



HACKNEY CARRIAGE AND PRIVATE HIRE

LICENSING AND ENFORCEMENT MANUAL

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1. INTRODUCTION TO THE OPERATING MANUAL

This Operating Manual covers all aspects of the Licensing and Enforcement of the Hackney Carriage and Private Hire operations within the boundaries of Stevenage.

It also covers problems encountered by this Department with drivers and vehicles that may be licensed at other local Authorities and operating illegally in Stevenage. It also covers those operating within Stevenage and are not licensed at all and are therefore operating illegally.

The authority for carrying out the above came about by the adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part II, Sections 47, 48, 51 and 55, and the Town Police Clauses Act 1847, Section 68.

Once the above was adopted it was a statutory obligation for the Local Authority to license, control and enforce all the requirements of the relevant Acts. The Local Authority may lay down conditions and bye-laws itself providing these are reasonably necessary. It is their responsibility to enforce these conditions and bye-laws.

The primary purpose of the legislation is to protect the public from using dangerous vehicles being driven by unsuitable drivers. The aim of this office must be to ensure that vehicles are safe, comfortable and comply with all relevant legislation; to ensure that fares are at a reasonable level; that drivers are fit and proper to be licensed, and that all efforts are made to protect passengers.

As at March 2005, the approximate numbers of vehicles and drivers are as follows:

Hackney Carriage Vehicles	100
Hackney Carriage Drivers	157
Private Hire Vehicles	156
Private Hire Drivers	183
Private Hire Operators	9

Each Local Authority (outside London) has the identical responsibilities, although each authority has different methodology and financial arrangements, as well as resource commitment. The Local Government (Miscellaneous Provisions) Act 1976, PART II, Sections 53 and 70 state that the fees for licences must be at a level that covers the cost of providing the licence and its administration costs. This includes other costs e.g. enforcement, plates.

This operating manual does not have the force of law. Only the Acts have that.

2. LEGAL OBLIGATIONS

2.1 THE LICENCE PROVIDER

Stevenage Borough Council has, along with all Local Authorities (except Plymouth) outside London, the obligation to licence, control and enforce all the requirements of the Local Government (Miscellaneous Provisions) Act 1976 Part II in regard to the operations of the Hackney Carriage and Private Hire trade within the boundaries of their designated area of responsibility.

This Council adopted Part II of the Act and the Licensing Team in Environmental Health has the responsibility as detailed above. Any person within the Licensing Department can have the authority to licence a vehicle, driver or operator. Only those authorised can control and enforce the Act and those authorised are badge and certificate holders. The Authority documents are signed by the Head of Environmental Health before issue.

Strict control of all aspects of Licensing and Enforcement must be adhered to all times.

2.2 THE LICENSEE

Any one working within the Hackney Carriage or Private Hire trade in Stevenage must be licensed by Stevenage Borough Council. This includes Drivers, Vehicle Proprietors and Private Hire Operators.

They are all only licensees during the period of their licences, and once these have expired they must reapply in order to then become licensed again. The period of the licences and expiry dates are as follows:

Private Hire :	Vehicle	31 March
	Operator	31 March
Hackney Carriage :	Vehicle	30 September

All the above are for a period of 1 year, unless a vehicle is newly licensed during the licence year, in which case there is a reduced licence fee (see Appendix CC)

All drivers' licences expire on 30 June (HCD) or 31 July (PHD), or 12 months from when originally licensed, if started during the licence year, and then annually.

As for vehicles, all drivers' licences are for a period of 1 year. Check with LALPAC for dates of expiry of individual drivers licences.

3. LICENSING OF VEHICLES

3.1 VEHICLE LICENCES ISSUED BY THE HACKNEY CARRIAGE DEPARTMENT

3.1.1 HACKNEY CARRIAGE VEHICLES

Hackney Carriage vehicles are vehicles that can stand at taxi ranks and can ply for hire. Only those licensed as Hackney Carriage drivers are allowed to drive and conduct business in a Hackney Carriage vehicle.

3.1.2 PRIVATE HIRE VEHICLES

Private Hire vehicles are vehicles that must be pre-booked through a Private Hire Operator. Only those licensed as Private Hire drivers are allowed to drive and conduct business in a Private Hire vehicle.

3.2 HACKNEY CARRIAGE VEHICLES AND PRIVATE HIRE VEHICLES – LICENSING PROCEDURE

The procedure for the licensing of vehicles is similar for both Private Hire and Hackney Carriage. Please note that when any application form is given, it must be accompanied by the conditions and/or bye laws appropriate.

- a. The vehicle proprietor applicant must complete an application form for the appropriate type of vehicle (P/H or H/C). (See Appendices A and B)
- b. The vehicle must be booked in with SBC Depot and a fee (currently £40) paid on arrival. The vehicle must be checked by the London Road SBC Depot MOT Station and pass all the individual items on the official inspection form (both sides), whether on the first test or retest. Retests are required within seven days, to check that initial test failures are rectified. If a vehicle fails the test on major items, the test fee must be paid again.

New vehicles must be tested before being allowed to be used for transporting fare paying passengers. The inspection form is collected from the Depot MOT Station by a licensing team member and filed.

- c. Once the colour, make, model and registration number is known a plate can be manufactured using the appropriate colour and licence number. See Section 8.2 (Page 57). Current licence number allocations are 1-199. (HCV) and 200-500 (PHV).
- d. Once the vehicle has been tested the application form must be produced at Daneshill House to an authorised officer and the completed form checked. At that time the following must be produced and the officer must enter the details on the top of the application form:
 - (i) An original insurance certificate, in date, for the vehicle in question and covering the vehicle for Private Hire in the case of a Private Hire vehicle; and for Public Hire for a Hackney Carriage vehicle. Those drivers intending to drive the vehicle must be named on the insurance certificate, unless “any driver” is stated.
 - (ii) The Registration Document for the vehicle, from which must be extracted the date of first registration. The vin number and engine number must be checked against the application form and all other details certified.
 - (iii) An MOT Certificate if the vehicle requires one. Each vehicle must have a MOT Certificate if over 12 months old. (This condition was introduced in April 2005).

The fee at the current rate is charged and payment made as per current procedure.

The receipt for the full fee (minus fee paid at Depot) is made up. White copy to applicant, pink copy to office file, blue copy to exchequer (currently Alan Darlington). The HSBC receipt books are used for cheques and cash, these books being ordered by the Exchequer department.

Once the receipt is given, the plate can be issued. The receipt number is entered, with the licence number, on the application form. The licence is sent by mail.

The receipt form is in Appendix G. Appendix E and F gives example of the licence.

The Receipt number and the licence number is to be written at the top of the application form.

