

Dartford Borough Council Hackney Carriage and Private Hire Licensing Policy

1 August 2010 - 31 July 2013

(Amendments adopted on 17/2/2011 & 14/9/2011)

Summary, definitions & interpretation

1. For ease of reference the main proposals contained in this document are to:
 - i. Consider all current policies in the light of available guidance and, so far as is possible and consistent with that document make appropriate and necessary adjustments
 - ii. Revise the specification of licensed vehicles
 - iii. Detail the application procedures for drivers,
 - iv. Implement new requirements for dealing with prospective drivers from outside the United Kingdom and for the checking of criminal records
 - v. Provide information regarding the conduct of licensed drivers for the purpose of maintaining minimum standards
 - vi. Introduce a new 'penalty points' system to deal with breaches of licence conditions etc
 - vii. Detail the controls and conditions related to stretch limousines and other speciality vehicles under licensing control
 - viii. Introduce new formal written policies in respect of:
 - The relevance of criminal convictions
 - Suspension, revocation and refusal to renew licences
 - Enforcement
 - Define the advertising criteria relating to hackney carriages and private hire vehicles
2. Throughout this document:
 - "the Licensing Authority" means The Dartford Borough Council.
 - "Authorised Officer" can be any officer from a regulatory body with delegated powers to stop/search a licensed vehicle.
 - "The Committee" means the body designated by the Licensing Authority to deal with licensing.
 - "Vehicle" or "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle.
 - "Hackney Carriage" means a vehicle licensed under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 to ply for hire throughout the district controlled by the Licensing Authority.
 - "Private Hire Vehicle" means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking.
 - "Private Hire Operator" means a person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake.
 - "Proprietor" means the owner of the licensed vehicle – this may not necessarily be the driver of the vehicle.
 - "The DfT" means the Department for Transport, including previous names under which that department has been known and any successors in title thereto.
 - "The Guidance" means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: The Guidance on the Road Safety Act published in March 2010.

- DVLA means the Driver and Vehicle Licensing Agency.
- “DVLA Driving Licence” means a full original GB driving licence.
- LG(MP)A 1976 means the Local Government (Miscellaneous Provisions) Act 1976
- TPCA 1847 means the Town & Police Clauses Act 1847
- ECMT-IRU means the European Conference of Ministers of Transport and the International Road Transport Union.

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1. Introduction

1.1 Powers and Duties

- 1.1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 (as amended), and the Local Government (Miscellaneous Provisions) Act 1976 (as amended) which places on The Dartford Borough Council (the "Licensing Authority") the duty to carry out the function of licensing the hackney carriage and private hire trade.
- 1.1.2 In undertaking its licensing function, The Licensing Authority will also have regard to other relevant legislation (and any legislation replacing or amending the same or any regulations made there under) including:
- Transport Act 1985;
 - Road Vehicles (Constructions and Use) Regulations 1986;
 - Crime and Disorder Act 1998;
 - Environmental Protection Act 1990;
 - Disability Discrimination Act 1995;
 - Health Act 2006 and Smoke-free Regulations 2006/7;
 - Legislative and Regulatory Reform Act 2006;
 - Road Safety Act 2006;
 - Road Traffic Act;
 - Health & Safety (First Aid) Regulations 1981
 - The Equality Act 2010
- 1.1.3 Authority to approve licence applications set out in this document is delegated to the following staff:
- Enforcement and Regulatory Services Manager
 - Senior Licensing Officer
 - Licensing Officer (Vehicles)

1.2 Background to Policy

- 1.2.1 The Licensing Authority has traditionally exercised the responsibility of licensing hackney carriages and private hire vehicles through a number of different conditions and procedures that have been developed over a number of years.
- 1.2.2 Some of these policies and procedures have, however, now become rather historic and do not adequately assist the trade or the public, or reflect the increased requirements of society today.
- 1.2.3 Guidance has now been issued for the first time by the DfT. It is directed at local authorities in England and Wales who will "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes". There is recognition by the DfT guidance that it is for individual licensing authorities to reach their own decision both on overall policies and on individual licensing matters.
- 1.2.4 In the light of this and in order for the Licensing Authority to maintain a modern, forward

thinking licensing function, a full review of all procedures has been undertaken. The Licensing Authority, in adopting this Hackney Carriage and Private Hire Licensing Policy recognises both the needs of residents for safe, convenient and effective taxi transport while facilitating a sustainable taxi industry and the importance of this provision to the local economy and vibrancy of the Borough.

- 1.2.5 This Hackney Carriage and Private Hire Licensing Policy is also intended to ensure that both the trade and the public have a document that fully explains the licensing procedures in a clear and transparent manner.
- 1.2.6 The Licensing Authority sees the licensing process as an integral part of achieving its strategic and corporate objectives which encompasses the visionary goals of:
 - i. creating a safer Borough in which to live work and socialise;
 - ii. promoting an environment which is attractive, adapted to climate change and which provides a realistic choice of travel options;
 - iii. providing high quality services that reflect public aspirations and demonstrate improvement.

1.3 Objectives

- 1.3.1 Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.
- 1.3.2 In setting out its Policy, The Licensing Authority seeks to promote the following:
 - i. the safety of the public and of licensed drivers;
 - ii. the prevention of crime and disorder and protection of customers and drivers from being the victims of crime;
 - iii. the provision of a professional and respected hackney carriage and private hire trade, by continued partnership working with the trade and also by monitoring and improvement of their required standards of service;
 - iv. vehicle safety and the provision of assistance with public access to an efficient and effective public transport service.
- 1.3.3 The aim of the licensing process in this context is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Licensing Authority’s wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public.
- 1.3.4 In exercising its discretion in carrying out its regulatory functions, the Licensing Authority shall have regard to this Policy and the objectives set out above.
- 1.3.5 This Policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. However, despite the existence of this Policy, each application or enforcement measure shall be considered on its own merits. In certain instances we may conclude that a provision in the Policy is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Policy will be properly reasoned, based on material evidence and documented giving clear and compelling reasons for so doing.
- 1.3.6 The Licensing Authority requires that the current fleet of hackney carriages and private hire

vehicles and drivers set a reasonable standard of appearance and performance and actively seeks to raise these standards. This Policy also emphasises the full range of enforcement options available should they be needed.

1.4 Implementation / Maintenance

- 1.4.1 The Policy was introduced in 2010 with a planned 12 month review. This has now taken place following further consultation with the trade and has resulted in some change to existing policy. The Policy will be formally reviewed at least every three years. It will also be informally re-evaluated from time to time in the context of legislative, social and economic changes, the continued development of the Borough and any relevant representations arising from this.
- 1.4.2 Upon implementation of this Policy, the Licensing Authority expects all licence-holders to comply with its terms immediately. Where an existing licence holder does not meet changed criteria requirements in this Policy but does meet the previous criteria, their case will be looked at and a period of grace to comply with the Policy requirements will be given.

2. Vehicles

2.1 Limitation of Numbers

- 2.1.1 The present legal provisions on quantity restrictions for hackney carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages "if, but only if the Licensing Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet". In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, have to be established that the Licensing Authority had been reasonably satisfied that there was no significant unmet demand.
- 2.1.2 Many licensing authorities do not impose any quantity restrictions on hackney vehicles and the DfT regards this as best practice. Where restrictions are imposed, licensing authorities are urged to regularly reconsider the matter, taking into account whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles. Evidence should be sought as to whether removal of the controls would result in a clear and unambiguous deterioration in the amount or quality of service provision.
- 2.1.3 If the local authority were to take the view that a quantity restriction can be justified in principle, The Guidance advises that the level at which the limit should be set is addressed by means of a survey.
- 2.1.4 Following an unmet demand survey in 2002 the Licensing Authority does not intend to set a limit on the number of hackney carriages which it licences, since no evidence has been provided of any difficulty arising from this stance. The limit of 160 licensed hackney carriages would need to be reached before another survey was considered.
- 2.1.5 No powers exist for licensing authorities to limit the number of private hire vehicles which they licence.

2.1.6 This Policy takes into account the repeal of the private hire contract exemption and the possibility of an increase in the number of private hire vehicles and drivers.

2.2 Vehicle Specifications

2.2.1 Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.

2.2.2 The Guidance suggests that licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account.

2.2.3 The Licensing Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate.

APPENDIX A sets out the minimum standard of vehicle specification that applies in respect of all licensed vehicle applications.

2.3 Accessibility

2.3.1 This section of this Policy also takes into account the 2007 report published by the European Conference of Ministers of Transport and the International Road Transport Union which recognised that it is impossible to provide for 100% of wheelchair users without reducing the operational viability of the vehicle for the taxi operator and other passengers. There will be a small proportion of people who, because of the size of their wheelchair or the nature of their disability are unable to access taxis or indeed other forms of mainstream public transport. They will continue to need specialist door-to-door services.

2.3.2 The Licensing Authority is committed to social inclusion and ensuring a wide range of opportunities are available to disabled residents to enjoy a high quality of life. If different modes of transport are not available, people with disabilities are denied access to life's opportunities. The Licensing Authority considers it important that people with disabilities have access to all forms of public transportation.

2.3.3 The ECMT-IRU recommendations for taxi vehicle accessibility are based on two design levels:

2.3.4 In addition to ensure that all hackney carriage and private hire drivers are able to assist suitable trained

- Type One: Wheelchair Accessible Taxis: accessible vehicles capable of carrying the majority, but not all, passengers who travel in their wheelchair as well as people with other disabilities;
- Type Two: Standard Accessible Taxis: vehicles with features designed to make use by disabled people easier, but which would only be able to carry a wheelchair user who can transfer to a taxi seat;

As such the Licensing Authority requires that all hackney carriages must be Type One wheelchair accessible vehicles.

2.4 Environmental Considerations

- 2.4.1 The Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.
- 2.4.2 It is considered that efforts should be made, through the licensing Policy, to improve, as far as possible, the efficiency of vehicles licensed in the Borough by reducing the levels of CO₂ emitted. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent of supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.
- 2.4.3 Clearly emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.
- 2.4.4 In view of the above details unless more urgent measures are introduced by central government in the meantime, the Licensing Authority will monitor any research published and Government guidelines with a view to specifying vehicle emissions standards and promoting cleaner fuels in respect of licensed taxis during the next review of this Policy.

2.5 Vehicle age and other criteria

- 2.5.1 A universal age limit has not been set across vehicle licensing in recognition of the different accessibility conditions imposed upon hackney carriage vehicles and the additional time needed to recoup the outlay of the vehicle. It is recognised that there are similar problems with the larger family vehicle, all being more expensive than the saloon car therefore requiring longer to recoup the outlay. APPENDIX A sets out the vehicle age criteria for all vehicles and other general criteria to be met.
- 2.5.2 As with all licensed vehicles the age limit criteria is not the only criteria to be used in assessing whether to licence a vehicle or not. It will also be dependent on the physical condition of the vehicle. The vehicle licence may not be renewed if the physical condition of the vehicle is not of a suitable standard, despite being within the age criteria.
- 2.5.3 Hackney carriage and private hire vehicles (including stretch limousines vehicles) are subject to both legislative and locally imposed conditions. These combined conditions can be found in Appendices B, C and D respectively.

