEY CARRIAGE VEHICLE LICENCES**

1. The proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, or in any case within 72 hours of the occurrence of any accident to such hackney carriage causing damage materially affecting the safety, performance or appearance of the hackney carriage or the conduct or convenience of persons carried therein.
2. Every Hackney Carriage (together with the taximeter therein) licensed by the Council must be inspected on at least two separate occasions in every 12 months. The inspections will be carried out by a certified MOT garage within the Borough of Boston and the proprietor is responsible for the making of arrangements for such inspections. The first inspection should be made in the fifth month following the date of the licence and the second immediately prior to the renewal of the licence. On the introduction (under Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976) of a revised maximum Hackney Carriage fare structure the Council shall require all taxi meters which have been recalibrated to that fare structure, to be tested for accuracy and sealed by a suitably trained auto electrician.
3. Upon the grant or renewal of a Hackney Carriage vehicle licence the applicant shall notify the local authority in writing of the fare structure to be adopted in respect of the vehicle and within 7 days of any change thereof, of the revised structure. Provided always that any fare structure may not exceed the maximum fare structure determined by the Council pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
4. The Hackney Carriage shall not be used before the identity plate, issued by the Council, has been affixed to the rear of the vehicle, in a conspicuous position, to the satisfaction of the Council.
5. The proprietor of the Hackney Carriage shall not convey or permit to be conveyed in the vehicle any greater number of persons than the number of persons specified on the plate affixed to the rear of the vehicle.
6. The proprietor of the vehicle shall return the identity plate within seven days of the expiration, suspension or revocation of a Hackney Carriage Licence - failing which they shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £10.
7. A current list of fares approved by the Council must be exhibited in the Hackney Carriage in such a position as to be clearly readable by the passengers.
8. 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 "HACKNEY CARRIAGE" to the front of the vehicle and the lettering must be at least 4cm 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.
9. The Hackney Carriage hereby licensed shall display no advertisement unless its size, colour and subject matter and its position on the vehicle has first been approved in writing by the Council. A draft copy of the advertisement must be firstly submitted for approval. All advertisements on the exterior of the vehicle are restricted to being displayed on the side doors of the vehicle. Any advertising on the interior of the vehicle must not be easily visible from outside and any advertising on the vehicle windows is not permitted. Advertisements and signage displayed in or on the vehicle must not discriminate against any person or group of persons on the grounds of age, gender, disability, race, religion or sexual orientation and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking 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 political nature. Advertisements and signage must be of a neat and consistent standard and be of such a form as not to be 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. All advertisements should comply with the British Code of Advertising issued by the Advertising Standards Agency (ASA).

10. A fire extinguisher in proper working order shall be securely fixed to the vehicle in such a position as to be readily available for use. The extinguisher shall be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).
11. The vehicle and all of its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition.
12. The Byelaws for the time being in force in the District of Boston Borough Council with respect of Hackney Carriages and drivers shall apply to this licence and are incorporated as if they were set out in full as conditions of this licence.

#### **PRIVATE HIRE VEHICLE – LICENCE CONDITIONS**

1. The proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, or in any case within 72 hours, of the occurrence of any accident to such vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
2. Every Private Hire Vehicle (together with any taximeter therein) licensed by the Council must be inspected on at least two separate occasions in every 12 months. The inspection must be carried out by a certified MOT garage within the Borough of Boston and the proprietor is responsible for the making of arrangements for such inspections. The first inspection must be made in the fifth month following the date of the licence and the second immediately prior to the renewal of the licence.
3. A Private Hire Vehicle shall not be used before the identity plate issued by the Council has been affixed to the rear of the vehicle, in a conspicuous position, to the satisfaction of the Council.
4. The proprietor of the vehicle shall return the identity plate within seven days of the expiration, suspension or revocation of a Private Hire Vehicle Licence.
5. The vehicle must not carry a greater number of persons than that indicated on the vehicle licence plate issued by the Council.
6. A Private Hire Vehicle shall **NOT** be used to ply for hire within the Borough.
7. A Private Hire Vehicle shall not display any signs on or from the vehicle as to lead any person to believe that the vehicle is a Hackney Carriage. No sign shall be permitted to be displayed on the vehicle other than:-
  - (i) Signs which must be displayed by law or under the licence conditions;
  - (ii) The business telephone number of the vehicle operator.
  - (iii) The name of the operator or their firm PROVIDED that no name shall be permitted to be displayed which incorporates the terms "taxi(s)", "cab", "hackney carriage" or any other term which might lead a member of the public to believe that the vehicle is a Hackney Carriage.
  - (iv) When displaying the business telephone number and/or the name of the operator the vehicle **MUST** display the words "PRIVATE HIRE ONLY" on the metal panel of both front doors of the vehicle. The lettering must be at least 5cm (2") in size and be of a neat and consistent standard.
8. The vehicle shall **NOT** be fitted with a roof sign.
9. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a fire extinguisher which shall be securely fixed to the vehicle in such a position as to be readily available for use. The extinguisher shall be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).