3.3 HACKNEY CARRIAGE VEHICLES – CONDITIONS

- 3.3.1 The vehicle must be of suitable in type, size and design for use as a Hackney Carriage
- 3.3.2 The vehicle must have at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver. Any vehicle that is capable of carrying more than four passengers must have at least two side doors in the rear passenger compartment. If this type of vehicle has a rear door, be it hinged at the top or at the side, it is only to be used for the ingress or egress of wheelchairs or for emergencies, not for other passengers general use.
- 3.3.3 Only those vehicles with a capacity of less than nine passengers can be considered for licensing.
- 3.3.4 The vehicle, except that of the FX4 type, is to be no more than five years old from the date of the first registration when first licensed. It must have an engine capacity of not less than 1600cc. Once licensed the vehicle can not be licensed if more than eight years old at the date of the first day of the licensing year. In the case of FX's, the vehicle shall not be more than three years old at first licensing date and no more than thirteen years old if being renewed.
- 3.5.1 The vehicle must be capable of carrying the number of passengers, (not less than four), as specified in the licence granted by the Council. In deciding such number, consideration is taken into the width of each seat so as to allow forty one centimetres (16 inches) per passenger along the widest part of the passenger seat. Babies and children are each classed as one passenger for the calculation of the number of passengers being carried.
- 3.3.5 The vehicle shall be in sound and roadworthy condition. Apart from the production, if appropriate, of a current Ministry of Transport Test Certificate, any vehicle proposed to be licensed is required to be tested and passed as satisfactory by the Council's officers. It is the responsibility of the vehicle proprietor to ensure the vehicle is tested every 12 months or more frequently if required by the licensing authority. If the vehicle fails the test and the nature of the faults is such as to require the vehicle to be reinspected, a fee may be payable for each retest, depending on the degree of inspection required.
- 3.3.6 The vehicle, shall be fitted with a roof sign, (to be illuminated during the hours of darkness except at times when the vehicle has been hired), bearing on the front the word 'TAXI' and on the rear, if the proprietor so wishes, an operator's telephone number. The exception to this will be when the TAXI sign is built into the bodywork of the vehicle; in this case the dome or roof sign will not be necessary.
- 3.3.7 The vehicle will also be required to be in accord with the requirements of any bye-laws made under the provisions of the Town Police Clauses Act 1847.
- 3.3.8 The proprietor will be required to produce proof that the vehicle will at all times be adequately insured, to the satisfaction of the Council, for the carrying of fare paying passengers and designated in the insurance document for use for 'Public Hire'. Any and all drivers of the vehicle must be named on the insurance certificate, unless certificate states "any driver".
- 3.3.9 The licence, if granted, will be in force until the following 30 September and thereafter, will be subject to reapplication in respect of each licensing period from 1 October to 30 September, or such lesser period as the Council, in exceptional circumstances, may decide. A licence fee is payable at the rate as in force at the time.

3.3.10 Tinted windows are allowed if fitted by the manufacturer and is subject to approval by the Council. For safety reasons, it must be possible to observe the driver and passengers from outside the vehicle.

3.4 BYE LAWS RELATING TO HACKNEY CARRIAGE VEHICLES

- 3.4.1 The plate issued by the Council must be securely attached and all details thereon must be legible and clearly visible to the outside rear of the vehicle.
- 3.4.2 The floor of the vehicle must be provided with a suitable covering.
- 3.4.3 The seats must be properly cushioned or covered and secure.
- 3.4.4 The fittings and furniture generally must be in a clean condition, well maintained and in every way fit for public service.
- 3.4.5 An efficient fire extinguisher must be provided which shall be carried in such a position as to be readily available for use. Such appliances must be independently certified that they are manufactured to meet the requirements of BS EN31996. (This number will be below the 'kite' mark). The date of manufacture must be on the collar and the appliance expires after five years.
- 3.4.6 A Taximeter shall be fitted with a device indicating "For Hire" :
- (a) 'For Hire' to be exhibited on each side of the flag and shall be capable of being locked in position so that the words are horizontal and legible;
 - (b) When so locked, the machinery shall not be in action and shall be brought into action by moving the flag so that the words are not conveniently legible;
 - (c) When the flag is locked, the fare shall be recorded on the face of the taximeter.
- If not fitted with a device indicating "For Hire";
- (a) A key or other device shall be fitted to bring the taximeter into action and cause the word 'hire' to appear on the face of the taximeter;
 - (b) Such key must be capable of being locked so that the machinery is not in action and no fare is recorded on the face of the taximeter.
- 3.4.7 When the taximeter is in action, it shall be capable of recording the fare which may be demanded.
- 3.4.8 The word 'Fare' shall be clearly printed on the face of the taximeter.
- 3.4.9 The taximeter shall be clearly visible to any person conveyed in the vehicle and shall be capable of being illuminated.
- 3.4.10 All fittings on the taximeter shall be sealed.
- 3.4.11 A statement of fares and charge shall be exhibited inside the vehicle so as to be plainly visible to any passenger.

3.5 PRIVATE HIRE VEHICLES – CONDITIONS

- 3.5.1 The vehicle must be of suitable in type, size and design for use as a Private Hire vehicle.
- 3.5.2 The vehicle must have at least two doors for the use of persons conveyed in such vehicles and a separate means of ingress and egress for the driver. Any vehicle that is capable of carrying more than four passengers must have at least two side doors in the rear passenger compartment. If this type of vehicle has a rear door, be it hinged at the top or at the side, it is only to be used for the ingress or egress of wheelchairs or for emergencies, not for other passengers general use.
- 3.5.3 Only those vehicles with a capacity of less than nine passengers can be considered for licensing.
- 3.5.4 The vehicle must be capable of carrying the number of passengers, (not less than four), as specified in the licence granted by the Council. In deciding such number, consideration is taken into the width of each seat so as to allow forty one centimetres (16 inches) per passenger along the widest part of the passenger seat. Babies and children are each classed as one passenger for the calculation of the number of passengers being carried.
- 3.5.5 The proprietor will be required to produce proof that the vehicle will at all times be adequately insured, to the satisfaction of the Council, for the carrying of fare paying passengers.
- 3.5.6 The vehicle must provide sufficient means by which any person in the vehicle may communicate with the driver.
- 3.5.7 The roof or covering must kept watertight.
- 3.5.8 The vehicle must have the necessary windows and the means of opening and closing not less than one window on each side.
- 3.5.9 The vehicle must be provided with a proper carpet, mat or other suitable covering.
- 3.5.10 The seats must at all times be properly cushioned or covered.
- 3.5.11 The vehicle's fittings and furniture generally must be kept in a clean condition, well maintained and in every way fit for public service.
- 3.5.12 There must be the means of securing luggage if the vehicle is so constructed as to carry luggage.
- 3.5.13 There must be provided an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.
- 3.5.14 The Private Hire licence plate issued by the Council, bearing the number of the licence granted to the proprietor, shall be displayed on the outside rear of the vehicle.
- 3.5.15 In no circumstances is a Private Hire vehicle allowed to have a roof sign or any means by which it could be construed as a Hackney Carriage.
- 3.5.16 Tinted windows are allowed if fitted by the manufacturer and is subject to approval by the Council. For safety reasons, it must be possible to observe the driver and passengers from outside the vehicle.

3.6 LICENCES ISSUED BY THE LOCAL AUTHORITY OTHER THAN THE HACKNEY CARRIAGE DEPARTMENT

- 3.6.1 As with Hackney Carriage licensing, Local authorities have the statutory obligation to licence, control and enforce many aspects of the operation of many businesses. It is for the protection of the general public that we as Local Authorities are empowered to ensure that businesses are operating safely and legally.

3.7 HACKNEY CARRIAGE ADDITIONAL PLATE ALLOCATION

- 3.7.1 The arrangement for the issue of extra Hackney Carriage plates was proposed and agreed at Environmental Services Committee on 5 June 1995 that four additional plates be issued annually and that these vehicles would be of the FX4 (London Cab) type vehicles.
- 3.7.2 Investigations were then made and it became apparent that vehicles other than FX4 type, could be wheelchair accessible and that these vehicles would be as worthy of licensing under the arrangement for extra plates.
- 3.7.3 The realisation that other vehicles must be considered made it necessary for a report to be brought to the Environmental Services Committee.
- 3.7.4 On 12 November 1997 the Committee agreed that any vehicle that complies with the latest informal Disability Discrimination Act Consultation Document would be acceptable as a vehicle that could be licensed as a Hackney Carriage with one of the extra plates. This gives suggested dimensions and standards for wheelchair accessible vehicles.
- 3.7.5 The Committee decided that four extra plates could be issued each year, as before and that certain conditions would have to be met. These were as follows:
- a The vehicle must have the ability to admit a wheelchair and make it secure within the vehicle whilst travelling and
 - b that the wheelchair user must also be able to transfer to a seat, if required.
- 3.7.6 “Applications are only considered from persons on the waiting list and such applications will be assessed in accordance with the following priorities namely to those:-
- who have held Hackney Carriage and/or Private Hire Drivers licences issued by the Council the longest;
 - who do not or have not held a Hackney Carriage Vehicle Licence;
 - who reside in Stevenage or within a radius of 8 miles of the Borough of Stevenage; and who are employed full time in the Hackney Carriage/Private Hire trade in Stevenage.
- Minutes of Environmental Services Committee Meeting – 12 November 1997.
- 3.7.7 An unmet demand survey was carried out in late 2002, the results of which were presented in April 2003. It indicated that there was no unmet demand. And that the mix of type of vehicle was good. Due to Central Government pressure Local Authorities are being advised to remove number limitations and towards this end ten additional plates will be offered during 2005, unless otherwise decided.