2.6 Vehicle Testing, Inspections, Insurance and road tax

- 2.6.1 All vehicles will be required to produce a statutory MOT certificate of not more than 14 days' old by a qualified testing station at the initial licensing stage and every six months thereafter. This includes new vehicles over the age of 6 months.
- 2.6.2 If the Licensing Authority is informed prior to the relevant due date why an MOT cannot be carried out on time, an extension of time may be granted.
- 2.6.3 Failure to present the vehicle and a 6 month MOT certificate for inspection within 21 days of its due date will result in the vehicle licence being suspended automatically.

- 2.6.4 Any vehicle which has not had a 6 month MOT certificate presented to and vehicle inspection by the Licensing Authority will be treated as a new application on renewal. If the vehicle does not meet the age criteria of licensing a new vehicle (as shown in APPENDIX A), it will not be licensed.
- 2.6.5 Proprietors who do not hold a hackney carriage or private hire driver's licence issued by the Licensing Authority must ensure the vehicle is driven by an appropriate licensed driver at all times except during the testing of vehicles for statutory purposes. Statutory purposes relates to MOT testing, fault finding and any necessary associated road testing that is being undertaken by a qualified vehicle mechanic utilising a trade plate that clearly indicates the vehicle is not at that time acting as a licensed vehicle.
- 2.6.6 Vehicles will be subject to periodic, random inspections by authorised officers of the Licensing Authority or other agencies (e.g. VOSA) to ensure the vehicle and/or its taximeter is fit for purpose.
- 2.6.7 Where an authorised officer of the Licensing Authority has reasonable grounds to suspect that the condition of a vehicle poses a danger to either passengers or other members of the public, he/she may serve on the driver/proprietor a vehicle defect notice. In such cases the vehicle licence shall be immediately suspended until such time as the defect(s) have been remedied. The suspension shall not be lifted until it is proved to the authorised officer that the vehicle defect has been corrected.
- 2.6.8 Where an authorised officer is satisfied that a vehicle fails in any respect to meet any specification or condition of licence or the relevant Construction and Use Regulations required by law, they may suspend a vehicle licence for any specified period.
- 2.6.9 Failure to comply with a vehicle defect notice issued by the Licensing Authority within the statutory period of 2 months for compliance will result in the revocation of the vehicle licence as required by Section 68 LG(MP)A 1976.
- 2.6.10 Where the Licensing Authority has reasonable grounds to suspect that the vehicle has defects of a minor or cosmetic nature they may serve the driver/proprietor with a vehicle defect notice and may specify a period of time to allow for these defects to be remedied to their satisfaction.
- 2.6.11 The proprietor/driver of a licensed vehicle shall report to the Licensing Authority as soon as reasonably practicable and in any case within 72 hours of the occurrence of any accident to the licensed vehicle causing damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The Licensing Authority may require the vehicle to be inspected to ensure the vehicle is roadworthy to continue operations. If a vehicle is taken off road for repair, there is an option to temporarily transfer the licence to another vehicle providing the replacement vehicle meets the relevant New Application Vehicle criteria. An administration fee applies. At the discretion of the Licensing Authority an MOT may be required to be presented before the licence is re-instated, dependent on the damage sustained.
- 2.6.12 It is vitally important that the vehicles are covered at all times by the appropriate insurance and that certification is provided to the Licensing Authority to evidence this. Failure to present annual insurance documents within three weeks of its due date will result in suspension of the licence. Proprietors who have monthly insurance policies must present a new cover note/certificate on expiry of the cover note/certificate. Failure to produce the new insurance documents within 7 days will result in suspension of the vehicle licence. Failure to produce insurance documents within six weeks will result in revocation of the licence.
- 2.6.13 A licensed vehicle is always a licensed vehicle and as such is always required to have appropriate insurance cover. If circumstance leads to a vehicle being uninsured, the licence

must be suspended. The length of time that the licence may be suspended will be dependent on the merit of each case but must be agreed with the Licensing Authority prior to the vehicle ceasing to be insured.

2.6.14 All vehicles must comply with the Vehicle Excise & Registration Act 1994 (S29) requirement to have and display an appropriate tax disc for the vehicle class. Failure to have road tax will result in suspension of the licence until the vehicle is taxed or licence surrendered.

2.7 Signage

2.7.1 Within the Borough of Dartford, both hackney carriages and private hire vehicles are required to display licence plates externally on the rear of the vehicle. Hackney plates are white and green and private hire are white and yellow. This is a key feature in helping to identify vehicles that are properly licensed. The plate details The Dartford Borough Council as the Licensing Authority, the vehicle make, model, colour and registration mark, the number of passengers the vehicle can carry and the expiry date of the licence.

2.7.2 All hackney carriage vehicles, except those with built-in roof signs should carry illuminated roof-mounted signs indicating that they are a hackney carriage (the use of the word "Taxi" is acceptable to fulfil this requirement). Signage may also incorporate an internal "for hire/hired" illuminated sign that is visible from the nearside of the pavement.

2.7.3 External signs shall be so arranged that it is only illuminated when the vehicle is for hire but that when the machinery of the taximeter is in action the illumination of all signs shall be extinguished. Internal signs should switch from "for hire" to "hired" upon being hired.

2.7.4 Similarly, and in order to differentiate between the two types of licensed vehicle, private hire vehicles are not permitted to carry roof-mounted signs of any kind or display any references to the words 'Taxi' 'Cab' or 'Hackney Carriage' and will ideally contain a reference to the fact that the vehicle can only be pre-booked.

2.7.5 Exceptions may be given for certain types of private hire vehicles not to display a plate (ie Stretch Limousine, Chauffeur driven contracts). However, the plate and letter of exemption must be carried in the vehicle at all times. In the absence of a letter of exemption in the vehicle a plate must be permanently affixed and displayed externally on the rear of the vehicle.

2.8 Advertising

2.8.1 External advertising will be permitted on hackney carriage vehicles subject to prior written approval of the Licensing Authority although advertisements concerning the following subjects will not normally be approved:

- political, ethnic, religious, sexual or controversial subjects;
- escort agencies, gambling establishments or massage parlours;
- nude or semi-nude figures;
- tobacco or alcohol;
- anything considered likely to offend public taste.

2.8.2 The following will apply to Hackney Carriage / Purpose Built Vehicles:

Advertising not subject to prior written approval from the Licensing Authority but subject to the following conditions:

- i. Rear windscreen advertising in the form of transparent 'innervision' type signs not exceeding 20 centimetres in depth are permitted provided no other form of advertising is displayed on the vehicle;
- ii. A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle provided that the screen shall not be within the vision of the driver of the vehicle, one slide must indicate that the advertisements will be switched off at the request of the passenger;
- iii. Interior advertising is permitted on the underside of the drop seats and must not exceed 36cm X 36cm in size;
- iv. Interior advertising on the interior bulkhead panel is permitted and must not exceed 100cm X 10cm;

Advertising subject to prior written approval from the Licensing Authority:

- v. External advertising livery including a full vehicle wrap for one product on the whole sides of the vehicle;
- vi. Exterior advertising is permitted on double doors of purpose built Hackney Carriage Vehicles provided only one advert covers both doors. The advert must not exceed the dimensions of the two door panels and no other form of advertising can be displayed on the exterior of the vehicle.
- vii. External advertising in the form of hub cap display;

2.8.3 The following conditions will apply to Private Hire Cars:

Advertising not subject to prior written approval from the Licensing Authority but subject to the following conditions:

- i. A notice displayed in the front and/or rear windscreens indicating the Operator and/or telephone number, such notice shall consist of lettering not exceeding 50mm in height and to be maintained in the upper portion of the windscreen. Total depth of the notice not to exceed 100mm.
- ii. A notice displayed on the front doors only indicating the Operator and/or telephone number.
- iii. Any sign or advertisement designed to comply with 2.8.3(i) and 2.8.3(ii) above, other than a sign required by the provisions of the Vehicle Excise Act, 1971, shall not include the words, "Hackney Carriage", "Taxi", "Cab" or in any way lead a person to believe that the vehicle is a licensed Hackney Carriage.
- iv. If any sign or advertisement designed to comply with 2.8.3(i) and 2.8.3(ii) above is capable of being illuminated, such sign or advertisement shall only be illuminated when the vehicle is stationary and whilst the driver is waiting for the passenger(s) to be carried in pursuance of a prior arrangement.

2.9 Livery

Some licensing authorities require taxis to conform to particular requirements in terms of livery and markings, in order that they may be easily identified. Such an imposition is not considered appropriate in this council's area. It is felt that the visual distinction between

hackney carriages and private hire vehicles can be achieved by the appropriate signage as detailed above.

2.10 Stretch Limousines

2.10.1 Private Hire Vehicles are licensed under the Local Government (Miscellaneous Provisions) Act 1976 which in general terms allows licensing authorities to licence vehicles which are suitable to be used for private hire and which have 8 or less passenger seats. Historically the Licensing Authority has developed its own set of Private Hire Vehicle Licence conditions, which provide a framework for determining vehicle suitability but these conditions did not cater for the licensing of stretch limousines.

2.10.2 In recent years there has been rapid growth in demand for the hire of stretch limousines which has been largely unlicensed and unregulated in terms of operators, drivers or vehicles being licensed. Some purported to operate under Section 75(1b) of the Local Government (Miscellaneous Provisions) Act 1976, known as 'the contract exemption,' under an operator who arranged the hiring, the driver and the vehicle were exempt from the requirement to be licensed if the vehicle was used for contracts lasting not less than 7 days. Section 53 of the Road Traffic Act 2006 repealed this on 28 January 2008.

2.10.3 This policy details the framework for the licensing of stretch limousines following the DfT Guidance.

2.10.4 For the purpose of this Policy and licence conditions a stretch limousine is defined as follows:

- a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures;
- a motor vehicle that is capable of carrying up to but not exceeding 8 passengers;
- a motor vehicle that is not a decommissioned military or emergency service vehicle.

A complete copy of Private Hire (Stretch Limousine) Vehicle - Licence Conditions is shown at APPENDIX D.

2.10.5 A stretch limousine shall be licensed as a private hire vehicle by the Licensing Authority in accordance with S48 of the Local Government (Miscellaneous Provisions) Act 1976.

2.10.6 All bookings for a stretch limousine licensed as a private hire vehicle by the Licensing Authority must be booked through a private hire operator licensed by the Licensing Authority in accordance with S55 of the Local Government (Miscellaneous Provisions) Act 1976.

2.10.7 In accordance with the Guidance, all applications to licence stretch limousines as private hire vehicles will be treated on their merits. The Licensing Authority strongly recommends that anyone wishing to licence a limousine contacts the Licensing Authority before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards.

2.10.8 Because these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the Licensing Authority's responsibility to ensure safety and suitability, prior to a licence being issued, can be met. Imported stretch limousine type vehicles will:

- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
- be authorised as prestige type private hire vehicles; and

- be approved for licensing as private hire vehicles subject to meeting the specified criteria and additional conditions detailed in APPENDICES A & D.

2.10.9 Stretch limousines which are not offered for private hire or which are used for funeral and weddings only, do not require a licence. (LG(MP)A 1976 S75).

2.11 Funeral Vehicles

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

2.12 Wedding Vehicles

A vehicle does not need to be licensed while it is being used in connection with a wedding. Written certification from the Licensing Authority of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

2.13 Contract Vehicles

“Section 53 of the Road Safety Act 2006 repealed S75 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in January 2008.

S75 (1)(b) provided that nothing in the 1976 Act shall ‘apply to a vehicle used only for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than seven days.’