10. The vehicle and all of its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition.
11. The operator is not required to fit a taximeter to a private hire vehicle, but any vehicle so equipped shall NOT be operated unless the taximeter has been previously tested and sealed by the Council's testing station and a meter inspection report lodged with the Council.
12.
  - (a) The operator may charge whatever fare has been agreed between them and the hirer before the commencement of the journey. However, they shall inform the Council of the basic scale of fares intended to be charged and give the Council at least one calendar months' notice of any changes proposed thereto.
  - (b) The operator shall display visibly inside the vehicle a current list of their basic scale of charges for inspection by passengers.
13. The operator shall notify the Council in writing of any change of their address during the period of the licence within 7 days of such change taking place.
14. The operator shall at all times operate the vehicle in compliance with the terms of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, and failure to do so may result in the vehicle licence being suspended or revoked.
15. The private hire vehicle must carry a guide, hearing or prescribed assistance dog belonging to a passenger, unless the driver has a proven medical condition that would preclude such action. No additional charge must be made to carry a guide, hearing or other prescribed assistance dog belonging to a passenger.

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**LICENSED VEHICLE SPECIFICATIONS AND REQUIREMENTS RELATING TO VEHICLE CONDITION**

All vehicles, which apply for hackney carriage and private hire status in the Borough of Boston, must adhere strictly to the following specifications and requirements in addition to the vehicle passing the twice-yearly inspection to MOT test standards.

**Steering**

The steering wheel should be on the offside with the exception of stretched limousines.

**Doors**

All doors must be capable of being opened from the inside. Saloon cars must have four doors, being two on each side of the vehicle, a rear hatch/door is not acceptable as one of the four doors. Minibuses, people carriers and converted van type vehicles that do not have a nearside door are not acceptable.

Vehicles seating more than 4 passengers must have at least four doors. If the rear door is to be used as an entry/exit point must be direct and not blocked by a line of seats. Doors should open to an angle of at least 80% to the body of the vehicle; except in the case of sliding doors.

**Engine Size**

The acceleration and braking capabilities should match the engine and carrying capacity of the vehicle.

**Seat Width**

The size requirement is 40cm (approx. 16") per person. The distance should be measured in a straight line lengthwise at the widest point of the front half of each seat. The distance for three persons of 120cm (approx. 48") should be taken between the armrests as these can in some cases significantly reduce the width. Further to this a height of 85cm (approx. 34") between seat and roof and 18cm (approx. 7") from the back of the front seat to the front of the rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.

**Seating Arrangements**

The maximum number of passenger seats allowed is eight and all should have direct access to a door without the need to climb over the rear of any seat. Tip-up seats or seats which require the back to be lowered will only be permitted when giving access to the side doors of multi-seater vehicles (seats of this type giving access within saloon and estate vehicles will not be permitted). Bench type seating will not be permitted. The minimum number of passengers that a vehicle should be capable of carrying whilst complying with the above seat width provision is four.

With the exception of stretched limousines, seats must not be sideways to the direction of travel and all seatbelts should comply with current seat belt regulations.

**Luggage**

The vehicle must be able to carry a reasonable amount of luggage, safely and protected against inclement weather. Luggage should be stored securely and not hinder access to a door.

**VEHICLE BODYWORK****General Condition**

All bodywork must be in good condition and have no visual signs of surface rust showing. All bodywork panels must be free from dents and surface damage.