3.8 HIRE VEHICLES NOT REQUIRING LOCAL AUTHORITY LICENSING

3.8.1 Certain hire vehicles used for business are not required to be licensed by the Local Authority. These are:

- (i) Vehicles used exclusively for Weddings and Funerals.
- (ii) Vehicles used for carrying passengers for hire and reward under a contact for hire of the vehicle for a period of not less than seven days. There must be specified a particular vehicle, a defined period and a specified notice period of termination.
- (iii) Vehicles with a passenger capacity of more than eight.

3.8.2 All other vehicles used for Public or Private Hire must be licensed.

3.9 TAXIMETERS

- 3.9.1 Taximeters fitted to Hackney Carriages are under our strict control and must, under our enforcement duties, be checked randomly, regularly and thoroughly. Those taximeters fitted to Private Hire vehicles must be set at rates no higher than those on SBC Hackney Carriages. We have the right in law to check Private Hire taximeters although most fares charged by Private Hires are agreed by the Private Hire operator.
- 3.9.2 Any change to the tariff is published by SBC in the local press but it is the Hackney Carriage proprietor's responsibility to fit and have a taximeter calibrated correctly. He is also responsible for the taximeter being accurate at all times. If companies intend to set their taximeters below the maximum that SBC designates, they must have permission in writing from the Licensing Department to do so.
- 3.9.3 All taximeters on Hackney Carriages are required to be sealed and random checks for their accuracy carried out as part of the enforcement schedule. These are normally vehicles that are on the rank and the check carried out as part of a random vehicle check (see 3.11).
- 3.9.4 Any long journeys carried out by a Hackney Carriage cannot be charged at a rate greater than that which is set by the taximeter.
- 3.9.5 All Hackney Carriage proprietors must adhere to the above subsections.

3.10 TOWING OF TRAILERS

- 3.10.1 No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such has been produced to an Authorised Officer for inspection.
- 3.10.2 A vehicle licence plate must be clearly displayed on the rear of the trailer, this sign being in addition to that on the rear of the vehicle.
- 3.10.3 The contents of such a trailer must be secured and covered in a proper manner.

3.11 RANDOM INSPECTIONS

- 3.11.1 The aim of random inspections on both Hackney Carriage and Private Hire vehicles is to check that licensed vehicles are being properly maintained and kept in a condition so they are fit for the purpose of being a licensed vehicle. Although this can never guarantee that all vehicles are fully fit for use at all times, it is essential that checks are made as often as practicable. It is also essential that full details are kept of the random inspections.
- 3.11.2 Hackney Carriages can be inspected by visiting taxi ranks and each vehicle in turn given an inspection for general condition inside and out. This check should also cover the vehicle licensing conditions e.g. Tariff card, plate security.
- 3.11.3 In order to inspect Private Hire vehicles it will be necessary to find them around the town in areas where they park up or at their base stations. They can also be found in Tesco's car park and Asda car park. This will not cover all Private Hire vehicles but another method as noted below does help (at 3.11.5), but is not possible very often.
- 3.11.4 Whilst the above are being carried out, a demand can be made to have all documents brought in for inspection. This is an opportunity to inspect vehicle insurance certificates to ensure they are current and adequate. Insurances should be checked randomly and frequently.
- 3.11.5 The help of other agencies including the Police and DHSS can be sought and a large operation can be made by having the Police bring in any licensed vehicles they see and have them inspected at the London Road depot. This does bring to light vehicles which are not up to standard. They can be mechanically tested, documents can be inspected within a time period, and DHSS can check as to whether drivers are illegally collecting benefit. Naturally all items on the licensing conditions list can be checked by an enforcement officer at the same time.
- 3.11.6 All the above checks are carried out in addition to the annual checks carried out in March and September and at times when licensed vehicles are changed by proprietors.

3.12 ADVERTISING

- 3.12.1 There is no advertising allowed on any part of a Private Hire vehicle. The only exception is the notice on the front side doors which indicates that the vehicle can only be used on a 'pre-booked' basis. The company name is allowed and a contact telephone number.
- 3.12.2 Hackney Carriages are allowed to advertise on the side doors and on the rear of the vehicle providing that the advertisement is not of a controversial nature and does not cause embarrassment to the general public. If there is any doubt as to its suitability, the design and content should be referred to the Licensing Officer for approval. If the applicant is aggrieved by the decision, he can appeal (see 3.16).
- 3.12.3 Complete vehicle coverage is not allowed under any circumstances.
- 3.12.4 Any proprietor not adhering to these guidelines, can have his licence suspended until such time that he removes the inappropriate advertising.

3.13 ASSISTANCE DOGS

- 3.13.1 As from 31 March 2001 licensed Hackney Carriage drivers are under a duty to carry, free of charge, guide, hearing and certain other assistance dogs in their vehicles. This is part of the Disability Discrimination Act 1995. No charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog.
- 3.13.2 If any driver feels he has a medical condition that exempts him from the above, they must obtain a medical certificate from a registered medical practitioner. Any payment required for such a certificate must be made by the driver. If SBC think it is appropriate, a second opinion from a medical practitioner nominated by us is sought. If the exemption is approved by SBC, the driver must carry a Notice of Exemption card clearly visible from the outside of the vehicle. The exemption card is obtainable from the Licensing Office. They must also be issued with a form of certification to confirm the exemption.

3.14 DUAL PLATING

3.14.1 No vehicle will be granted a licence if it is already licensed in another district. Licensed vehicles in each district are controlled by different licensing conditions.

3.14.2 The condition in 3.14.1 (above) is necessary as enforcement problems would become evident should a suspension or revocation be necessary. Over charging due to different taximeter rates would no doubt be a problem.

3.15 COMPLAINTS

- 3.15.1 If a complaint is received from anyone about a licensed driver, vehicle or operator, it must be made clear to the complainant that it will not be entertained unless it is formally made in writing. Each and every written complaint must be investigated.
- 3.15.2 Once the complaint is received, investigations are made to ascertain the identity of both the complainant and the person being accused. Both should be invited in separately and statements taken under caution if necessary. Once the case has been studied, it may be that a panel is called and a decision made by them. If the officers can agree on action (or inaction) taken agreeable to both sides, then this should be done. Legal action can be sought if this is deemed necessary.
- 3.15.3 No complaints can be ignored and no complaint case dropped until both sides are satisfied with the outcome. This can be difficult and advice should be sought as and when necessary.

3.16 HACKNEY CARRIAGE VEHICLES AND PRIVATE HIRE VEHICLES – PANELS, COMMITTEES AND APPEALS

- 3.16.1 Panels are set up to enable members of a committee to decide whether a licence can be issued in exceptional circumstances. It must be clear that all decisions made by Local Authorities are open to challenge.
- 3.16.2 It is very unlikely that a panel would need to be called to decide on whether a vehicle can be licensed as vehicles tend to be passed or failed during a mechanical or visual inspection and an authorised officer can make the decision as to whether or not a vehicle should be licensed. If that decision cannot be made then a panel needs to decide. If the licensing officer refuses to licence a vehicle, an appeal can be made to a panel by the applicant.
- 3.16.3 Panels are organised by the Committee Section, and it must be made clear that the applicant, if he so wishes, can lodge an appeal against a panel decision at the Magistrates Court within a period of twenty one days.
- 3.16.4 Appeals can be made against:
- i) Vehicle conditions of use
 - ii) Revocation or suspension of a licence
 - iii) Refusal to grant or renew a licence
 - iv) Refusal to allow advertising on vehicles
 - v) Any or all conditions as laid down by SBC

3.17 TAXI RANKS

3.17.1 Taxi ranks are for the express use of Hackney Carriage vehicles. Private Hire vehicles are not allowed to wait in or stand near ranks. Hackney Carriage vehicles plying for hire within the boundary of the ranks must be immediately available for hire, the driver being inside the vehicle.