The repeal of this section on ‘contract exemption’ means that vehicles operating under its provisions such as those vehicles used by companies for school contracts, will require to be licensed as Private Hire Vehicles and consequently the Operators and Drivers of these vehicles will need to be licensed by the local authority.”

2.14 Courtesy Cars

2.14.1 In August 2011 new DfT guidance was released that provides clarity in this area. The DfT considers that most informal courtesy lifts offered by, for example, rental car companies or garages would not fall into the PHV licensing regime. Please contact the Licensing Office if in doubt as to whether the service you wish to provide could fall under the private hire banner.

2.15 Ambulances and Other Patient Transport

2.15.1 The recent DfT guidance also refers to Ambulances and other patient transport providing clarity on the licensing requirement for this type of service. The DfT considers that “genuine ambulances” do not fall within the PHV licensing regime. They also consider that “genuine ambulances” fall into two categories

- Emergency/specialist ambulance vehicles which are likely to accommodate a stretcher and specialist equipment and to require the presence of health care professionals,
- Vehicles which operate as part of a formal Patient Transport Service via contract from a health care provider after assessment has determined the patient needs medical transport and where the vehicle may only be used for this type of contract.

2.15.2 There is a category of vehicle/service which the Operator might describe as an ambulance service which the DfT does not recognise as a genuine ambulance. These vehicles transport patients on an ad-hoc basis but do not fall within the two categories above. If they do not meet the Vehicle Excise & Registration Act 1994; or operate under the auspices of a formal Patient Transport Service, then it is likely that the service will come under the PHV licensing regime.

2.16 Voluntary Sector Transport

2.16.1 The Licensing Authority will assess each individual organisation/individual on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.

2.16.2 The Licensing Authority will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Licensing Authority considers that private hire vehicle licensing is necessary.

2.17 Novelty (Speciality) Vehicles

There is currently no provision in this Policy to licence other categories of specialised vehicles (i.e. fire engines, tanks, classic cars etc); however this will not preclude the option of licensing novelty/speciality vehicles at a later date.

2.18 Motorbikes

There is currently no provision in this Policy to licence motorbikes, however this will not preclude the option of licensing motorbikes at a later date.

2.19 Security and Closed Circuit Television (CCTV)

2.19.1 The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. Across the UK there is evidence that attacks and incidents involving taxi drivers are becoming more common. The main areas of concern are:

- threats and assaults on drivers;
- allegations of drivers assaulting passengers;
- customers leaving vehicles without paying;
- allegations of theft associated with licensed vehicles.

2.19.2 CCTV cameras can be a valuable deterrent for such incidents and, as well as protecting the driver from unjustified complaints, they can protect the travelling public similarly by:

- helping to prevent crime;
- identifying the perpetrators of crime;
- reducing the fear of crime.

2.19.3 Whilst it is not proposed to make this a condition of licensing there will be no objection to the installation of a CCTV camera that meets the Licensing Authority approved criteria – see APPENDIX E. The protection that will be offered to drivers and passengers by the installation and

operation of approved CCTV systems in hackney carriages and private hire vehicles must be balanced against the potential infringement of civil liberties and Human Rights by recording their activities whilst in the vehicle, which is in effect a private environment once hired. The conflicting rights can be balanced by implementing necessary and sufficient safeguards. Drivers who install a CCTV camera must sign up to the Code of Practice – see APPENDIX E.

2.19.4 In addition to CCTV, drivers may wish to install a clear plastic protective screen around the driving seat. Whilst it is not proposed to make this a condition of licensing there will be no objection to the installation of shields providing that they satisfy the following:

- make, type and design is approved by the Licensing Authority;
- not be changed in any way from its original design and be free of damage;
- remain clear and translucent; be free of scratches, clouding or stickers which would impede the driver's or passenger's visibility;
- does not impede entry and egress or present a trip hazard to passengers using the vehicle;
- installation and maintenance must be in accordance with manufacturer's specifications and recommendations.

2.20 Application Procedure

The application procedure for a hackney carriage or private hire vehicle licence is not prescribed in legislation. Therefore existing practice will be retained. The Licensing Authority requires that application must be made on a specified application form in accordance with application procedures set out in APPENDIX F.

2.21 Consideration of Applications

The Licensing Authority will consider all applications on their merits once it is satisfied that the appropriate criteria has been met and the application form and supporting documents are complete.

2.22 Grant and Renewal of Vehicles Licences

2.22.1 The TPCA 1847 (S43) and LG(MP)A 1976 (S48) stipulates that hackney carriage and private hire vehicle licences will be licensed for a one year period from the date of grant, however there is power to grant a licence for a shorter period should this be appropriate.

2.22.2 Officers will only accept completed applications comprising of all the necessary paperwork. If an application is received late the applicant's vehicle will be unlicensed for a period of time during which they will be unable to use it as a licensed vehicle.

2.22.3 The licence fees payable are subject to periodic review. Whilst the fees are set by the Licensing Authority they will be published in a local newspaper 28 days prior to the proposed operational date for constructive comment. They will also be published together with other Council licensing fees in the annual Fees & Charges document and on the Licensing Authority's website under the licensing link.

2.22.4 Grant and renewal of licenses will also be dependent on other factors ie., a change in legislation or other relevant guidance is published after adoption of this policy, introducing new conditions or criteria to be met. The policy will be updated on these requirement at the next review date, although requirements will be introduced immediately for legislative

changes and at earliest opportunity for recommended practice where considered appropriate.

3. Drivers

3.1 Licences

- 3.1.1 The statutory and practical criteria and qualifications for a private hire driver are broadly identical to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers.
- 3.1.2 In assessing whether an applicant is a 'fit and proper person' to hold a licence the Licensing Authority will consider each case on its merits.
- 3.1.3 The Licensing Authority will consider amongst other things; the applicant's relevant skills, knowledge, experience, qualifications, medical fitness, criminal records, driving history via a DVLA check and any previous licensing history as a hackney/private hire licence holder.
- 3.1.4 The convictions which the Licensing Authority consider to be relevant offences when considering an application for either the grant or renewal of a licence are shown in APPENDIX G. Whilst each application will be dealt with on its own merit, APPENDIX G outlines generally the minimum period of time needed free of further conviction before an application will be considered.
- 3.1.5 All drivers will be required to give details of any residency outside the UK and sign that they are permitted to work in the UK and a consent form to give the Licensing Authority the right to confirm the details with the local immigration office. This is detailed on APPENDIX H. Documentation to support the Right to Work in the UK must also be provided.
- 3.1.6 The Licensing Authority adopted a policy in 2007/08 and also endorsed by the DfT in The Guidance that all drivers must undertake Disability Awareness awareness training. This requirement has not been changed. New driver applicants will also be required to undertake suitable disability awareness training within 12 months of grant of first licence or provide evidence of an acceptable certificate from another training provider. Existing drivers must undertake a course on being invited. If there is a mitigating factor that prevents attendance at the first invite, a second invite will be issued. Failure to attend the second invite may lead to suspension or non renewal of the licence until such training has been undertaken.

3.2 Age and Experience

- 3.2.1 A licence to drive a hackney carriage or private hire vehicle will only be granted to a person who is 21 years of age or over and:
- (a) has held a full UK DVLA driving licence, issued in accordance with the Road Traffic Act 1972 (as amended) for a period of at least 12 months immediately prior to the licence application or;
 - (b) has held a foreign driving licence for a period of at least 12 months immediately prior to the application that is also eligible for driving in the UK.
- 3.2.2 The Policy requirement of 3.2.1(a) has been made because:
- A licensed driver is responsible for the safety of the customer and is required to need a

mature attitude when dealing with those who may be vulnerable or otherwise have special needs and;

- Insurance accident statistics show regularly that there is a higher degree of responsibility in driver behaviour above 21.

- 3.2.3 The Licensing Authority considers the criteria of 3.2.1 to be an integral part of the 'fit and proper person' test
- 3.2.4 An applicant who meets the licensing requirements of 3.2.1 (b) above must obtain a full UK driving licence before a licence application will be granted.
- 3.2.5 The Policy requirement of 3.2.4 is to ensure appropriate regulation of any penalty points by the courts in relation to road traffic offences.
- 3.2.6 Upon first application and periodically thereafter an applicant will be asked to complete a form authorising the Licensing Authority to apply to DVLA for a driver licence history.
- 3.2.7 No upper age limit is proposed however, if a driver wishes to continue to be licensed after age 70, they will have to demonstrate they are still medically fit by obtaining a medical certificate at yearly intervals. Licenses issued to drivers age 70 and over will still be able to benefit from the lower cost of a 3 year licence but the badge will be restricted to one year until a new medical certificate has been produced.

3.3 Driver Knowledge Tests

- 3.3.1 Drivers need a good working knowledge of the area for which they are licensed. The DfT recognises that most authorities require prospective drivers to pass a test as a pre-requisite of granting a licence (known as the Knowledge Test). The Highway Code, this Policy and hackney carriage and private hire law together with routes and locations within the borough will be included in the Licensing Authority's knowledge test. The procedures in relation to the above are set out in APPENDIX I.
- 3.3.2 The current extension of the EU has seen an increase in the number of foreign applicants which has raised concern in the use of or understanding spoken English amongst taxi drivers in this area. Therefore a language test may be considered necessary. This will be determined at the time of application for the Knowledge Test. If there are any concerns the Licensing Authority can request that a language test be undertaken prior to taking the knowledge test. The test will be undertaken by an independent provider.
- 3.3.3 If an applicant has difficulty in completing the Knowledge Test due to learning difficulties arrangements will be made for an oral test to be taken.

3.4 Medical Examination

- 3.4.1 The DfT recognises that it is clearly good practice for medical checks as a condition for the initial grant of a licence and thereafter for each renewal. The applicant is provided with an option for either a one year or three year driver licence. To ensure parity the term has been set at three years for a medical to be undertaken except in special circumstances (para 3.4.6 refers).
- 3.4.2 Adopting 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying C1 standards to hackney carriage and private hire drivers with insulin treated diabetes is considered to be best practice.
- 3.4.3 In the light of the above, medical examinations by the driver's own GP or a medical practitioner

with access to their medical records is required before any licence can be granted or renewed. A request form for a medical examination will be supplied by the Licensing Authority. This report must be submitted at the time of first application and periodically thereafter for a driver's licence. The applicant will be responsible for payment of the appropriate fee.

- 3.4.4 Licence holders must advise the Licensing Authority of any deterioration in their health that may affect their driving capabilities. Where there is any doubt as to the medical fitness of an existing driver, the Licensing Authority may require a further medical examination by a doctor appointed by the Licensing Authority.
- 3.4.5 Where there remains any doubt about the fitness of any applicant the Licensing Authority will review the medical evidence in consultation with the Licensing Authority's Occupational Health Advisor and make a final decision in the light of the medical evidence available.
- 3.4.6 It is recognised that the average life expectancy has increased in the 21st Century therefore no age restriction has been put in place in relation to a driver's licence. However for all applicants 70 there is a requirement for an annual medical certificate to be produced showing they are medically fit to be licensed.