**Paintwork Condition**

All paintwork must be in good condition and where there is a requirement to replace doors, boot, bonnet or any body panels these must be returned to the original colour of the vehicle before fitting prior to any inspection.

### **Vehicle registration plate**

The vehicle registration plates must be complete, clean, free from any damage and compliant with The Road Vehicles (Display of Registration Marks) Regulations 2001.

### **Mirrors, Windows, Glass, etc.**

All lights, windscreens, windows, indicator lenses, reflectors and mirrors must be complete, serviceable, clean and free from any damage. Windscreens and windows must comply with any regulations concerning visual transmission of light and obstruction to vision. Windscreen wipers and washers must be maintained in good working order at all times.

## **VEHICLE INTERIOR**

### **Interior condition**

All vehicle interiors, must be in good condition, clean, free from damage and smart in appearance.

### **Floor Condition**

The floor must be sound and adequately covered by carpets or mats. The floor covering should not be in any condition that would be likely to pose a risk to passengers.

### **Seat Belts**

All seat belts, anchorages, fastenings and adjusting devices must be free from defects and maintained in good working order.

### **Display panel and interior lights**

The speedometer should be in working order and be correctly illuminated. All interior lights should be fully functioning.

### **Doors and Locks**

All doors should open and close easily both from the inside and outside of the vehicle. All doors when shut must be secure. The boot should open easily from the outside. All windows should open and close by the use of winders or otherwise where fitted.

### **Windows**

All windows capable of opening should both open and close by standard fitted mechanism for the vehicle.

### **Tyres**

All road wheels and tyres must be the same size except where different sized front and rear wheels and/or tyres are fitted to the vehicle by the manufacturer as standard. All spare wheels must have a legal tread depth, be kept inflated to the correct pressure and be free from cuts, bulges and any defects. An appropriate means of changing the wheel must also be carried.

### **Tyres – space saver tyres, run flat tyres and puncture repair kits**

The use of a space-saver wheel, run flat tyre (when punctured) or puncture repair kit, where that vehicle has been manufactured and delivered with such tyres or kits as standard, is permitted in emergencies only, due to puncture, wheel damage etc. Where use is necessary it must only be to complete the current fare and must be replaced prior to accepting another fare. Where any such tyre or kit is fitted precise compliance with the manufacturer's recommendations is required.

### **Spare tyres – exemption from carrying**

In cases where the conversion of a vehicle to allow for rear loading wheelchair access, or for the installation of an LPG fuel tank has been carried out, has resulted in the spare wheel bay being unusable, the vehicle may be considered exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. In such cases the vehicle must either be fitted with a space saver tyre, run flat tyres or a puncture repair kit.

Exemption would be subject to the vehicle meeting the luggage criteria and being approved by specialist converters. In these instances a space-saver tyre or puncture repair kit must be carried in the vehicle for use in the

event of the above mentioned emergencies only and must be used precisely with the manufacturer's recommendations.

All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle.

#### **Exhaust System**

The exhaust system must be complete, efficient and not produce any excess noise and smoke.

#### **Fire Extinguisher**

The vehicle must be fitted with a fire extinguisher (in proper working order) securely fixed in such a position as to be readily available for use.

#### **Taxi meter**

A taxi meter must be capable of being illuminated during hours of darkness and be firmly secured. It must be set to the correct fare rate.

#### **For Hire Sign or Flag – hackney carriages**

The vehicle must be fitted with a "FOR HIRE" sign or flag which meets the requirements set down in the Council's Hackney Carriage Byelaws.

#### **Roof Sign - hackney carriages**

The vehicle must be fitted with a taxi roof sign, which can be illuminated. The roof sign must prominently display the word "TAXI" or "HACKNEY CARRIAGE" to the front of the vehicle and the lettering must be at least 4 cm in size and be of a neat and consistent standard. Such a sign together with the "For Hire" sign must not be illuminated when the taxi meter is in the HIRED mode.

#### **Fare Card – hackney carriages**

The Council's fare card must be displayed in such a position as to be easily seen by all passengers.

#### **Council plate number in interior**

The plate number must be displayed inside the vehicle.

#### **Fire Extinguisher**

The fire extinguisher must be indelibly and clearly marked with the DVLA vehicle registration plate number.