3.17.2 There are at present (February 2001) five ranks within the Borough namely:

- (i) Swingate (Town Centre)
- (ii) Railway Station (Railtrack)
- (iii) Coreys Mill Lane (Lister Hospital)
- (iv) Danestrete (Adj The Plaza)
- (v) Old Town High Street (At March 2005 at planning stage)

3.17.3 The number of Hackney Carriages waiting at any rank must only be the number able to be standing within the designated area.

3.17.4 The ranks are not to be used by drivers of Hackney Carriages as a parking area. Any driver not adhering to 3.17.1 above, will be committing an offence.

3.18 PERSONAL CHANGES – NOTIFICATION

- 3.18.1 The proprietor of a licensed vehicle must inform the Council any changes in personal details. This would be changed of name, address, where the vehicle is normally garaged and if the proprietor changes operator.
- 3.18.2 Any of the above changes should be submitted in writing to the Hackney Carriage office prior to the change if possible but in any case not more than seven days after.

3.19 VEHICLE ACCIDENT OR DAMAGE – NOTIFICATION

- 3.19.1 Any accident to a licensed vehicle which causes damage to the vehicle must be reported to the Hackney Carriage office within 72 hours of the accident.
- 3.19.2 Dependant on the type and severity of the damage, the officer responsible may suspend the licence until the repair or rectification is complete.
- 3.19.3 If necessary, a test at the SBC Depot may be carried out to ensure that the vehicle is in a proper condition for service before a suspension is lifted.

3.20 CHANGE OF VEHICLE OWNERSHIP – NOTIFICATION

3.20.1 If a proprietor transfers his interest in a licensed vehicle to someone else, he must give notice of the transfer in writing prior to the transfer.

3.20.2 The notification may be hand written but must have the signature of both parties. The following details must be submitted:

- (i) Names and addresses of both parties
- (ii) Details of the vehicle including the plate number
- (iii) Date of Transfer

3.20.3 The vehicle can not be used as a licensed vehicle by the new proprietor until all documentation has been seen and issued. No fee is payable.

3.20.4 If notification of the transfer is not received by SBC within fourteen days of the change, an offence will have been committed.

3.21 REPLACEMENT OF VEHICLES

- 3.21.1 If a vehicle is replaced, be it a Hackney Carriage or Private Hire, the procedure is very similar to a vehicle being licensed initially. (See 3.2)
- 3.21.2 An application form must be completed, the vehicle successfully tested at London Road depot (MOT Station), the insurance certificate presented and checked for validity, the Registration document produced to check date of registration, and an MOT Certificate produced, if older than one year. A new plate is made up by SBC, ready for issue.
- 3.21.3 Once all the necessary paperwork is completed, the fee is paid and the licence and plate and receipt given to the applicant. All necessary changes are made to the records on Lalpac.

3.22 DISABILITY DISCRIMINATION ACT 1995

3.22.1 Under Section 32 of the above Act the Secretary of State has the power to make regulations so that it is possible for a disabled person to get into and out of taxis in safety, to be carried in safety and in reasonable comfort. This is not, at this time, applicable to Private Hire vehicles.

This covers those disabled persons who are wheelchair bound, occasional wheelchair users and those who do not use wheelchairs.

3.22.2 The regulations will set out specifications for the size of the vehicles, floor areas, and door openings; and once the legislation is implemented then we can not licence a Hackney Carriage unless the vehicle conforms with the regulations.

3.22.3 Exemptions can be sought but only by a District or a driver. As SBC has no arguable reason to acquire an Exemption Certificate, no Certificate has been sought. As for a driver, it would be up to the individual to pursue this on medical grounds and we could grant a Certificate in exceptional circumstances.

3.22.4 As stated in Section 3.13, no driver can refuse to carry an Assistance Dog unless medically exempt and no charge can be made for carrying such a dog.

3.22.5 As of March 2005, there is a delay in implementing the Act due to each consultation process. The last communication from the Government was a Consultation document giving suggested dimensions and types of vehicles. SBC is attempting to be proactive by setting conditions on any extra Hackney Carriage plates issued. These conditions state that these particular vehicles be wheelchair accessible.

4.1 DRIVER LICENCES ISSUED BY THE HACKNEY CARRIAGE OFFICE

Under the Local Government (Miscellaneous Provisions) Act 1976 the Council is required to license and monitor the activities of the Hackney Carriage and Private Hire Trades as an integral part of the local public transport network.

4.1.1 HACKNEY CARRIAGE DRIVERS

Licensed Hackney Carriage drivers are not licensed to drive Private Hire vehicles. Conversely, only those drivers licensed to drive Hackney Carriages are allowed to drive Hackney Carriages.

4.1.2 PRIVATE HIRE DRIVERS

Licensed Private Hire drivers are not licensed to drive Hackney Carriages. Conversely, only those drivers licensed as Private Hire are allowed to drive Private Hire vehicles.

4.2 DRIVER LICENSING PROCEDURE

4.2.1 DRIVER – NEW APPLICANT

Once the knowledge is past a person who wishes to become a licensed driver, must be issued with the following:

- a A Stevenage Borough Council policy statement
- b Conditions from the Local Government (Miscellaneous Provisions) Act 1976
- c Medical form (Appendix I)
- d Information Sheet on the Rehabilitation of Offenders Act 1974 (Appendix J)
- e Mandate to make enquiry to DVLA on Driving Licence information (Appendix R)

and for Hackney Carriage

A Hackney Carriage Driver application form (Appendix L)

or, for Private Hire

A Private Hire Driver application form (Appendix M)

The applicant must initially complete a Criminal Records Bureau Vetting Form and the DVLA enquiry form. These are duly checked and sent to the appropriate authority. The Vetting Form must be signed by an authorised officer. As of March 2005, there are three, Terry Smith, Chris Bidwell and Sara Baker. Once returned they are checked and if any discrepancy is apparent, further investigation will be required.

If the CRB Disclosure information from the Police national computer shows any convictions that are not spent (See Appendix X) the applicant may have to face a Panel (see Section 4.9). If the DVLA check shows a problem then further investigation will be necessary.

The above follows the sitting of a Knowledge Test (see Section 4.3). Once procedures are complete, the licence can be issued following the procedure below.

- (i) the applicant must submit a fully completed application form and a medical form
- (ii) the applicant must submit his ordinary driving licence and a positive form of identification
- (iii) two photographs are to be supplied and a badge made with one of them
- (iv) the appropriate fee is paid
- (v) The licence is completed and issued to the applicant together with the licence badge and white copy of the receipt. The licence must be signed by an “authorised officer”.
- (vi) The receipt number and licence number is entered on the application form and the application form is filed
- (vii) The appropriate details are entered on the Lalpac database.

4.2.2 LICENSED DRIVER – RENEWAL

When a licensed driver requires to renew a Hackney Carriage or Private Hire licence the following procedure is required:

- a A driver application form for the appropriate type of vehicle to be driven must be completed (Appendix A or B). When any application form is given, it must be accompanied by the appropriate set of conditions.
- b The applicant's driving licence must be inspected to ensure that it is not endorsed by more than three penalty points. If this is the case, then the applicant should face a Hackney Carriage panel for a decision to be made, unless otherwise decided by the Principal Licensing Officer. (See Section 4.9)
- c The old badge must be returned to the office for destruction
- d A receipt must be completed and the standard routine for payment carried out
- e If the applicant is age 60 or over when the licence period is due to start, a medical form must be completed (Appendix I)
- f Two photographs must be supplied by the applicant. One is kept on file in the office and the other is used to produce the badge
- g The badge can be issued together with a completed licence form and a receipt issued (White Copy) (See Appendices G, W and X). The licence must be signed by an 'authorised officer'.
- h The badge number and receipt number must be entered on the application form. The application form and the pink receipt must then be filed
- i The appropriate data is entered on the Lalpac database.