3.5 Criminal Records Bureau (CRB) Disclosures

- 3.5.1 A criminal record check on a driver is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence. The DfT considers that such checks should be at the level of Enhanced Disclosure through the Criminal Records Bureau, as these disclosures include details of spent convictions and police cautions. However recent guidance from the CRB agency indicates this is only permissible with those drivers who undertake regulated activity eg contract school runs. This is currently in a consultation phase which could see the requirement for the enhanced CRB re-instated. In the interim standard CRB's are undertaken unless the driver requests an enhanced CRB.
- 3.5.2 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as 'spent' and which would not normally necessitate disclosure of that conviction. However, in 2002 the Act was amended so as to exclude hackney carriage and private hire drivers from the effects of the 1974 Act. Applicants for licences are therefore required to disclose all convictions and police cautions, including those that would have previously been regarded as 'spent' under the Rehabilitation of Offenders Act 1974.
- 3.5.3 At the time of application the applicant must provide a current (less than 3 months old) standard or enhanced CRB Disclosure. The Dartford Borough Council is the Registered Body through whom the application for disclosure must be made. The applicant will be responsible for payment of the appropriate fee.
- 3.5.4 An enhanced/standard CRB Disclosure must be obtained and submitted by a licensed driver to the Licensing Authority at least every 3 years. The licence or renewal is conditional upon there being no adverse information revealed on the CRB disclosure that would render the applicant not 'fit and proper'.
- 3.5.5 Licensed drivers are obliged to report all new convictions, official cautions and fixed penalty notices within 7 days to the Licensing Authority.
- 3.5.6 The Licensing Authority may request another disclosure at any time if a further check is considered necessary.
- 3.5.7 The Licensing Authority is bound by rules of confidentiality and will not divulge information obtained to any third parties. The applicant for a CRB check will be sent a separate certificate

to their home address, while the Licensing Authority will also receive a copy of the report. Information arising from disclosures will be kept on file only for as long as necessary.

- 3.5.8 The Licensing Authority recognises that there are occasions when requiring a CRB disclosure from an applicant will not achieve its original aim, for example, where the CRB are unlikely to have any information recorded against them due to the short period of time that they have resided in this country. The Licensing Authority therefore requires that all applicants who have resided in this country for less than five years obtain a Certificate of Good Conduct from their relevant embassy or consulate, at the applicant's expense, authenticated, translated and sealed by the embassy or consulate.

3.6 Relevance of Convictions and Cautions

- 3.6.1 The Guidance recommends that in considering an individual's criminal record authorities be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence, dishonesty and sexual offences. Authorities are recommended to have a clear Policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence. Such a Policy should encompass applicants from elsewhere in the EU and other overseas countries by, for example, requiring a certificate of good conduct authenticated by the relevant embassy. Any information provided by an individual will only be used for purposes connected with his/her application. Information will only be further used or transferred to other organisations and individuals as the law permits.
- 3.6.2 A guide to the relevance of previous convictions, cautions and fixed penalty notices is in APPENDIX G.
- 3.6.3 The Licensing Authority will consider each application on its merits once the appropriate tests have been undertaken and the application form and supporting documents are complete.
- 3.6.4 In assessing whether the applicant is a fit and proper person to hold a licence, the Licensing Authority will consider each case on its merits. It will take account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application the Licensing Authority will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence.
- 3.6.5 In relation to cautions the Licensing Authority will have regard to the class and age of the offence and the age of the applicant when the offence occurred when considering their relevance to an application.
- 3.6.6 In relation to previous convictions the Licensing Authority will have regard to the following:
- whether the convictions are spent or unspent;
 - the class of the offences;
 - the age of the offences;
 - the apparent seriousness, as gauged by the penalty.
- 3.6.7 In general terms the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.
- 3.6.8 In particular, applications will generally be rejected where the applicant's record includes one or more of the following:

- any term of imprisonment or custody for violent behaviour (dependent on class of the offence);
- any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature;
- any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;

3.7 Grant and Renewal of Licences/Drivers

- 3.7.1 An application for a hackney carriage or private hire driver's licence must be made on the specified application form. Drivers' licences are granted for a period of either one or three years, unless over 70 years old where the licence is restricted to a period of one year. The application procedure is set out in APPENDIX F.
- 3.7.2 Council officers will send a reminder letter to the current taxi proprietor or operator, one month prior to the licence expiry in order to assist applicants in their prompt submission of re-licensing applications.
- 3.7.3 Applicants must make an appointment to renew the licence at least 7 working days prior to the licence expiry to ensure that the licence is renewed on time. Officers may only accept complete applications comprising all the necessary paperwork. If an application is received late the applicant may be unlicensed for a period of time during which they will be unable to work as a licensed hackney carriage or private hire driver.
- 3.7.4 The licence fees payable are subject to periodic review. Whilst the fees are set by the Licensing Authority they will be published in a local newspaper at least 28 days prior to the proposed operational date, for constructive comment. They will also be published together with other Council licensing fees in the Fees & Charges document and on the Licensing Authority's website under the licensing link.

3.8 Conditions of Licence

- 3.8.1 The Licensing Authority is not empowered to attach conditions to a hackney carriage driver, other than by introduction of Byelaws.
- 3.8.2 Many of the requirements prescribed within the hackney carriage legislation and bye-laws are effectively hackney carriage driver's licence conditions (see APPENDIX M). The Licensing Authorities bye-laws were last reviewed in 1975, just prior to the introduction of the Local Government (Miscellaneous Provisions) Act 1976. Details of existing bye-laws are set down in APPENDIX R.
- 3.8.3 The Licensing Authority is empowered to attach such conditions to a private hire driver's licence as are considered necessary. The conditions are set out in APPENDIX J (Private Hire Driver Conditions).

3.9 Code of Good Conduct

- 3.9.1. Drivers must be aware of the law and the minimum standards of behaviour expected by the Licensing Authority. The standards expected of licensed drivers are set out in the Code of Good Conduct included in this Policy at Appendix L. The Code should be read in conjunction with the other statutory and Policy requirements set out in this Policy.
- 3.9.2 Failure to comply with any aspect of the Code of Good Conduct will not in itself result in enforcement action. However, breach of the Code of Good Conduct is an indicator which

licensing officers will use to help decide upon subsequent enforcement action. This may result in advice or warnings being given by an authorised officer. Repeated breaches following such advice or warnings may lead to more serious consequences including, if necessary, non-renewal, suspension or revocation of licences.

- 3.9.3 Anything that serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed.
- 3.9.4 It is considered that in order to raise the profile of the licensed trade, drivers should operate at all times in a professional manner and dress so as to present a professional image to the public.

4. Operators

4.1 Hackney Carriage

Individual Hackney Carriage drivers operating under their own or a trading name as a sole trader are not required to hold a Private Hire Operator's Licence.

4.2 Private Hire

- 4.2.1 Any person who operates a private hire service utilising one or more private hire vehicle must apply to the Licensing Authority for a Private Hire Operator's Licence.
- 4.2.2 The primary objective in licensing private hire operators is the safety of the public, both in the vehicles and at the operator's premises.
- 4.2.3 A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 4.2.4 A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.
- 4.2.5 All three licences detailed below must be issued by the same Licensing Authority:
- Private hire operator's licence;
 - Private hire driver's licence;
 - Private hire vehicle licence.
- 4.2.6 Applications for an operator's licence must be made on the prescribed form, together with the appropriate fee. The Licensing Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.

4.3 Criminal Record Checks

- 4.3.1 Private hire operators, that are not licensed drivers, can only be required to undertake a Basic CRB disclosure. A Basic Disclosure from the CRB, or a certificate of good conduct from the relevant embassy for overseas applicants, of less than 3 months old must be provided with the licensing application, and is considered appropriate in promoting the objective of public safety.

4.3.2 References from non family members can also provide some assurance of the suitability of the applicant's character and ability to hold an operator's licence covering, for example, the applicant's financial records and/or business history; therefore all applications will require two references on the initial application.

4.4 Conditions

The Licensing Authority has the power to impose such conditions on an operator's licence as it considers reasonable, necessary and proportionate. The conditions set out in APPENDIX N are those considered to be reasonably necessary.

4.5 Record Keeping

- 4.5.1 Requiring operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle is accepted as good practice. This would, for example, enable police checks to be made if any mishap should befall a passenger and assist with the recovery of lost property to the rightful owner.
- 4.5.2 Operators must keep records in respect of all bookings, vehicles and drivers for a period of one year.
- 4.5.3 Such records are to be made available to any authorised officer of the Licensing Authority or a police officer upon request.
- 4.5.4 Operators are required to submit monthly returns to the Licensing Authority within date specified on the return of all drivers in their employ over the previous month.

4.6 Insurance

- 4.6.1 It is considered appropriate for a Licensing Authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.
- 4.6.2 Before an application for a private hire operator's licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.
- 4.6.3 The conditions applicable to Private Hire Operator's Licences as detailed in APPENDIX N require that the operator holds on file, and are able to produce upon request by an authorised officer:-
 - I. a copy certificate of motor insurance for every vehicle they operate
 - II. a copy of the driver's licence issued by the Licensing Authority for every driver they use.

4.7 Licence Duration

- 4.7.1 The DfT considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable.
- 4.7.2 However, it is considered that five years is a considerable period of time in the context of the life of this type of business. The Licensing Authority will therefore continue its practice to issue a successful applicant with an annual Operator's licence.
- 4.7.3 Holders of existing Private Hire Operator's Licences will be reminded, in the month preceding their expiry, when their licences are due to be renewed.

4.8 Address from which an Operator may operate

Upon grant of an operator's licence the Licensing Authority will specify the address from which the operator may operate ensuring the appropriate permissions are in place for trading. The operator must provide evidence that appropriate permissions (and public liability insurance if relevant) are in place at any new premises to ensure continuity of licence; and within seven days inform the Licensing Authority in writing of a home address change taking place. If the appropriate permission or insurance is not in place, the licence may be revoked or suspended pending compliance.

4.9 Bases outside of the Licensing Authority's Area

The Licensing Authority will not grant an operator's licence for an operating base that is outside the Licensing Authority's area. This is to ensure that proper regulation and enforcement measures may be taken by the Licensing Authority and is not intended to be a restraint of trade.

5. Fares

5.1 Hackney Carriage

- 5.1.1 Section 65 of the LG(MP)A 1976 provides for licensing authorities to set the tariff of fares for hackney carriages. The tariff is the maximum fare that can be charged for journeys starting and ending within the area of Dartford. Fares may be negotiated downward by the hirer before commencement of the journey. The Licensing authority considers it good practice to review the fare scales at regular intervals.
- 5.1.2 When determining the level of fares consideration will be given as to what it is reasonable to expect the travelling public to pay as well as the need to give drivers an incentive to provide a cost-effective service at the times it is needed.
- 5.1.3 Fares can be negotiated prior to the commencement of the journey in both private hire vehicles and hackney carriages.
- 5.1.4 The Licensing Authority fare tariff must be displayed in the hackney carriage at all times.
- 5.1.5 In reviewing the fare tariff the Licensing Authority will consult with the trade and publish the fares in a local newspaper at least 14 days before the fares come into force.
- 5.1.6 These regulations in relation to fares do not apply to private hire vehicles.
- 5.1.7 A table of authorised fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 5.1.8 A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.
- 5.1.9 The Guidance also recognises that there is a case for allowing any hackney carriage proprietors who wish to do so, to make it clear by advertising that they charge less than the maximum fare.

5.2 Private Hire

Private hire fares are not regulated by the Licensing Authority.