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**WHEELCHAIR ACCESSIBLE VEHICLES**

Hackney Carriage Vehicle Licences will not be issued to vehicles being presented to be licensed to carry 5 or more passengers unless such vehicles are immediately wheelchair accessible (i.e. the vehicle must be capable of accommodating a disabled passenger whilst seated in their wheelchair). The requirement to remove seats in order to accommodate a wheelchair will not be accepted; seats which fold to allow a wheelchair to be accommodated will be accepted.

This Authority's minimum requirements with regard to a wheelchair accessible vehicle are:-

- (a) That it can accommodate a disabled passenger whilst seated in their wheelchair (there must be adequate headroom for the passenger). For this purpose a "wheelchair" is a reference wheelchair as defined in The Public Service Vehicles Accessibility Regulations 2000.

The dimensions for a reference wheelchair are defined as having:

total length of 1200mm, including extra-long footplates  
 total width of 700mm  
 sitting height (from ground to top of head) of 1350mm  
 height of footrest above floor of 150mm

- (b) That the rear/side door used for wheelchair access must be capable of opening as wide as the aperture. A single rear door must be open to a minimum of 90 degrees and for twin rear doors both must open to a minimum of 90 degrees.
- (c) The doorway should provide a minimum of 1220mm in its central third measured from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform or the upper face of the ramp fully deployed on ground level. The door aperture must be wide enough to accommodate a reference wheelchair and have a minimum width of 740mm of unobstructed space.
- (d) There should be sufficient space within the vehicle to accommodate a reference wheelchair. The floor area required for the wheelchair should be at least 750mm x 1250mm with minimum headroom over the area of 1350mm. There must be sufficient space, where applicable, to turn the wheelchair.
- (e) All wheelchair tracking must be fit for purpose and structurally sound.
- (f) A 3 point system for securing the occupant in the wheel chair and a system for effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair space. Wheelchair anchorage systems and devices must conform to European Directive 76/115 EEC (as amended). Additional hand-holds and a step should be provided
- (g) Either a purpose designed wheelchair access ramp or a purpose designed wheelchair lift must be provided.
- (h) Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The ramp shall have visible reference to a safe working load of at least 250kgs. Ramps must be capable of being securely fitted when in use and securely installed in the designated storage area at all other times. Ramps must be free from damage, deformity and sharp edges etc. Ramps must be provided with an anti-slip covering. Ramps shall be indelibly marked with the vehicle registration number\*.
- (i) Any purpose designed wheelchair lift shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). A report, confirming that the lifting equipment is safe to use shall be presented at the time the annual and 6 monthly vehicle inspection certificate is provided to the council. Vehicles will require a certificate that is valid for a period of 6 months from the date of issue. The lift must be capable of being secured in a suitable and satisfactory position when the vehicle is in motion.
- (j) Vehicles shall comply in all respects, and at all times, with current road traffic legislation.

- (k) Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least 4 wheels designed and constructed for the carriage of passengers.
- (l) Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant National Small Series Type Approval (NSSTA) or Individual Vehicle Approval (IVA) certificate or equivalent issued by the Driver and Vehicle Standards Agency (DVSA).
- (m) Any wheelchair accessible vehicle originally given European Community N type approval will be considered unfit for the purpose and will not be considered suitable to be licensed. The definition of a category N type approval is any motor vehicles with at least four wheels designed and constructed for the carriage of goods.

Grandfather rights will apply to wheelchair accessible vehicles already licensed by the 26 September 2017 when the above requirements were adopted. They will be allowed to continue until the end of their useful life, subject to their compliance with all relevant test and inspection requirements.

Once a vehicle licence has expired Grandfather Rights will no longer apply. Applicants wishing to licence that vehicle in the future will be required to adhere to the Wheelchair Accessible Policy requirements.

Vehicles which have been licensed for private hire and not identified as wheelchair accessible must adhere to the above Wheelchair Accessible Policy if they wish to be licensed as a Hackney Carriage Vehicle.

\*Grandfather rights do not apply with respect to the requirement that ramps are indelibly marked with the vehicle registration number.

**VEHICLE TEST ARRANGEMENTS****General****Vehicle MOT tests**

All vehicles and trailers must undergo a MOT test every six months. MOT can be carried out at any approved MOT testing station provided it is within the borough of Boston.