4.3 DRIVER KNOWLEDGE TESTS

- 4.3.1 In order that all Hackney Carriage and Private Hire drivers have a minimum topographical knowledge of Stevenage, a knowledge test is set for each new applicant and for each applicant whose previous licence has lapsed for a period of twelve months or more.
- 4.3.2 The tests are carried out monthly or more often if deemed necessary, and carried out in a classroom situation. All are written tests and no allowance is made for those unable to write and/or read standard English.
- 4.3.3 The maximum time allowed is one hour but applicants may leave the room after half an hour. If for any reason the applicant leaves the room, return is prohibited.
- 4.3.4 Ideally, the papers are marked by two people (second person randomly), to ensure there is consistency and the pass mark is 70% overall. A letter is sent to each applicant within a week, giving the result. The applicant may retake the test at the next sitting if he/she failed to reach the pass mark overall.
- 4.3.5 On the first occasion and subsequent tests, a fee, current at the time, is to be paid. A receipt (white) is given to the applicant and the pink copy correctly filed. Once this has been done the applicant will be allowed to take the test or re-test (see Appendix G).

4.4 HACKNEY CARRIAGE DRIVERS – CONDITIONS

- 4.4.1 The applicant must be 18 years of age or over, and held a current driving licence (not being a provisional licence) to drive a car for a least 12 months prior to the date of application. This does not have to be continuous, but it may be necessary for the applicant to face a panel if there is an anomaly (see Section 4.9).
- 4.4.2 The applicant must submit a fully completed application form accompanied by a Medical Certificate completed by a registered medical practitioner; this is imperative for a new licence and required if over 60 years of age for renewals.
- 4.4.3 The applicant, when applying for the first time, will be required to sit a written test to satisfy the Council as to his/her knowledge of Stevenage; it is also a requisite that the applicant has an understanding of written and spoken English.
- 4.4.4 The applicant, when applying for the first time, will be required to submit the name and address of his/her last employers from whom the Council may seek a reference. (In practice, this is rarely done. On rare occasions it may be deemed to be advisable). A Criminal Records Bureau Disclosure Application Form must be completed and a return obtained to ensure that the applicant is fit and proper before, the licence is granted. A DVLA application form must also be completed, to ensure that the applicant's driving licence's history is satisfactory.
- 4.4.5 The licence, if granted, will be in force for one year from issue date and thereafter will be the subject of re-application in respect of each licensing period, or such lesser period as the Council, in exceptional circumstances, may decide.
- 4.4.6 A licence fee, at the rate as at the time in force, will be payable.
- 4.4.7 Drivers, whilst standing at a taxi rank, and whilst carrying passengers, should not smoke, eat or drink.
- 4.4.8 Drivers should be clean and respectably dressed at all times when plying for hire; they should ensure that passengers are properly seated and that all doors are closed prior to moving off.
- 4.4.9 Drivers should provide adequate assistance to elderly or disabled passengers on entering or leaving the vehicle. This also applies to passengers with young children.

4.5 BYE LAWS RELATING TO HACKNEY CARRIAGE DRIVERS

- 4.5.1 The driver of a Hackney Carriage shall not cause or suffer any number upon the plate issued by SBC to be concealed from public view while standing or plying for hire; nor to cause or permit any such marking or figure to become illegible.
- 4.5.2 The 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.
- 4.5.3 The driver 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.
- 4.5.4 If a driver has agreed or has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at such appointed time and place.
- 4.5.5 The driver must proceed by the shortest possible route to any particular destination, subject to any directions given by the hirer.
- 4.5.6 A driver shall not convey or permit to be conveyed any greater number of passengers specified on the plate issued by SBC. The plate must be affixed securely to the rear outside of the vehicle, and in a manner designated by the licensing department.
- 4.5.7 Every driver must when standing, plying or driving for hire, display the licence badge as issued by SBC in a position clearly visible to passengers. No lettering or number is to be illegible or in any way obliterated.
- 4.5.8 The driver must convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading. He must also offer reasonable assistance in removing it to or from the entrance of any place at which he may take up or set down passengers.
- 4.5.9 The driver shall immediately after the termination of any hiring or as soon as practicable thereafter search the vehicle for any property which may have been accidentally left therein. If any property as above is found it should be brought to this office where a receipt will be given. If after a two week period, the item is not claimed, the article should be handed, by an authorised officer, to the Police. Alternatively, the driver can take the article directly the Police Station.

4.6 PRIVATE HIRE DRIVERS – CONDITIONS

- 4.6.1 The applicant must be 18 years of age or over, and held a current driving licence (not being a provisional licence) to drive a car for a least 12 months prior to the date of application. This does not have to be continuous, but it may be necessary for the applicant to face a panel if there is an anomaly (see Section 4.9).
- 4.6.2 The applicant must submit a fully completed application form accompanied by a Medical Certificate completed by a registered medical practitioner; this is imperative for a new licence and required if over 60 years of age for renewals.
- 4.6.3 The applicant, when applying for the first time, will be required to sit a written test to satisfy the Council as to his/her knowledge of Stevenage; it is also a requisite that the applicant has an understanding of written and spoken English.
- 4.6.4 The applicant, when applying for the first time, will be required to submit the name and address of his/her last employers from whom the Council may seek a reference. (In practice, this is rarely done. On rare occasions it may be deemed to be advisable). A Criminal Records Bureau Disclosure Application Form must be completed and a return obtained to ensure that the applicant is fit and proper before, the licence is granted. A DVLA application form must also be completed, so that the applicant's driving licence's history is satisfactory.
- 4.6.5 The licence, if granted, will be in force for one year from issue date and thereafter will be the subject of re-application in respect of each licensing period, or such lesser period as the Council, in exceptional circumstances, may decide.
- 4.6.6 A licence fee, at the rate as at the time in force, will be payable.
- 4.6.7 Drivers should not smoke, eat or drink whilst conveying passengers, except with the agreement of all passengers.
- 4.6.8 Drivers should be clean and respectably dressed at all times. They should ensure that passengers are properly seated and that all doors are closed prior to moving off.
- 4.6.9 Drivers should provide adequate assistance to elderly or disabled passengers on entering or leaving the vehicle. This also applies to passengers with young children.
- 4.6.10 Drivers are required to give their original driver licence to their operator.

4.7 DUAL LICENSING (HACKNEY CARRIAGE AND PRIVATE HIRE)

- 4.7.1 The standard fees for drivers are identical for Hackney Carriage and Private Hire, but it has been recognised that a number of drivers hold both types of licence.
- 4.7.2 To encourage drivers to obtain both types of driver licences, if a Hackney Carriage driver wishes to obtain a Private Hire driver licence he pays a reduced fee for it. It is reciprocal for a licensed Private Hire driver. (The fee payable is at current levels).

4.8 COMPLAINTS (DRIVERS)

- 4.8.1 If a complaint is received from anyone about a licensed driver, it must be made clear to the complainant that it will not be entertained unless it is formally made in writing. Each and every written complaint must be investigated.
- 4.8.2 Once the complaint is received, investigations are made to ascertain the identity of both the complainant and the person being accused. Both should be invited in separately and statements taken under caution, if necessary. The case is studied; if the investigating officers can agree on action (or inaction) to be taken, then this should be done. If investigating officers are unable to make a decision, a panel would need to be called and a decision made by them. Legal advice can be sought, if this is deemed necessary, at any time during the investigation.
- 4.8.3 No complaints can be ignored and no complaint case dropped until a decision is made and appropriate action (or inaction) is taken. This can be difficult and advice should be sought, if necessary.
- 4.8.4 Drivers' licences are able to be suspended or revoked. They can also have details of any complaints noted against their file on 'LALPAC'.
- 4.8.5 Any decision made by the Council against which a driver wishes to appeal, may be done using the usual judicial routes.