5.3 Fees

- 5.3.1 The Guidance does not deal with the issue of licensing fees at all. It is, however, generally recognised that the fees set for all hackney carriage and private hire licences should be such as to ensure that the costs of the service, including the cost of issue and administration will so far as possible be met from fee income.
- 5.3.2 It is, on the other hand, not lawful for the Licensing Authority to seek to make a profit from licence fees that are within its discretion. In particular, with regard to the fees charged for hackney carriage and private hire vehicle and operator licences, the legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.
- 5.3.3 All fees will be reviewed annually as part of the Licensing Authority's budgetary process. The Licensing Authority will publish the fees in a local journal at least 28 days prior to the fees coming into force to allow for constructive comments to be received and considered prior to the implementation date. The fees will be published together with other fees in the annual Fees & Charges document and on the Licensing Authority's website under the licensing link from April 2010.

5.4 Payments

All cheques for licence applications should be made payable to 'The Dartford Borough Council'.

5.5 Refunds, Transfers , Duplicate Copies and Change of Address

- 5.5.1 In the case of any licence where the licence holder surrenders their licence prior to the expiry date, the Licensing Authority will make a refund in respect of the whole months of the unexpired portion of the licence fee on request.
- 5.5.2 In common with most types of licence, an appropriate fee will be paid to cover the administrative costs associated with the transfer or re-issue of a licence.
- 5.5.3 Where the Licensing Authority receives a request for a duplicate copy of any previously issued licence, an appropriate fee will apply to cover the associated administrative costs.
- 5.5.4 Where a change of address is undertaken, it requires the re-issue of all licences associated with that address. An appropriate fee will apply to cover the administration cost.

6. Enforcement Measures

6.1 Enforcement

- 6.1.1 It is recognised that well-directed enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the hackney carriage and private hire trades. The DfT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances. They remind authorities, however, that it is desirable to ensure that hackney carriage and private hire enforcement effort is at least partly directed to the late night period, when problems such as touting tend most often to arise.

- 6.1.2 In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Licensing Authority will operate a firm but fair enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference the Licensing Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 1.3 of this Policy.
- 6.1.3 The Taxi Licensing and Enforcement Policy & Practice set out at APPENDIX O will be used to ensure that the Licensing Authority enforcement effort is reasonable, transparent and well directed.

6.2 Penalty Points Scheme

- 6.2.1 Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.
- 6.2.2 The Licensing Authority clearly has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions, codes or bye-laws adopted by the Licensing Authority. Together they identify what is required of the trade and help to ensure that a consistent approach is taken by Council Officers, in their application.
- 6.2.3 A number of licensing authorities have found that an effective means of applying the conditions at a local level is through the adoption of a penalty points scheme. This acts as a first step in ensuring compliance with the conditions and serves as an “early warning” system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions.
- 6.2.4 Penalty points will remain on a licence for a rolling 12 month period from the date on which they are imposed. If a driver accumulates twelve or more penalty points within this period, commencing from the date of imposition of the earliest ‘live’ penalty points, further enforcement action will be taken by the Officer Review Board.
- 6.2.5 For every complaint where a driver receives penalty points, there will have been a proper investigation. The driver will be given the option to either:
- accept the points issued by Licensing Officer; or
 - the right of appeal within 21 days to an Officer Review Board who may issue additional points.

Note: The Officer Review Board will consist of three appointed officers.

- 6.2.6 It is believed that the introduction of a penalty point scheme will assist the trade in reaching and maintaining high standards. The Penalty Points Scheme does not however compromise the Licensing Authority’s ability to enforce breaches of statute or local conditions in the Courts should an offence warrant such action. A copy of the current Penalty Points Scheme can be found in APPENDIX K.

6.3 Range of Powers

The Licensing Authority may take any of the steps below upon receipt of evidence that proves an offence has been committed in relation to hackney carriage licences, private hire licences or private hire operator’s licences. A breach of this Policy amounts to an offence in this context.

- Suspension of the Licence;
- Revocation of the Licence;
- Refusal to Renew;
- Issuing of Warnings or Cautions;
- Prosecution.

6.3.1 Suspension

Hackney carriage vehicles and private hire vehicles must be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions is essential and will be enforced by periodic, random vehicle inspections by the Licensing Authority. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the proprietor setting out the defect(s) and where public safety is likely to be imperilled the further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test at the proprietor's expense and been passed as fit for use as a hackney carriage or private hire vehicle.

The Licensing Authority may exercise its discretion to suspend the operation of a driver's licence for a specified period if there is immediate danger to the public safety.

The decision to suspend may be taken by any Licensing Officer with appropriate delegated power.

6.3.2 Revocation

Where a driver has accumulated 12 penalty points or more under the Licensing Authority's Penalty Points Scheme, or there is immediate safety concern, the decision for revocation or suspension of the licence may be made by any Licensing Officer with appropriate delegated power, Strategic Director or the Licensing Committee.

6.3.3 Issuing of Warnings and Cautions

As a method of dealing with less serious matters, The Licensing Authority will issue warnings and cautions as are appropriate to the circumstances in accordance with Home Office Circular 016/2008 – 'Simple Cautioning of Adult Offenders'. Minor or first-time transgressions are likely to attract either an oral or written warning. Repeated or more serious conduct is likely to lead to the issuing of a simple caution, provided:

- there is sufficient evidence to justify a prosecution;
- the licence holder admits his/her guilt;
- the licence holder agrees to be cautioned.

This is more fully discussed in APPENDIX O

6.3.4 Prosecution

The Licensing Authority will prosecute licence holders for relevant offences in the following circumstances:

- where the allegation is of a serious or repeated offence;

- where the Licensing Authority proposes to caution the licence holder, but the offence is not admitted, or the caution is not accepted.

7. Offences/Breach of Conditions

Offences in relation to hackney carriages and private hire are derived from the following sources:

- Town Police Clauses Act 1847 (hackney carriages only);
- Local Government (Miscellaneous Provisions) 1976 (hackney carriages and private hire);
- Transport Act 1980 (private hire only);

The relevant offences under the 1847 Act, the 1976 and the 1980 Act are set out in APPENDICE K and R.

Breach of condition is derived from breach to this policy and/or special conditions as imposed on the licence when granted.

8. Taxi Ranks

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any taxi rank. Drivers of hackney carriages may only wait on a taxi rank whilst plying for hire or waiting for a fare; drivers who park on a taxi rank and leave their vehicle unattended are committing an offence.

8.2 A number of ranks for hackney carriages have been designated within the Licensing Authority's area.

- Hythe Street;
- Station Approach Dartford;
- Kent Road;
- Lowfield Street;
- Spital Street;
- Suffolk Road;
- Station Road, Longfield.

8.3 The number and position of taxi ranks within the Borough is likely to change due to regeneration schemes. These will be reviewed as and when the schemes are planned and adopted.

8.4 Hackney Carriages are also permitted to ply for hire at Ebbsfleet International Station. Hackney carriage drivers must apply for a permit.

9. Amendments to this Policy

- 9.1 Where there are specific provisions within the Policy for making amendments, (for example section 5.1.5 that provides for an addendum to be published detailing the revised table of authorised fares), the Officer Review Board may authorise the amendment without further consultation.
- 9.2 This does not compromise however, any other consultation that may be undertaken by the Licensing Authority in relation to such amendments, for example the consultation process in determining the new fare tariff.
- 9.3 Any substantial amendment to this Policy, not specifically provided for will only be implemented after further consultation with the trade and the public. All substantial amendments must be authorised by the Licensing Committee.
- 9.4 For the purpose of this section, any substantial amendment is defined as one that:
- will have a significant financial effect on licence holders, or
 - will have a significant procedural effect on licence holders, or
 - may not be perceived by the trade or the public to be consistent with the published objectives in Section 1.3 of this Policy.
- 9.5 Any amendment not falling within the substantial category above and not specifically provided for elsewhere in this Policy may be authorised by the Licensing Authority - Officer Review Board.

10. Rights of Appeal to Magistrates

- 10.1 There is a right of appeal to the Magistrate's Court where any person is aggrieved by the Licensing Authority's decision to refuse to grant, refuse to renew, suspend or revoke a licence. The specific grounds for appeal are detailed in APPENDIX P.
- 10.2 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Licensing Authority's decision. The appeal must state the grounds upon which it is based.

Appendix A: Vehicle age and other specifications

Do not purchase a vehicle unless you are sure it meets the appropriate criteria. If in doubt, contact the Licensing Officer (Vehicles) on telephone number 01322 343340.

All Hackney Carriage Vehicles must be wheelchair accessible.

Hackey Carriage Vehicles

5+ Seater

Maximum age on initial licensing	9 years
Maximum age to which a vehicle will be allowed operate	15 years
Maximum age of replacement vehicle	9 years

4 Seater

Maximum age on initial licensing	6 years
Maximum age to which a vehicle will be allowed operate	12 years
Maximum age of replacement vehicle	6 years

Note that the year is always calculated on the basis of day/month/year.

Hackney Carriage: Suitability of Vehicle

- HC1. It is a right hand drive vehicle
- HC2. Has a separate luggage compartment.
- HC3. Is capable of seating in comfort at least four passengers in addition to the driver.
- HC4. The engine size capacity is of at least 1500cc.
- HC5. All seats are fitted with seat belts to the British Standard.
- HC6. Provide sufficient means by which any person in the vehicle may communicate with the driver.
- HC7. Cause the roof or cover of the hackney carriage to be watertight.
- HC8. Provide adequate windows and means of opening and closing them.
- HC9. Cause the seats to be properly cushioned and covered.
- HC10. Cause the floor to be covered with a proper carpet, mat or other suitable covering.
- HC11. It carries within the vehicle a first aid kit.
- HC12. Fitted with a serviceable spare wheel or manufacturer alternative
- HC13. Fitted with an approved valid fire extinguisher.
- HC14. The vehicle has a M1 or M1 low volume certificate or a basic IVA certificate.
- HC15. It has at least two passenger doors in the case of London type vehicles and three passenger doors in the case of rear access /people carrier type of vehicles.
- HC16. Fitted with wheelchair ramps and wheelchair restraining straps.

HC17. Any vehicle with a mechanical hoist must have an annual inspection by a qualified engineer.

Private Hire

Private Hire Wheelchair Accessible Vehicles

Private Hire Wheelchair Accessible Vehicles have the same age criteria and specification as the Hackney Carriage vehicles. (Implementation date 1st April 2012)

Private Hire Vehicles Non Wheelchair Accessible

Private Hire – Saloon/Estate Vehicles

Maximum age on initial licensing	4 years
Maximum age to which a vehicle will be allowed to operate	8 years
Maximum age of replacement vehicle	4 years

Private Hire – Purpose Built/MPV Non Wheelchair/6 Seater+

Maximum age on initial licensing	6years
Maximum age to which a vehicle will be allowed to operate	12 years
Maximum age of replacement vehicle	6 years

Private Hire – Vehicle Suitability

- PH1. It is a right hand drive vehicle
- PH2. Has a separate luggage compartment.
- PH3. Is capable of seating in comfort at least four passengers in addition to the driver.
- PH4. The engine size capacity is of at least 1500cc.
- PH5. All seats are fitted with seat belts to the British Standard.
- PH6. Provide sufficient means by which any person in the vehicle may communicate with the driver.
- PH7. Cause the roof or cover of the vehicle to be watertight.
- PH8. Provide adequate windows and means of opening and closing them.
- PH9. Cause the seats to be properly cushioned and covered.
- PH10. Cause the floor to be covered with a proper carpet, mat or other suitable covering.
- PH11. It carries within the vehicle a first aid kit.
- PH12. Fitted with a serviceable spare wheel or manufacturer alternative
- PH13. Fitted with an approved valid fire extinguisher.
- PH14. If the vehicle is wheelchair accessible either an M1 or M1 low volume certificate or a basic IVA certificate must be presented at licensing.
- PH15. It has at least two passenger doors in the case of London type vehicles and three passenger doors in the case of rear access /people carrier type of vehicles.
- PH16. Fitted with wheelchair ramps and wheelchair restraining straps.