**Vehicle MOT tests – stretched limousines**

Stretched limousines must undergo an MOT test every six months at a VOSA approved testing station nominated by the Council. The current nominated testing station is:

Boston HGV Testing Station, Marsh Lane, Boston, PE21 7PJ

**Driver to remain with the vehicle**

The driver must remain on the tester's premises whilst the test is being carried out and answer any questions. The driver is not allowed in the testing bay without the express consent of the tester.

**Right of refusal to test**

If a vehicle is presented for a test in a condition that the tester deems to be unsafe or dangerous they may refuse to test the vehicle.

**MOT test failure**

Where a vehicle fails the test a retest will be required once the points of failure have been rectified. This must be arranged through the testing centre.

**Meter Tests - Private Hire Vehicles**

A Private Hire vehicle is not required to fit a taximeter, but if such a meter is fitted it must be correctly calibrated and tested for accuracy. A certificate issued by an approved meter tester must be provided.

**Condition of Vehicle – Private Hire Vehicles**

The vehicle must be presented for testing in a clean condition inside and out. All vehicles must be fitted with an approved fire extinguisher securely fixed in such a position as to be readily available for use. In the case of a test for licence renewal or a six month test the vehicle must be presented with the private hire identification plate fitted in the correct manner.

**Condition of Vehicle –Hackney Carriage Vehicles**

The vehicle must be presented for testing in a clean condition inside and out. All vehicles for all tests must be:

- (a) Fitted with an approved fire extinguisher securely fixed in such a position as to readily available for use.
- (b) Fitted with an approved taxi meter set to a fare not exceeding the maximum fare rate, which will be tested for accuracy over a measured distance.
- (c) Fitted with an approved "FOR HIRE" sign or flag which meets the requirements set down in Boston Borough Council's Hackney Carriage Byelaws.
- (d) Fitted with a taxi roof sign which can be illuminated and meets the requirements set by the Council.

In the case of a test for licence renewal or a six month test the vehicle must be presented with the hackney carriage identification plate fitted in the correct manner and be displaying Maximum Structure of fares issued by the Council.

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**CONDITIONS FOR VEHICLES PERMITTED TO TOW TRAILERS**

No trailer of any description shall be attached to the licensed vehicle, except in accordance with a written authorisation issued by the Council. Any trailer shall be provided and used in accordance with the Council's Conditions for Hackney Carriage / Private Hire Drivers and Proprietors.

1. Each trailer will be authorised for use with one nominated licensed vehicle only. Any trailer must be presented for inspection by a certified MOT garage within the Borough of Boston prior to its first use and again at each inspection of the vehicle with which the trailer is authorised to be used. The trailer must be presented with the vehicle for which its use is authorised. This will ensure that the vehicle, trailer and its attaching mechanism are fit, safe and suitable for use.
2. The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use. This condition is to prevent proprietors/drivers using the trailer unnecessarily and causing greater congestion on the roads. Licensed vehicles with trailers are not permitted on the Hackney Carriage Rank at any time.
3. The trailer must be of a suitable size to carry excess baggage for the number of people the vehicle is authorised to carry and no larger.
4. The trailer must comply with all aspects of current legislation and be of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle. This is to ensure that the vehicle with trailer remain fit, safe and suitable for purpose.
5. The vehicle must be suitable for towing the intended trailer. This will ensure that the vehicle has an engine large enough to tow the trailer, the brakes are powerful enough to stop the vehicle and trailer safely and that the Gross Trailer Weight (GTW) does not exceed the Towing Capacity of the towing vehicle.
6. The trailer must have affixed to it a manufacturer's plate specifying the manufacturer's name and address, the chassis and serial number, the number of axles, maximum weight per axle, nose weight of the coupling, maximum gross weight and the date of manufacture. From 1 January 1997 the Road Vehicles (Construction and Use) Regulations 1986, Regulation 71A, states that trailers with a maximum design weight not exceeding 750Kgs must be fitted with a plate displaying their year of manufacture in a clearly visible position.
7. Unbraked trailers must not exceed 750kgs gross trailer weight or half the towing vehicle's kerb weight. This is to comply with the law in relation to vehicle, trailers and their weights.
8. Unbraked trailers (manufactured from 1 January 1997) must have a secondary coupling that will provide some residual steering in the event of an unplanned uncoupling. This device should also prevent the ball coupling hitting the ground in similar circumstances. It must be connected to the towing vehicle when the trailer is being towed. This is to prevent any unnecessary accidents.
9. Braked trailers must be fitted with a parking brake that operates on at least two road wheels on the same axle. At all times it must be capable of being maintained in operation by direct mechanical action without use of hydraulics, electric or pneumatic systems i.e. push rod or cable action. The efficiency of the handbrake must comply with EEC Directive 71/320/EEC.
10. An emergency breakaway cable must be fitted to the parking brake linkage and the other end clipped or fixed round a fixture on the towing vehicle so that, in the event of the trailer becoming detached from the towing vehicle, the cable applies the parking brake automatically before snapping itself.
11. All tow bars fitted must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent. This is to ensure that untested tow bars are not fitted to vehicles.