4.9 HACKNEY CARRIAGE DRIVERS AND PRIVATE HIRE DRIVERS – PANELS, COMMITTEES AND APPEALS

- 4.9.1 Panels are set up to enable Council Members of a Licensing Committee to decide whether a licence can be issued in exceptional circumstances. It can be convened for any reason at the request of the Licensing Department. It must be clear that all decisions made by Local Authorities are open to appeal.
- 4.9.2 A panel would need to be called upon to decide, among other things, on whether a person is fit and proper to hold a licence. This would be necessary when a Licensing Officer or other authorised officer does not have the authority to issue a licence due to a doubt as to whether the applicant is fit and proper to hold such a licence. Any other decisions that can't be made by a Licensing Officer, would be referred to the Panel. In the example of an applicant not being fit and proper, any licence in force at the time will remain in force during a period allowed for an appeal.
- 4.9.3 Panels are organised by the Committee Section, and it must be made clear that the applicant, if he so wishes, can lodge an appeal against a panel decision at the Magistrates Court within a period of twenty one days.
- 4.9.4 Reports to a Committee are required when discussions are necessary in order to consider changes to policy recommended by Officers. These recommendations will then be agreed, amended or not agreed.
- 4.9.5 Appeals can be made against:
- Revocation or suspension of a licence
 - Refusal to grant or renew a licence
 - Conditions required to obtain a licence
 - Other Conditions
- 4.9.6 Anyone may appeal against the revocation, suspension or refusal to grant a licence, or any condition attached to the grant of a licence. Such an appeal must be made within 21 days of receiving information from the Council. No revocation or suspension of a licence can take place until the period of appeal has elapsed.

4.10 PERSONAL CHANGES – NOTIFICATION

- 4.10.1 Licensed drivers must inform the Council of any changes in personal details. This would be change of name, address, telephone number, vehicle proprietor, physical disability or major illness.
- 4.10.2 Any of the above changes must be submitted in writing to the Hackney Carriage office within seven days of the change.
- 4.10.3 If any driver is convicted of any criminal or driving offence the Hackney Carriage office must be informed as soon as possible but in any case within seven days. It is advisable for any driver who faces a Court hearing to contact the Council so that the office is aware of any impending convictions.

4.11 PERSONAL APPEARANCE

- 4.11.1 The driver should be clean and tidy in appearance, and dressed in a manner so as not to cause embarrassment to members of the public.
- 4.11.2 The driver should wear long or short sleeve shirts, and/or in the case of female drivers, blouses.
- 4.11.3 The driver should not wear swimming costumes, sleeveless vests or shorts that are unsuitable.

5. LICENSING OF OPERATORS

5.1 LICENCES ISSUED BY THE HACKNEY CARRIAGE DEPARTMENT (OPERATORS)

5.1.1 Private Hire Operators require to be licensed under the Local Government (Miscellaneous Provisions) Act 1976. The Act defines 'operate' as "...in the course of business to make provision for invitation or acceptance of bookings for a private hire vehicle". This does not mean that Hackney Carriages cannot be used for pre-booked journeys.

5.1.2 It is an offence for anyone who, during the course of a business, accepts pre-booked hirings to not hold an operator's licence.

5.1.3 Operators need to be fit and proper persons, via a CRB Disclosure done by SBC.

5.2 OPERATOR LICENSING PROCEDURE

5.2.1 OPERATOR – NEW APPLICANT

When an enquiry is received from a person who wishes to become a licensed operator, they must be issued with the following:

Operator Conditions (Section 5.3)
Operator Application Form (see Appendix Z)

The applicant must initially complete a Criminal Records Bureau Disclosure application form which will be used to obtain criminal records and ascertain whether an applicant is fit and proper. Two forms of ID are required to be shown. The Vetting Form is sent to the appropriate authority. Once returned it is checked and if any offences are cause for concern, further investigation will be required.

If the information from the Police national computer shows any convictions that are not spent (see Appendix J) the applicant may have to face a Panel (see Section 4.9).

It is advisable at this stage to visit the proposed office site to check its suitability. A residential house is acceptable providing that no upheld complaints are received from local residents.

The applicant must submit a fully completed application form. The appropriate fee is paid.

The licence is completed and issued to the applicant together with the white copy of the receipt. The pink copy of the receipt must be filed. The receipt number and licence number is entered on the application form and the application form is filed. All information is entered on to 'LALPAC'.

5.2.2 LICENSED OPERATOR – RENEWAL

When a licensed operator requires to renew an Operator licence the following procedure is required:

The applicant must submit a fully completed application form. If, once checked, all sections are satisfactory, the appropriate licence fee is paid. The licence is completed and issued to the applicant together with the white copy of the receipt. The pink copy of the receipt must be filed.

The receipt and licence numbers are entered on the application form and the application form is filed. All information is entered on to 'LALPAC'.

5.2.3 Licensed operators require to submit a Police Vetting form once every three years.

5.3 PRIVATE HIRE OPERATORS – CONDITIONS

5.3.2 Applications must be made on the Council's official form.

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

- (i) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- (ii) any conduct on the part of the operator which appears to the Council to render him unfit to hold an operator's licence
- (iii) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was originally granted
- (iv) or any other reasonable cause.

5.3.3 A licence fee, at the rate as in force at the time, will be payable.

5.3.4 The licensee must keep a detailed and complete record of all bookings (see Section 5.6).

5.3.5 The licensee must keep all particulars of all Private Hire vehicles and drivers operated by him (see Section 5.6).

5.3.6 The licensee shall produce any of the above records on request to any authorised officer of the Council for inspection.

5.3.7 The Licensee shall not invite or accept bookings for any vehicle which has not been licensed by the Council.

5.3.8 The Licensee shall not employ, directly or indirectly, any driver to drive any Private Hire vehicle unless the driver holds a Private Hire driver's licence issued by the Council.

5.3.9 The Licensee shall ensure that any vehicle operated by him is not in contravention of the Conditions laid down by the Council (see Section 3.5).

5.3.10 The licensee must hold the licences of all drivers and vehicles as issued by the Council, and ensure that all vehicles and drivers are licensed at all times whilst under the licensee's operation.

5.4 COMPLAINTS (OPERATORS)

- 5.4.1 If a complaint is received from anyone about a licensed operator it must be made clear to the complainant that it will not be entertained unless it is formally made in writing. Each and every written complaint must be investigated.
- 5.4.2 Once the complaint is received, it may be a matter that the licensing department has no control over, and we must be careful that we are not used as an arbitration service. If there is a question of conditions not being adhered to, we must act, once all the facts are known. In this case both the complainant and the operator should be invited in separately and statements taken under caution. Once the case has been studied, it may be that a panel is called and a decision made by them. If the officers can agree on action (or inaction) taken, agreeable to both sides, then this should be done. Legal action can be sought if this is deemed necessary.
- 5.4.3 No complaints can be ignored and no complaint case dropped until a satisfactory outcome is accomplished. This can be difficult and advice should be sought if necessary. At all times our intended action should be reasonable.

5.5 PRIVATE HIRE OPERATORS – PANELS, COMMITTEES AND APPEALS

- 5.5.1 Panels are set up to enable Council Members of a Licensing Committee to decide whether a licence can be issued in exceptional circumstances. It must be clear that all decisions made by Local Authorities are open to appeal.
- 5.5.2 A panel would need to be called upon to decide, among other things, on whether a person is fit and proper to hold an operator's licence. This would be necessary when a Licensing Officer or other authorised officer does not have the authority to issue a licence due to a doubt as to whether the applicant is fit and proper to hold such a licence. Any other decisions that can't be made by a Licensing Officer, would be referred to the Panel. In the example of an applicant not being fit and proper, any licence in force at the time will remain in force during a period allowed for an appeal to be heard, this appeal must be lodged within the time allocated, (See 5.5.3).
- 5.5.3 Panels are organised by the Committee Section, and it must be made clear that the applicant, if he so wishes, can lodge an appeal against a panel decision at the Magistrates Court within a period of twenty one days.