PH17. Any vehicle with a mechanical hoist must have an annual inspection by an qualified engineer

Stretch Limousine Additional Criteria & Conditions

- SL1. The vehicle must be less than 7 years old on first application for licensing.
- SL2. Vehicles will not have the license renewed beyond the 14th year from registration.
- SL3. Vehicles may be either left or right hand drive providing that they have full Vehicle Type Approval.
- SL4. There shall be no passengers carried in the front compartment of Left Hand Drive Vehicles.
- SL5. For Ford and Cadillac based vehicles confirmation is required that the conversion has been carried out by an authorised coachbuilder. Ford and Cadillac stretched limousines must have been modified under the Ford Quality Vehicle Modifier programme (VIN plate number will start 1L1 for Millennium and later models) or the Cadillac Master Coachbuilder qualification.
- SL6. Tyres fitted to vehicles of US origin must be either 235/75R-15 108S (BF Load) OR 225/70R-16 107T Town Car Limo Tyre (Reinforced) or other such tyres as deemed suitable by an independent engineer for this application.
- SL7. For vehicles manufactured EU and modified in the EU the vehicles must be either M1 Whole Vehicle Type Approved or converted under an M1 EC Small Series or National Low Volume Type Approval Scheme or hold a valid Individual Vehicle Approval (IVA) Certificate.
- SL8. A DVLA V5C shall be produced to authenticate registration and proprietor.
- SL9. The vehicle must have a minimum of 3 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism.
- SL10. Where the vehicle is fitted with continuous seats, a minimum width of 41 centimetres (16 inches) un-intruded space shall be available per person.
- SL11. Every seat shall have fitted a suitable seat belt or restraint for each passenger.
- SL12. Tinted glass shall conform to the legal requirements as laid down by the Vehicle and Operators Services Agency (VOSA).
- SL13. If a partition is installed between the passenger compartment and driver compartment, there must be an intercom system provided.
- SL14. No fixed partition will be allowed.
- SL15. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.
- SL16. All operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, this restriction shall be explained to the hirer.
- SL17. A STRETCH limousine vehicle will be subject to twice-yearly mechanical examination, at an authorised testing station.
- SL18. Tinted glass shall conform to the legal requirements as laid down by the Vehicle and Operators Services Agency (VOSA).
- SL19. The vehicle shall display the licence plates issued by the Licensing Authority unless a letter of exemption is issued.
- SL20. The driver of the vehicle must display in a prominent position a Private Hire Drivers Licence

badge issued by this Licensing Authority when operating the vehicle.

Definition: Type Approval for WAV vehicles

All wheelchair accessible vehicles must meet the following Type Approval. Any vehicle that has been converted after type approval registration will require a voluntary Class D basic IVA certificate.

Directive 70/156/EEC	Directive 2007/46/EC
European Whole Vehicle Type Approval (ECWVTA)	European Whole Vehicle Type Approval (ECWVTA)
National scheme: Small series type approval (SSTA) (500 per type per year) – also known as Low Volume Type Approval – (certificate required)	EU Small series type approval (SSTA) limit of 1000 - (certificate required)
	National scheme: Small series type approval (NSSTA) (75 per type per year) - (certificate required)

All Seating – Both Hackney Carriage and Private Hire vehicles

The size requirement for all seating is 16" (41cms) per person. The distance for 3 persons of 48" (92cms) should be taken between the arm rests as these can in some cases significantly reduce the width. Further to this, a height of 34" (87cms) between seat and roof and 7" (18cms) from back of front seat to front of rear seat, (when front seat is fully pushed back), is to be recommended as a minimum for passenger comfort.

Appendix B: Hackney Carriage – Vehicle Licence Conditions

Town & Police Clauses Act 1947 & Local Government (Miscellaneous Provisions) Act 1976 – Section 47

Without prejudice to the Byelaws in respect of hackney carriages made by the Dartford Borough Council, the proprietor/driver of a licensed vehicle shall comply with the following Conditions.

1. The proprietor/driver of a private hire vehicle shall:
 - (a) Provide sufficient means by which any person in the vehicle may communicate with the driver.
 - (b) Cause the roof or cover of the vehicle to be watertight.
 - (c) Provide adequate windows and means of opening and closing them.
 - (d) Cause the seats to be properly cushioned and covered.
 - (e) Cause the floor to be covered with a proper carpet, mat or other suitable covering.
 - (f) Cause the fittings and furniture generally to be kept in a clean condition and well maintained.
 - (g) Provide adequate means of carrying and securing luggage.
 - (h) Provide a suitable fire extinguisher of a type approved by the Licensing Authority that should be carried in such a position as to be available for use at all times.
 - (i) Cause the rear licence plate to be legible at all times.
 - (j) Carry within the vehicle a serviceable spare wheel or manufacturer alternative.
 - (k) Carry within the vehicle a first aid kit suitable for personal use
 - (l) Carry without extra charge guide and assistance dogs; unless exempt by the Licensing Authority to carry dogs.
2. The proprietor shall ensure compliance with the Vehicle Excise & Registration Act 1994 (S29) by holding and displaying the appropriate tax disc for the class of vehicle.
3. The proprietor shall cause to be displayed in the vehicle in such a position to be visible at all times to persons conveyed therein, a current certificate of insurance.
4. The proprietor shall cause to be displayed in the vehicle, in such a position to be visible at all times to persons conveyed therein, notice indicating the licence number of the vehicle.
5. The plate issued by the Licensing Authority corresponding to the number of this licence shall be affixed on a flat vertical surface centrally or on the “offside” at the rear of the vehicle at a height not exceeding 150mm above or below the bumper bar. Damage sustained to the plate, which prevents any letters or numbers being legible shall be immediately reported to the Licensing Authority.
6. The only signs or advertisements to be displayed without approval first being sought shall be:
 - Rear windscreen advertising in the form of transparent ‘innervision’ type signs not exceeding 20 centimetres in depth are permitted provided no other form of advertising is displayed on the vehicle;
 - A screen displaying scrolling or moving advertisements may be securely fitted within the

vehicle provided that the screen shall not be within the vision of the driver of the vehicle, one slide must indicate that the advertisements will be switched off at the request of the passenger;

- Interior advertising is permitted on the underside of the drop seats and must not exceed 36cm x 36cm in size;
 - Interior advertising on the interior bulkhead panel is permitted and must not exceed 100cm x 10cm;
7. The vehicle shall be kept at all times in a satisfactory mechanical condition and have an MOT (see definition) at 6 monthly intervals from the date of initial licence.
 8. The exterior of the vehicle shall be kept at all times in good repair and in a proper state of cleanliness.
 9. The Licensing Authority will agree to transfer the licence upon being satisfied as to suitability of the vehicle (to include the additional conditions of fitness) is met and after production of the following:
 - (a) A Certificate of Mechanical fitness. (See definition)
 - (b) A Certificate of Insurance. (See definition)
 - (c) The Registration Document of the replacement vehicle.
 - (d) Complies to the Vehicle Excise & Registration Act 1994 (displays a valid road tax disc)
 10. If the proprietor of the vehicle to which this licence relates transfers his/her interest to another person, he/she shall, in accordance with Section 49 of the local Government (Miscellaneous Provisions) Act 1976, within 14 days after such transfer give notice to the Licensing Authority specifying the name and address of the person(s) to whom the vehicle has been transferred.
 11. The proprietor and driver of a licensed vehicle shall report to the Licensing Authority as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the licensed vehicle causing damage which materially affected the safety, performance or appearance of the licensed vehicle or the comfort or convenience of persons carried therein.
 12. The holder of this licence shall inform the Licensing Authority immediately of any change of address and notify in writing within 72 hours.
 13. Upon expiry of a term of vehicle insurance the licence holder shall forthwith produce to the Licensing Authority a certificate or other document indicating that the insurance cover has been renewed for the purpose of the Road Traffic Act 1972 and including cover for the purpose of carrying passengers for public hire/hire and reward.
 14. The licence holder shall upon request of a duly appointed Officer of the Licensing Authority produce within 48 hours evidence that the vehicle is properly insured for the purposes of the Road Traffic Act, 1972, and that cover includes the purposes for Hire and Reward (Private Hire).
 15. The proprietor/driver shall ensure any persons employed as drivers of a hackney carriage vehicle are licensed by Dartford Borough Council.
 16. The proprietor/driver of wheelchair accessible vehicles will ensure that the wheelchair ramps, straps or clamps are carried in the vehicle. The retaining straps or clamps are to be used at all times to secure the wheelchair.
 17. To install CCTV or move CCTV equipment from an original site in the vehicle, prior approval must be sought from the Licensing Authority to ensure that good custom and practice is adhered to.

18. No taxi-fare meter shall be installed unless by a Licensing Authority approved installer and tester. All fare meters should be calibrated periodically.
19. There shall be displayed in the hackney carriage a notice that conspicuously and legibly indicates to the passengers the tariff for the hire of the hackney carriage.
20. All hackney carriage vehicles except those with built-in roof signs should carry an illuminated roof-mounted signs indicating that they are a hackney carriage (the use of the word "Taxi" is acceptable to fulfil this requirement). The sign shall be so arranged that is illuminated during the hours of darkness when the vehicle is available for hire but that when the machinery of the taximeter is in action the illumination of the sign shall be extinguished. Similarly vehicles that have an internal illuminated "for hire" sign must be connected in such a way that it is extinguished automatically when the vehicle is hired.

Suitability of Vehicle – without prejudice to the generality of this term, a vehicle shall not be deemed suitable unless:

Hackney Carriage: Suitability of Vehicle

- HC1. It is a right hand drive vehicle
- HC2. Has a separate luggage compartment.
- HC3. Is capable of seating in comfort at least four passengers in addition to the driver.
- HC4. The engine size capacity is of at least 1500cc.
- HC5. All seats are fitted with seat belts to the British Standard.
- HC6. Provide sufficient means by which any person in the vehicle may communicate with the driver.
- HC7. Cause the roof or cover of the hackney carriage to be watertight.
- HC8. Provide adequate windows and means of opening and closing them.
- HC9. Cause the seats to be properly cushioned and covered.
- HC10. Cause the floor to be covered with a proper carpet, mat or other suitable covering.
- HC11. It carries within the vehicle a first aid kit.
- HC12. Fitted with a serviceable spare wheel or manufacturer alternative
- HC13. Fitted with an approved valid fire extinguisher.
- HC14. The vehicle is wheelchair accessible and has a M1 or M1 low volume certificate or a basic IVA certificate.
- HC15. It has at least two passenger doors in the case of London type vehicles and three passenger doors in the case of rear access/people carrier type of vehicles.
- HC16. Fitted with wheelchair ramps and wheelchair restraining straps.
- HC17. Any vehicle with a mechanical hoist must have an annual inspection by an qualified engineer.