12. Trailers must have on the rear, two red sidelights, two red stop lamps, an illuminated number plate and two triangular red reflectors plus indicators designed to flash between 60 and 120 times per minute. All lights must be kept in working order. If more than 1.3 metres wide, they must also have at least one red fog lamp. This is to comply with the requirements of the Road Vehicle Lighting Regulations 1989.
13. All trailers built after 30 September 1990 require front reflectors.
14. No advertising will be permitted on any part of a trailer. This is to comply with current standards and conditions applicable to private hire and hackney carriage vehicle licensing.
15. The trailer must be fitted with securely fastening covers, which can be hardtop or canvas tarpaulin type. This is for safety reasons and drivers should ensure that any luggage is securely fastened so as not to present any danger to other road users, passengers or damage to the luggage.
16. When the trailer is used with the licensed vehicle, the licence plate issued by the Council, specifically for that trailer, shall be clearly displayed on the trailer. The details provided on this plate refer to the vehicle it is to be used with and not the trailer itself. This is so that the vehicle can be identified from the rear and also to comply with legislation. The cost of the plate will be the same as that for vehicle plates.
17. A spare wheel for the trailer must be carried whilst the trailer is in use so that in the event of a puncture the journey would not be delayed any longer than necessary. Space saver type spare wheels are not permitted.
18. The vehicle must be insured to tow the trailer.
19. A charge will be made payable for the inspection of the trailer which will be recouped from the proprietor of the vehicle.
20. A licensed driver will be permitted to tow a trailer whilst driving a licensed vehicle provided that:
  - i) the driver holds the appropriate category on his DVLA licence;
  - ii) it is the proprietor's/vehicle licensee's responsibility to ensure that the trailer towed by his vehicle complies with the legislation and the Licensing Conditions;
  - iii) it is the proprietor's/vehicle licensee's responsibility to ensure that the driver towing the trailer holds the appropriate category DVLA licence.

**PRIVATE HIRE VEHICLE OPERATOR – LICENCE CONDITIONS**

1. Every person to whom a licence under Section 55 of the Local Government (Miscellaneous Provisions) Act, 1976, has been granted by this Council shall keep a record of the following particulars of every booking of a Private Hire Vehicle invited or accepted by them, whether by accepting the same from the hirer or by undertaking it at the request of another licensed operator and shall produce such records on request to any authorised Officer of the Council or any Constable for inspection:-
  - (a) The name of the passenger
  - (b) The date and time of the request
  - (c) The pick-up point
  - (d) The destination
  - (e) The name of the driver
  - (f) The driver's badge number
  - (g) The vehicle registration number of the vehicle
  - (h) The name of the individual that responded to the booking request
  - (i) The name of any individual that dispatched the vehicle

All booking records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry. If a computer system is used, the operator must be able to provide a print-out of all required booking details.