5.6 RECORD KEEPING (OPERATORS)

- 5.6.1 Every operator must keep a record and enter before the commencement of each journey, the particulars of every booking of a Private Hire vehicle invited or accepted. This record may be inspected at any time by a Council representative providing that the officer inspecting is a certified Enforcement Officer. No notice need be given. The booking details are to be entered as follows:
- (i) The date, time and whether booked from the hirer or another operator
 - (ii) the name and address of the hirer
 - (iii) the date, time and place at which the vehicle is to attend, and destination
 - (iv) all details of vehicle and driver to be used
- 5.6.2 The operator must keep a record of any Private Hire vehicle operated by him and the Council has the authorisation to inspect such a list. The record of vehicles must contain the following details;
- (i) Make and model of the vehicle. The plate number and the maximum number of passengers allowed to be carried
 - (ii) the proprietor's name and address
 - (iii) the date the vehicle was first registered
 - (iv) the date first licensed by the Council as Private Hire
 - (v) the date on which the vehicle was added to the operator's fleet
 - (vi) the date on which the vehicle was withdrawn from the fleet.
- 5.6.3 The operator must keep a record of all licensed drivers engaged to drive Private Hire vehicles operated by him. The record of the drivers must contain the following details:
- (i) Full name, address and date of birth of the driver
 - (ii) Private Hire badge number
 - (iii) date engagement commenced
 - (iv) date engagement terminated
- 5.6.4 The licence issued by the Council must be available for inspection at all times at the designated place of business.

6. ENFORCEMENT

6.1 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

6.1.1 The above Act covers many aspects of Enforcement. The first and most important statement it makes is regarding the action or non-action of drivers, proprietors and operators in relation to authorised Enforcement Officers. In essence it states that any person who:

- (i) wilfully obstructs an authorised officer or
- (ii) fails to comply with any requirement of an authorised officer or
- (iii) fails to give assistance or information

shall be guilty of an offence.

This is very serious and if any driver, proprietor or operator is found guilty, disciplinary action must be taken.

6.1.2 There can be any number of authorised Enforcement Officers. At present (March 2005), there are three in the Department. They hold Authorisation Certificates and Identity Badges. These are signed and authorised by the Head of Environmental Health. They have an expiry date and if the Officer leaves the department, the identity badge and the certificate must be surrendered.

6.2 GENERAL LICENCE CONDITIONS

6.2.1 Vehicles

When vehicles are licensed for the first time or licensed by renewal or replacing an already licensed vehicle, certain documents are required. Apart from having to complete an application form (Appendix A or B), the applicant must produce the registration document to ascertain the vehicle's age; the vehicle's certificate of insurance which is checked for correct usage cover and validated that it is in date; and if the vehicle is more than one year old, a MOT Certificate that is less than six months old.

6.2.2 Drivers

On first application a driver must produce his driving licence and a recognised proof of identity e.g. passport, birth certificate or recent utilities bill. An application form (Appendix L or M) must be completed, as well as a DVLA licence check form (Appendix R). The applicant must also have a medical form (Appendix I) completed by a registered practitioner and personally complete a Criminal Records Bureau Form (Appendix K).

On renewal, the application must complete the application form, and produce his current driving licence. If over sixty years of age a medical form must again be completed.

Once every three years every driver must complete a Criminal Records Bureau Form. This is accomplished by sending out the form to ten drivers every month. It is considered an offence if the form is not duly completed and returned.

6.2.3 Operators

On first application, each operator must complete an application form (Appendix Z) and a Criminal Records Bureau Form (Appendix K).

As with drivers, each operator must have a CRB disclosure check carried out every three years.

6.3 COMPLAINTS (ENFORCEMENT)

- 6.3.1 If a complaint is received from anyone about any enforcement issues it must be made clear to the complainant that it will not be entertained unless it is formally made in writing. Each and every written complaint must be investigated.
- 6.3.2 Once the complaint is received, investigations are made to ascertain if the complaint is valid and if so, then appropriate action must be taken. If a policy change is required then advice must be taken. In any case the complainant must be contacted to ensure that their complaint was/was not valid and the action or otherwise taken.
- 6.3.3 If the complaint is against a licence holder and is considered valid, both parties (or a third if necessary) are required to make statements (under P.A.C.E., if required).
- 6.3.4 Each complaint is taken on its own merit and the decision made as to the action required at the appropriate SBC level of management.
- 6.3.5 An effort must be made to ensure that any witnesses are contacted and statements taken.

6.4 OTHER ENFORCEMENT ISSUES

6.4.1 Enforcement on the trade is done to ensure as much as possible that all rules, laws, conditions and bye laws are adhered to. It is not possible to ensure this all the time. All of the following must be reported officially and a record kept of all enforcement inspections. The enforcement regime can be broken down into various categories.

6.4.2 DOCUMENTATION

6.4.2.1 Vehicle insurance documents are to be checked at the end of the licensing year for full and continuous cover during the year just completed. The introduction of spot checks throughout the year would enable action to be taken against any culprit. A retrospective inspection would not enable a prosecution to be made. Each vehicle over one year old must have a valid MOT. This is checked annually and can be checked at random.

6.4.2.2 Each driver and operator must have a vetting check carried out with the Criminal Records Bureau once every three years.

6.4.2.3 Each operator keeps records of each and every booking taken. These records are kept in a manner agreed by SBC and should be checked at regular intervals to ensure that they are in order and correctly kept.

6.4.3 SITE ENFORCEMENT

6.4.3.1 Random checks are to be made at Taxi ranks. This is to be carried out at irregular intervals as often as practicable. This will be to check Hackney Carriages for general appearance, internally and externally, for vehicle condition (tyres, oil leaks, etc), and for SBC conditions which include roof domes, tariff sheets and licence plates. A checking form is to be used (Appendix N).

6.4.3.2 Random checks can also be carried out in co-ordination with the Police and other agencies. By organising the London Road Depot MOT station, an evening of Police patrol motorcycles collecting a number of licensed vehicles to be checked by other Police Officers, vehicles mechanically tested by MOT inspectors and drivers can be checked by DSS for benefit fraud. All badges, plates etc can be checked and all documents inspected within seven days. This operation has been successfully carried out several times in the last few years.

6.4.3.3 Private Hire vehicles are not allowed to ply for hire so visits to areas of likely offences should be visited on a regular basis. During the day this could be local shopping centres, at night the Old Town and the Leisure Park. Any driver found sitting waiting for a fare or booking, can be construed as plying for hire and an offence will have been committed. If a Private Hire driver says that he is waiting for a booked fare, it can easily be checked by telephoning his operator.

6.4.3.4 The Stevenage Leisure Park night clubs cause some problems because there is a situation that gives rise to offences to be committed. Many potential taxi customers are in the vicinity, the park security and the Police are eager to get the park cleared of those wishing to leave, as soon as possible.

Offences would include Private Hire plying for hire, vehicles licensed outside Stevenage plying for hire, vehicles carrying more passengers than licensed for and vehicles not having the licence plate secure or not displaying a tariff sheet or roof dome not working. If an enforcement officer were to make himself seen, many potential offences would not occur. Once the official presence is removed the offences are likely to continue.

A more pro-active form of enforcement is to surreptitiously take details of drivers illegally plying for hire and to check whether they should have been there by contacting their operators the following or next available morning. A letter of warning can then be sent to the driver. Further enforcement can be carried out and if the offence is repeated, then disciplinary action must be taken.

6.4.4 DEPARTMENT ENFORCEMENT RECORDS

Rank Random Inspections	-	Appendix N
Leisure Park Plying For Hire	-	Appendix O
Major Random Inspections	-	Appendix P
Daytime Suspect Plying For Hire	-	Appendix Q

7. OFFICE RECORD KEEPING

7.1 DATA ON COMPUTER

- 7.1.1 The department has software called 'LALPAC'. This system contains the information on all Drivers, Vehicles and Operators. It has a detailed history of all applications and can be sorted and selected for a large number of listings. Manuals are available and the system is easily learned. The manuals give help numbers, if required.
- 7.1.2 The only other data on file is via MOGO, which is the software that supplies information facilitating the manufacture of plates and badges. This data can be listed and printed.

7.2 HARD COPIES

- 7.2.1 There are several areas of hard copies held within the section. At present original application forms for drivers, vehicles and operators are held and although the legal requirement is for registers to be kept, now that 'LALPAC' is on line, registers can be quickly printed for members of the public to view.
- 7.2.2 The filing cabinets within the section contain hanging files on all drivers, in alphabetical order.
- 7.2.3 On shelving there is all historical data on Drivers Vehicles and Operators which was necessary before the acquisition of 'LALPAC'. Hard copy records go back many years and some are even museum pieces!
- 7.2.4 As far as can be ascertained, records need to be kept for a minimum of three years. Records on 'LALPAC' can be kept indefinitely and so all data will be readily available for many years to come.