NOTE: A licence may be revoked, suspended or not renewed in accordance with Sections 60 and 68 of the Local Government (Miscellaneous Provisions) Act 1976 for serious breach of licence conditions or accumulation of penalty points to predetermined number as stated in Appendix K.

Definitions

A Certificate of Mechanical Fitness- means an MOT certificate of not more than 14 days old. (If at any time the vehicle fails an MOT the car immediately becomes illegal to drive other than for pre-booked repair work. Previous MOT's certificates are made null and void by a new test).

Certificate of Insurance means a certificate issued by an Insurance Company specifying insurance cover to the extent requires by the Road Traffic Act 1972 and including cover for the carriage of passengers for public hire/hire and reward.

Appendix C: Private Hire – Vehicle Licence Conditions

Local Government (Miscellaneous Provisions) Act 1976 – Section 48

1. The proprietor/driver of a private hire vehicle shall:
 - (a) Provide sufficient means by which any person in the vehicle may communicate with the driver.
 - (b) Cause the roof or cover of the vehicle to be watertight.
 - (c) Provide adequate windows and means of opening and closing them.
 - (d) Cause the seats to be properly cushioned and covered.
 - (e) Cause the floor to be covered with a proper carpet, mat or other suitable covering.
 - (f) Cause the fittings and furniture generally to be kept in a clean condition and well maintained.
 - (g) Provide adequate means of carrying and securing luggage.
 - (h) Provide a suitable fire extinguisher of a type approved by the Licensing Authority that should be carried in such a position as to be available for use at all times.
 - (i) Cause the rear licence plate to be legible at all times.
 - (j) Carry within the vehicle a serviceable spare wheel or manufacturer alternative.
 - (k) Carry within the vehicle a first aid kit suitable for personal use
2. The proprietor shall ensure compliance with the Vehicle Excise & Registration Act 1994 (S29) by holding and displaying the appropriate tax disc for the class of vehicle.
3. The proprietor shall cause to be displayed in the vehicle in such a position to be visible at all times to persons conveyed therein, a current certificate of insurance.
4. The proprietor shall cause to be displayed in the vehicle, in such a position to be visible at all times to persons conveyed therein, notice indicating the licence number of the vehicle.
5. The plate issued by the Licensing Authority corresponding to the number of this licence shall be affixed on a flat vertical surface centrally or on the “offside” at the rear of the vehicle at a height not exceeding 150mm above or below the bumper bar. Damage sustained to the plate, which prevents any letters or numbers being legible shall be immediately reported to the Licensing Authority.
6. The only signs or advertisements shall conform to the following:
 - A notice displayed in the front and/or rear windscreens indicating the Operator and/or telephone number, such notice shall consist of lettering not exceeding 50mm in height and to be maintained in the upper portion of the windscreen. Total depth of the notice not to exceed 100mm.
 - A notice displayed on the front doors only indicating the Operator and/or telephone number.
 - A notice displayed on the front doors only, advertising a commercial enterprise, subject to the approval of the Licensing Authority.
 - Any sign or advertisement designed to comply with 15(a)(b) above, other than a sign

required by the provisions of the Vehicle Excise Act, 1971, shall not include the words, "Hackney Carriage," "Taxi," "Cab" or in any way lead a person to believe that the vehicle is a licensed Hackney Carriage.

- If any sign or advertisement designed to comply with 15(a) above is capable of being illuminated, such sign or advertisement shall only be illuminated when the vehicle is stationary and whilst the driver is waiting for the passenger(s) to be carried in pursuance of a prior arrangement.
7. The vehicle shall be kept at all times in a satisfactory mechanical condition and have an MOT (see definition) at 6 monthly intervals from the date of initial licence.
 8. The exterior of the vehicle shall be kept at all times in good repair and in a proper state of cleanliness.
 9. The Licensing Authority will agree to transfer the licence upon being satisfied as to suitability of the vehicle (to include the additional conditions of fitness) is met and after production of the following:
 - (a) A Certificate of Mechanical fitness. (See definition)
 - (b) A Certificate of Insurance. (See definition)
 - (c) The Registration Document of the replacement vehicle.
 - (d) Complies to the Vehicle Excise & Registration Act 1994 (displays a valid road tax disc)
 10. If the proprietor of the vehicle to which this licence relates transfers his/her interest to another person, he/she shall, in accordance with Section 49 of the local Government (Miscellaneous Provisions) Act 1976, within 14 days after such transfer give notice to the Licensing Authority specifying the name and address of the person(s) to whom the vehicle has been transferred.
 11. The proprietor and driver of a licensed vehicle shall report to the Licensing Authority as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the licensed vehicle causing damage which materially affected the safety, performance or appearance of the licensed vehicle or the comfort or convenience of persons carried therein.
 12. The holder of this licence shall inform the Licensing Authority immediately of any change of address and notify in writing within 72 hours.
 13. Upon expiry of a term of vehicle insurance the licence holder shall forthwith produce to the Licensing Authority a certificate or other document indicating that the insurance cover has been renewed for the purpose of the Road Traffic Act 1972 and including cover for the purpose of carrying passengers for hire and reward.
 14. The licence holder shall upon request of a duly appointed Officer of the Licensing Authority produce within 48 hours evidence that the vehicle is properly insured for the purposes of the Road Traffic Act, 1972, and that cover includes the purposes for Hire and Reward (Private Hire).
 15. The proprietor/driver shall ensure any persons employed as drivers of a private hire vehicle are licensed by Dartford Borough Council.
 16. The proprietor/driver of wheelchair accessible vehicles will ensure that the wheelchair ramps, straps or clamps are carried in the vehicle. The retaining straps or clamps are to be used at all times to secure the wheelchair.
 17. To install CCTV or move CCTV equipment from an original site in the vehicle, prior approval

must be sought from the Licensing Authority to ensure that good custom and practice is adhered to.

18. No fare meter shall be installed unless by a Licensing Authority approved installer and tester. All fare meters should be calibrated periodically.

Suitability of Vehicle – without prejudice to the generality of this term, a vehicle shall not be deemed suitable unless:

- PH1. It is a right hand drive vehicle
- PH2. Has a separate luggage compartment.
- PH3. Is capable of seating in comfort at least four passengers in addition to the driver.
- PH4. The engine size capacity is of at least 1500cc.
- PH5. All seats are fitted with seat belts to the British Standard.
- PH6. Provide sufficient means by which any person in the vehicle may communicate with the driver.
- PH7. Cause the roof or cover of the vehicle to be watertight.
- PH8. Provide adequate windows and means of opening and closing them.
- PH9. Cause the seats to be properly cushioned and covered.
- PH10. Cause the floor to be covered with a proper carpet, mat or other suitable covering.
- PH11. It carries within the vehicle a first aid kit.
- PH12. Fitted with a serviceable spare wheel or manufacturer alternative
- PH13. Fitted with an approved valid fire extinguisher.
- PH14. If the vehicle is wheelchair accessible either an M1 or M1 low volume certificate or a basic IVA certificate must be presented at licensing.
- PH15. It has at least two passenger doors in the case of London type vehicles and three passenger doors in the case of rear access /people carrier type of vehicles.
- PH16. Fitted with wheelchair ramps and wheelchair restraining straps.
- PH17. Any vehicle with a mechanical hoist must have an annual inspection by an qualified engineer

NOTE: This licence may be revoked, suspended or not renewed in accordance with Section 60 and 68 of the Local Government (Miscellaneous Provisions) Act 1976.

Definitions

A Certificate of Mechanical Fitness- means a MOT certificate of not more than days old. (If at any time the vehicle fails an MOT the car immediately becomes illegal to drive other than for pre-booked repair work. Previous MOT's certificates are made null and void by a new test).

A Certificate of Insurance means a certificate issued by an Insurance Company specifying insurance cover to the extent requires by the Road Traffic Act 1972 and including cover for the carriage of passengers for public hire/hire and reward.

Appendix D: Private Hire (Stretch Limousine) Vehicle Licence Conditions

Local Government (Miscellaneous Provisions) Act 1976 – Section 48

Where practicable the existing Private Hire Vehicle Licence Conditions of the Licensing Authority will apply to STRETCH Limousines. The following additional or alternative conditions will also apply.

- SL1. The vehicle must be less than 7 years old on first application for licensing.
- SL2. Vehicles will not have the license renewed beyond the 14th year from registration.
- SL3. Vehicles may be either left or right hand drive providing that they have full Vehicle Type Approval.
- SL4. There shall be no passengers carried in the front compartment of Left Hand Drive Vehicles.
- SL5. For Ford and Cadillac based vehicles confirmation is required that the conversion has been carried out by an authorised coachbuilder. Ford and Cadillac stretched limousines must have been modified under the Ford Quality Vehicle Modifier programme (VIN plate number will start 1L1 for Millennium and later models) or the Cadillac Master Coachbuilder qualification.
- SL6. Tyres fitted to vehicles of US origin must be either 235/75R-15 108S (BF Load) OR 225/70R-16 107T Town Car Limo Tyre (Reinforced) or other such tyres as deemed suitable by an independent engineer for this application.
- SL7. For vehicles manufactured EU and modified in the EU the vehicles must be either M1 Whole Vehicle Type Approved or converted under an M1 EC Small Series or National Low Volume Type Approval Scheme or hold a valid Individual Vehicle Approval (IVA) Certificate.
- SL8. A DVLA V5C shall be produced to authenticate registration and proprietor.
- SL9. The vehicle must have a minimum of 3 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism.
- SL10. Where the vehicle is fitted with continuous seats, a minimum width of 41 centimetres (16 inches) un-intruded space shall be available per person.
- SL11. Every seat shall have fitted a suitable seat belt or restraint for each passenger.
- SL12. Tinted glass shall conform to the legal requirements as laid down by the Vehicle and Operators Services Agency (VOSA).
- SL13. If a partition is installed between the passenger compartment and driver compartment, there must be an intercom system provided.
- SL14. No fixed partition will be allowed.
- SL15. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.
- SL16. All operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, this restriction shall be explained to the hirer.
- SL17. A STRETCH limousine vehicle will be subject to twice-yearly mechanical examination, at an authorised testing station.

- SL18. Tinted glass shall conform to the legal requirements as laid down by the Vehicle and Operators Services Agency (VOSA).
- SL19. The vehicle shall display the licence plates issued by the Licensing Authority unless a letter of exemption is issued.
- SL20. The driver of the vehicle must display in a prominent position a Private Hire Drivers Licence badge issued by this Licensing Authority when operating the vehicle.

Appendix E: Code of Practice for the Management of Camera Systems in Hackney Carriages and Private Hire Vehicles Licensed by Dartford Borough Council

This Code of Practice has been agreed and accepted by Dartford Borough Council, North West Kent Police and Dartford hackney carriage and private hire drivers.

1. Introduction

- 1.1 The Code of Practice (hereinafter called the Code) sets out to ensure that in-car camera systems in hackney carriages and private hire vehicles (hereinafter called Licensed vehicles) licensed by Dartford Borough Council (hereinafter called the Licensing Authority) are used to prevent crime, identify the perpetrators of crime, enhance the health and safety of hire vehicle drivers and reduce the fear of crime. Adherence to this Code will ensure that the civil liberties of all parties are upheld.
- 1.2 The body responsible for monitoring compliance with this Code will be the Licensing Committee of Dartford Borough Council acting through officers of the Enforcement & Regulatory Services department.
- 1.3 Any person agreeing to this Code, by completing a copy of the certificate appended to this Code of Practice, will be accepting it as part of the conditions attached to their Proprietors / Vehicle Licence. Any non-compliance will be considered to be a breach of those conditions.