2. The operator shall keep records of the particulars of all private hire vehicles operated by them, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with the details of the private hire vehicle licence including number issue and expiry dates. All vehicle records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry. If a computer system is used, the operator must be able to provide a print-out of all required details.
3. No person shall operate a Private Hire Vehicle without:-
  - (i) The vehicle is licensed under Section 55 of the Act;
  - (ii) The driver has a current licence under Section 51 of the Act.
4. No Private Hire Vehicle shall ply for hire in the Borough. Every contract for the hire of a Private Hire Vehicle licensed under Section 56 of the Act shall be deemed to be made with the Operator who accepted the booking for that vehicle whether or not they accepted the booking.
5. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-
  - (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
  - (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting. (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
6. The operator is not required to fit a taximeter to a private hire vehicle, but any vehicle so equipped shall NOT be operated until the taximeter has been previously tested and sealed by the Council's testing station and a meter inspection report lodged with the Council.
7. (a) The operator may charge whatever fare has been agreed between them and the hirer before the commencement of the journey. However, they shall inform the Council of the basic scale of fares intended to be charged and give the Council at least one calendar months' notice of any changes proposed thereto.

- (b) The operator shall display visibly inside a private hire vehicle a current list of their basic scale of charges for inspection by passengers.
8. Where any complaint is made against a private hire vehicle driver, then the complainant shall be requested to put that complaint in writing immediately and submit it to the Council or the Operator who shall in turn within 48 hours of receipt of the complaint notify the Licensing Authority.
  9. The operator shall notify the Council in writing of any change of their address (including any address from which they operate or otherwise conducts their business as an operator) during the period of the licence, within seven days of such change taking place.
  10. The operator shall within seven days disclose to the Council in writing details of any conviction(s) imposed on them (or if the operator is a company or partnership, on any of the Directors or Partners) during the period of the licence.
  11. The operator shall ensure that any driver employed by the operator or working from the operator's premises holds a current Private Hire Driver's Licence issued by Boston Borough Council.
  12. The operator shall at all times operate their private hire business in compliance with the terms of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, and failure so to do may result in the licence being suspended or revoked.
  13. Private hire vehicles may not refuse to carry a guide, hearing or prescribed assistance dog belonging to a passenger, unless the driver has a proven medical condition that would preclude such action. No additional charge must be made to carry a guide, hearing or other prescribed assistance dog belonging to a passenger.
  14. Following the issue of an operator licence the licence holder is required to submit to this Authority an up-to-date result of a Basic DBS Check on an annual basis.
  15. Booking and Dispatch Staff - where the holder of this licence employs a person or persons to take vehicle bookings (be it by phone or in person) and/or a vehicle dispatcher or dispatchers (who decide which driver to send to a user), then the following shall apply:
    - The licence holder shall maintain a register detailing all staff that will take bookings or dispatch vehicles.
    - The licence holder shall ensure that Basic DBS checks are conducted on all current individuals on the register and any individuals added to the register and that the DBS certificate provided by the individual has been recently issued when viewed.
    - The licence holder shall be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff.
  16. Employing Ex-offenders - a licence holder employing Booking & Dispatch Staff must hold and maintain a Policy on Employing Ex-Offenders.
  17. Use of Passenger Carrying Vehicle (PCV) Licensed Drivers - the use of a driver who holds a PCV licence and the use of a Public Service Vehicle (PSV) to undertake a private hire vehicle booking will not be permitted without the informed consent of the booker.



## PENALTY POINTS SCHEME

### The Scheme

#### 1. Introduction

- 1.1 Hackney carriage and private hire drivers, operators 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 Licensing Committee.
- 1.2 The primary objective of the penalty point scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public..
- 1.3 Should drivers, operators or proprietors of vehicles commit an offence or breach those requirements, persons involved are 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 Regulatory & Appeals Committee and/or prosecution.
- 1.4 The aim of a penalty point 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 a licensee's behaviour and conduct, to ascertain whether they are a fit and proper person.
- 1.5 Penalty points remain for a 36 month period to allow any older points to be considered as spent and removed from the running total recorded against any individual licence holder.

#### 2. Issue of Penalty Points

- 2.1 Complaints concerning significant breaches of conduct, conditions of licence or licensing policy will be subject to investigation by Council Officers and may result in the issue of penalty points. Each case will be determined on its own merits.
- 2.2 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 vary according to the nature of the breaches of licensing legislation/conditions and the compliance history of the individual.
- 2.3 Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing within 15 working days from the discovery of the contravention.
- 2.4 The system will operate without prejudice to the Authority's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 2.5 Any appeals regarding the issuing of penalty points will be referred to an Officer at the appropriate management level within the Council. Any driver appeals, against any points issued by a Council Officer must be submitted within 21 days from the time the points are issued.
- 2.6 If a decision is made to issue points to a proprietor/driver rather than prosecute, for a matter which is also a criminal offence (e.g. bald tyres; no badge etc.,) those person(s) will not then be the subject of a prosecution by the Authority in respect of the same matter for which the points were issued.
- 2.7 To enable licence holders to familiarise themselves with the scheme, any points awarded during the first six months from adoption will have a maximum 12 month retention period. Any points awarded at the end of those six months will be subject to the standard retention period of 36 months.