7.3 CRIMINAL RECORDS AND DVLA INFORMATION

CRIMINAL RECORDS – CRIMINAL RECORDS BUREAU

- 7.3.1 A check is made on all initial applications for drivers and operators and we receive back a printed history of all offences committed and their related sentences. Appropriate action is taken if there is doubt as to whether the applicant is fit and proper.
- 7.3.2 The above records are kept and locked away with only a limited number of Officers having access. It is recommended that they are destroyed, after 6 months as there are occasions when they need to be referred to.
- 7.3.3 The details, if required, are entered on the record concerned on the Hackney Carriage software 'LALPAC', and kept secure within the file by having a special password for access. This password is held by the Licensing Officer, being the LALPAC administrator.
- 7.3.4 The Criminal Records Bureau form used (Appendix K), must be signed by an authorised officer. At present (March 2005), there are three such officers, Sarah Baker, Chris Bidwell and the Licensing Officer.

DVLA INFORMATION

- 7.3.5 We have an account with DVLA that is used to obtain information on the history of driving licenses that are current and have been held by the applicant. This is used for new driver applicants and those renewing that have driving licenses that arouse suspicion. The applicant completes the form and must be checked for completeness and accuracy (see Appendix R).
- 7.3.6 The details collected are kept on file within the filing cabinet and are entered on the applicant's personal file on 'LALPAC'.

7.4 RECEIPT COPIES

- 7.4.1 When payments are made by applicants by cash or cheque, they must take the appropriate paying in book to the HSBC bank after being filled in by an authorised officer. The book is returned and a receipt form completed. (White copy to applicant, pink within section and blue to the Finance Department).
- 7.4.2 As explained in other sections, the white copy is given to the applicant and the pink copy retained within the section. It is important for auditing requirements that these pink copies are filed carefully and retained for a period as designated by the Internal Audit Department. At no time must money be handled by the officer.
- 7.4.3 Present regulations deem that the pink copy of the form (Appendix G), is retained in the office and kept for a minimum of seven years. It should be noted that each '3 Pack' is sequentially numbered and must be kept in numerical order. If a form has been filled in (even if only partially) and not used, 'Void' should be written across it and all three parts filed properly.
- 7.4.4 If paying by credit or debit card, the facility for payment is via the Customer Service Centre where an assistant will sign a completed receipt form once payment has been made.

8. SUPPLY OF SUNDRY ITEMS

8.1 BADGE MAKING

- 8.1.1 The badge making facility as supplied by the 'MOGO' system is, as of March 2005, in current use.
- 8.1.2 A digital camera will be used for badges and "LALPAC" facilities may be used for supplying photos from its database.
- 8.1.3 The Polaroid camera originally used, is now no longer in the department.

8.2 PLATE MAKING

- 8.2.1 The plate making facility as supplied by the 'MOGO' system is, as of March 2005, in current use.
- 8.2.2 The current number plate markings show the licence number, the vehicle registration number, the expiry date and the maximum of passengers to be carried.
- 8.2.3 Examples of the current Licence Plates are shown in Appendices S and T. Currently. Hackney Carriages are yellow and Private Hire are blue, but these colours will change at each licensing year.
- 8.2.4 If a plate is lost or so damaged or defaced that it has to be replaced, the cost of such replacement will be charged to the proprietor. Before a plate is replaced, the proprietor must assure the Licensing Department that the loss has been reported to the police. To log number issued by the police must be supplied.

8.3 RECEIPT BOOKS

- 8.3.1 All receipts in packs of three, are individually numbered and the control, issue and reprinting is the responsibility of the office that deals with insurance claims. They will issue books to the department and whenever they are collected, a check must be made that numbers are sequential.
- 8.3.2 The storage of unused receipt books held within the section should be kept to a minimum and it is prudent to keep only the book in current use and one spare. At the time of bulk renewals it may be necessary to increase this by one. Bulk renewals are presently carried out at the end of March, June, July and September.
- 8.3.3 Receipts once completed should be kept for a minimum of seven years. Those not required for immediate referral can be stored.

9. TARIFF AND LICENCE FEES

9.1 TARIFF REGULATIONS

- 9.1.1 Each Licensing authority may fix the rates of fares within the District for time and distance. SBC will generally not raise tariffs unless requested by the trade. This also covers charges for passengers carried, percentage increases for special days and other charges. The tariff sheet for Stevenage is supplied at SBC from the Hackney Carriage budget (see Appendix U).
- 9.1.2 The tariff sheet must be carried in all Hackney Carriage vehicles in a position to be clearly seen by passengers. It is printed by SBC and colours change from year to year.
- 9.1.3 The taximeters must be calibrated to the approved tariff and random checks must be made by an authorised officer to check distances and charges. (See 3.9)

9.2 TARIFF CHANGES

- 9.2.1 SBC as a licensing authority has no obligation to change the tariff and usually does not implement any changes under its own volition. The fare paying public must be protected, and the fares and charges must be maintained at a reasonable level.
- 9.2.2 If a request is made by a representative body (Hackney Carriage Drivers' Association or Private Hire Drivers' Association or similar), the request must be considered and calculated. Consideration must be made for inflation, fuel charge increases and how long since the last tariff change. Once an agreed change is decided, the changes can be made with an aim of 1 September as an implementation date. This change will not be made more than once in a 12 month period. It is advisable to initiate any proposed changes during April to ensure that implementation is not delayed.
- 9.2.3 The changes must be advertised in the local press and the Stevenage Herald is currently selected. This is published as a Public Notice. This gives notice that objections to the change be submitted to the Council within fourteen days. If an objection is made and not withdrawn it must be considered and if reasonable, the whole process must begin again.
- 9.2.4 If no objections are made, the trade must be informed of the changes and the start date. Relevant meter change companies must be notified and the tariff cards printed. The tariff cards can be issued immediately prior to the implementation date.
- 9.2.5 See 9.1.3 for random checking of meters.

9.3 LICENCE FEES

- 9.3.1 Under the Local Government (Miscellaneous Provisions) Act 1976 each Authority can only charge fees for that which is required to reasonably cover the cost of providing the Licensing and Enforcement service. This will also cover the cost of providing taxi ranks.
- 9.3.2 The above subsection makes the implication that no profit can be made and that if any extra resources are required to carry out the service or a major expense is to be met (e.g. A Traffic survey), then these expenses can be passed on in the form of increased Licence fees.
- 9.3.3 If any Local Authority uses the income from Licence Fees for purposes other than providing the service, an offence would be committed.
- 9.3.4 Only the alteration to vehicle and operator's fees are required to be advertised but it has been historical practice that if one fee is changed, then others will be and so all the changes will be advertised.
- 9.3.5 As the council bases its fees on the provision of the service no refunds are made except in special circumstances.
- 9.3.6 As of fees that are currently being charged (April 2005 – March 2006), the list (Appendix CC) shows amounts payable for licence fees, if a vehicle is newly licensed during the licensing year.
- 9.3.7

9.3.8 9.4 LICENCE FEE CHANGES

- 9.4.1 Licence fees are reviewed each year in November/December for implementation in April of the following year. Consideration is taken of inflation, when the last change was made and other expenses incurred. It is not essential to increase fees, and historically any increase would follow a previous increase in fares and charges.
- 9.4.2 Once the decision has been made by the appropriate Licensing Manager, a Public Notice is published in the Stevenage Herald and objections to the change invited within twenty eight days. If no changes are made to fees, there is no necessity to advertise. If an objection is made and not withdrawn, a decision must be made whether to amend the change and the latest agreed change advertised once more (see Appendix V). It is advisable to consult trade representatives before publishing in an attempt to avoid delays to implementation.
- 9.4.3 Once the change has been agreed, advertised with no objections, the change is implemented in April with all changes given to the trade (Operators and Associations, etc) as official.

10. APPENDICES