	<b>Offence/Breach of Condition</b>	<b>Maximum Points Awarded by Authorised Officers</b>	<b>Driver</b>	<b>Vehicle Proprietor or Operator</b>
1	Failure to notify, in writing, the Authority of change of address within twenty-one calendar days.	3	✓	✓
2	Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.	3		✓
3	Using unauthorised signage on the outside of the vehicle.	3		✓
4	Evidence of smoking in vehicle.	3	✓	✓
5	Unsatisfactory appearance of driver.	3	✓	
6	Failure to give assistance with loading/unloading luggage to or from any building or place.	3	✓	✓
7	Private Hire - Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓
8	Failure to issue receipt on request.	3	✓	
9	Failure to maintain proper records of private hire vehicle.	3		✓
10	Failure to comply with any other relevant licence conditions	3	✓	✓
11	Failure to produce relevant documents within timescale, when requested by a Licensing Officer/ Police Officer.	4	✓	✓
12	Unsatisfactory condition of vehicle – interior or exterior	4	✓	✓
13	Failure to produce hackney carriage or private hire vehicle for testing when required	4		✓
14	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition.	4	✓	✓
15	Failure to display external licence plate as required.	4		✓
16	Failure to notify transfer of private hire or hackney carriage vehicle licence.	4		✓
17	Failure to use authorised roof light.	4	✓	
18	Failure to wear driver's badge.	4	✓	
19	Failure to observe rank discipline (hackney carriage only).	4	✓	

20	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4		✓
21	Failure to behave in a civil and orderly manner.	4	✓	✓
22	Failure to attend punctually at appointed time and place without sufficient cause	4	✓	✓
23	Failure to display table of fares.	4	✓	✓
24	Failure to carry legal spare wheel or puncture repair kit as described in policy.	4	✓	✓
25	Using a vehicle with bald or defective tyre(s).	4 per tyre	✓	✓
26	Unsatisfactory behaviour or conduct of driver.	4	✓	
27	Failure to provide proof of insurance cover when requested	6	✓	✓
28	Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓
29	Refusal to accept hiring without reasonable cause (N.B. reasonable excuse can include drunk or rude customer).	6	✓	
30	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
31	Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police Officer.	6	✓	✓
32	Using a non-approved or non-calibrated taximeter.	6	✓	✓
33	Displaying any feature on a private hire vehicle that may suggest that it is a taxi.	6		✓
34	Using a vehicle the appearance of which suggests that it is a taxi.	6		✓
35	Failure to notify, in writing, a change in medical circumstances.	6	✓	✓
36	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced.	6		✓
37	Failure to notify the Authority, in writing, of any motoring or criminal convictions within 7 days of said conviction or cautions during period of current licence.	6	✓	✓
38	Failure to submit 6 monthly MOT test certificate	6		✓
39	Using a hand-held device whilst driving (non-conviction)	6	✓	
40	Smoking in a licensed vehicle	6	✓	✓

41	Plying for hire by private hire drivers.	9	✓	✓
<b>All of the following will result in instant referral to a Sub-Committee of the Regulatory &amp; Appeals Committee</b>				
42	Using unlicensed vehicle for carrying passengers for hire or reward or vehicle without insurance.	12		✓
43	Using a vehicle whilst subject to a suspension notice issued by a Licensing Officer/Police Officer	12	✓	✓
44	Using a vehicle for hire for which the licence has been revoked	12	✓	✓
45	Carrying more passengers than stated on the vehicle licence.	12	✓	
46	Carrying an offensive weapon in the vehicle.	12	✓	
47	Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle.	12	✓	✓
48	Failure to carry an assistance dog without requisite exemption.	12	✓	✓
49	Driver not holding a current DVLA Driving licence.	12	✓	✓