2. The Purpose of In Car Camera Systems

- 2.1 The purpose of in-car camera systems shall be to provide a safer environment for the benefit of hire vehicle drivers and passenger by:
 - Deterring and preventing the occurrence of crime;
 - Reducing the fear of crime;
 - Assisting the Police in investigating incidents of crime;
 - Assisting the Police in identifying missing persons.

3. Approval List of Suppliers/Manufacturers of CCTV systems

- 3.1 How to have a product placed on the 'Approved List'

The manufacturer of a camera, a Taxi Association or a vehicle proprietor may apply in writing for a particular make/model of camera to be placed on the 'Approved List'
- 3.2 There will need to be evidence that the product has an appropriate level of conformity with regard to:
 - Safety issues when fitted inside the vehicle
 - Adequate image quality in day and night light conditions
 - Encryption of images stored

- Appropriate public information signs
 - Adequate secure storage of recording device and memory away from public access
 - Appropriate activation device
- 3.3 The camera will also be inspected in situ with the site mutually agreed between the applicant and Authorised officers. This will enable Officers to take a view on how the safety issues conform in respect of security.
- 3.4 If approved the product and manufacturer detail will be placed in the Licensing Authority's 'Approved List' to inform licensed drivers of the product suitability.

4 Installation and Operation of In Car Camera Systems in Licensed Vehicles

- 4.1 Only in-car camera systems approved by the Licensing Authority will be permitted to be installed in licensed vehicles.
- 4.2 Prior to installation of an approved system, any lessee/proprietor wishing to install an in-car camera system must sign an agreement to comply with this Code.
- 4.3 An approved installer will carry out the installation in accordance with the manufacturer's instructions and this Code.
- 4.4 All licensed vehicles with in-car camera systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily visible to passengers, declaring that an in-car camera system is in operation within the vehicle.
- 4.5 The installation will consist of one rear-facing camera in the hire vehicle unless the seating arrangements therein allows rear-facing passengers, in which case an additional camera may be installed to capture images of passengers in those seats. Any proprietor/owner wishing to install additional cameras to those allowed in this paragraph must obtain written consent from the Strategic Director prior to doing so.
- 4.6 All cameras will be installed above the level of the dashboard within the hire vehicle.
- 4.7 The installer will provide a certificate to the authority giving details of the installation.
- 4.8 The owner of the system will advise the Licensing Authority of any proposed changes to the installation.

5. Use of Information Recorded on In-Car Camera Systems

- 5.1 The Owner of the system must register themselves as the Data controller and ensure compliance to the Data Protection Act in the download or extraction of information from the system.
- 5.2 It is important that any person who suspects that a crime has been committed and that an in-car camera system may contain relevant information to the crime, should report that suspected crime to the Police as soon as possible. Any delay in reporting a suspected crime may result in evidence being lost.
- 5.3 In the event of a serious crime investigation, where the equipment stores the image digitally and is therefore the primary evidence, it may be necessary for the data storage unit to be removed from the vehicle. This decision will be made by the investigating police officer.
- 5.4 Under normal circumstances, for evidential purposes, two copies of an image on photographic quality paper will be required. Only a police officer or a civilian working for the police or at the direction of the police may make copies of any image.

5.5 A failure to comply with this Code of Practice will be a breach of the Proprietors / Vehicle Licence Conditions and subject to normal enforcement options.

6. Liability

6.1 The in-car camera system will at all times remain the property of the Licensed Proprietor of the Vehicle or the licensed driver who uses the Vehicle, who will at all times be liable for its use in his/her vehicles. The licensed proprietor of the vehicle will be responsible for the maintenance of the system.

7. Review

7.1 The working of the Code of Practice shall be subject to review. Reviews will take place on a three yearly basis and also at other times when it becomes apparent that a particular policy requires urgent review.

Partnership Agreement

I AGREE TO THE TERMS AND CONDITIONS OF THE ABOVE CODE OF PRACTICE ON THE MANAGEMENT OF CAMERA SYSTEMS IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES LICENSED BY DARTFORD BOROUGH COUNCIL.

Signed:

Strategic Director on behalf DARTFORD BOROUGH COUNCIL

Signed:

I am a Licensed Hackney Carriage Driver with Dartford Borough Council

I am a Licensed Private Hire Driver with Dartford Borough Council (*Delete as appropriate*)

Address:

Contact telephone number:

Vehicle plate no:

Driver badge no:

Date:

Specification of CCTV cameras for suppliers

1. Hackney Carriages and Private Hire vehicles licensed by Dartford Licensing Authority cover a wide range of vehicle types and the systems supplied should be capable of being fitted to any vehicle. The product should therefore have a multi fixing capacity unless it is integral to the construction of the car.
2. Owners of the system should acquaint themselves with all current legislation and guidance relating to CCTV systems and indicate how their systems satisfy these requirements and the relevant BSI standards that apply.
3. The supplier will provide signage in line with current Data Protection Act principles and legislation in regard to CCTV systems. Proofs of this signage will be supplied to the Licensing Authority for approval prior to fitting.
4. A supplier will provide training to a driver in the use of the system and will also provide training to authorised users in downloading images from the systems.
5. A supplier must provide evidence of their technical capacity to support the terms of the specification and responses for assistance.
6. In general the equipment will be a single camera system, rearward facing although it is recognised that in larger MPV vehicles there maybe a necessity for two camera'. Additionally current CCTV specifications are changing to allow external front facing cameras to aid in the event of an incident occurring outside of the vehicle and providing they meet current legislative requirements will be permitted after discussion with the licensing officer.
7. The equipment must be capable of giving a clear and unobstructed view of the occupants of the vehicle giving clear evidential standard images during both day and night (essentially low light conditions) and recorded at a minimum of 4 images per second. Images should be in colour during daylight hours, black and white will be acceptable during hours of darkness or low light conditions. The requirement is that the camera will operate independently of any other light source and should record at a frame rate that enables clear identification of the occupants to an evidential standard.
8. The camera should be securely fitted, robust and be of sufficient quality to withstand daily use in a commercial vehicle. It should also be of sufficient quality to remain operable and in place during any sustained attack by occupants of the vehicle. Wiring to the recording unit should be securely fastened and out of sight. Suppliers are asked to note this in their design and provide samples for approval prior to final fitting.
9. If using a remote TV screen it should be securely fitted, robust and of sufficient quality to withstand daily use in a commercial vehicle. It should also be of sufficient quality to remain in place during any attack by passengers. Wiring to the recording unit/camera should be securely fastened and out of sight. Suppliers are asked to note this in their screen design and provide samples for approval prior to final fitting. It should be positioned within the vehicle showing live images from the camera and visible to those occupants sitting in the rear of the vehicle. It should comply with current Road Traffic legislation as to the positioning of television monitors in the vehicles.
10. Suppliers should provide software systems to download images for investigations that are compatible with Police and/or Licensing Authority computer systems. Training should be provided in the use of that software to authorised users.
11. The recording unit should be housed such that it is robust, resistant to attack or unauthorised access from drivers and passengers. The housing should not interfere in the normal day to day

use of the vehicle and suppliers may consider remote citing of the unit to avoid electrical interference.

12. The unit will have a visible indicator showing that the unit is on and operational. There will be an override switch that will allow the unit to be turned off by the driver, which will also be visible and apparent to the driver.
13. The supplier shall allow for a panic switch that activates the unit immediately and records instantaneously from that point or before. This should be sited so that it will not be inadvertently turned on during normal use.
14. The unit should only record sound when in "attack or panic" mode.

Appendix F: Hackney Carriage and Private Hire application procedures

An appointment must be made with the Vehicle Licensing Officer during the office hours for all licence applications. For renewals a minimum of 7 working days prior to expiry is required to ensure a licence renewal can be made on time.

1. Vehicles

1.1. New licences and renewal licences

1.1.1 An applicant will need to complete in full, one of the necessary application forms as detailed below; make payment of the relevant fee at the time of application; and present the appropriate documentation.

Application Forms

- New application for hackney carriage vehicle licence
- Renewal application for hackney carriage vehicle licence
- New application for private hire vehicle licence
- Renewal application for private hire vehicle licence

Documentation to be produced:-

- The Vehicle Registration Document issued by the DVLA, or proof of ownership.
- 'M1 Certificate or M1 Low Volume certificate (Hackney & PH WAV only)
- Insurance Certificate confirming the vehicle is covered for 'Hire and Reward' or Private Hire – if a cover note is provided licence holders will be required to produce further insurance certificates on or before the expiry of the cover note.
- MOT certificate of not more than 14 days old on application.

If the documentation is complete, photocopies will be taken of all documents. The copies will be retained and the originals returned to the applicant.

- 1.1.2 Officers may only accept complete applications comprising of all the necessary paperwork. If an application is received late, the applicant's vehicle may be unlicensed for a period of time during which they will be unable to use it as a licensed vehicle.
- 1.1.3 The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage/private hire vehicle licence together with the necessary plate for the vehicle. The vehicle must not be used for hire or reward until the plate is attached.

1.2. Transfer of licence from an existing licensed vehicle to a temporary replacement vehicle.

- 1.2.1 If, during the term of the vehicle licence, it becomes necessary to temporarily replace the existing vehicle with another, all of the supporting documents as detailed above must be submitted, together with the original licence for endorsement with the new vehicle details.
- 1.2.2 There will an administration fee charged for this process which takes into account the supply of a new vehicle plate.

1.3. Transfer of vehicle licence to a new proprietor

- 1.3.1 Documentation as described (see Para 1) must be provided together with the original licence for endorsement with the new details. *(This is the only licence that may be transferred)*
- 1.3.2 The appropriate admin fee to be paid.

2. Drivers

2.1 Pre application Stage:

Knowledge Test

- 2.1.1 All new applicants must firstly pass the appropriate Knowledge Test as detailed in APPENDIX I. The Knowledge Test is more difficult for the Hackney Carriage driver licence to reflect there is no operator to provide additional help. The Knowledge Test for Hackney Carriage Drivers is split into two parts East & West of the Borough and has more route questions to answer from a larger set of questions. Both parts must be passed before a Hackney Carriage driver licence can be issued.
- 2.1.2 An applicant has 12 months in which to take out a licence subsequent to successfully passing the Knowledge Test. Anyone who fails to do so within this time frame will be required to re-sit the Knowledge Test.
- 2.1.3 An applicant will need to complete in full, one of the necessary application forms as detailed below; make payment of the relevant fee at the time of application; and present the appropriate documentation.

Non UK (DVLA) licence holders

- 2.1.4 Although drivers with EU licences may drive on the roads in the UK without changing their licence for normal driving, the Licensing Authority have decided that this is unsuitable for the purpose of monitoring licensed drivers and require a proper DVLA licence to be issued prior to being licensed.
- 2.1.5 Where applicants have recently arrived from other non-EU countries, it is possible for some to convert any existing driving licence to a UK issue, either by straight transfer or by undertaking an appropriate driving test. The Licensing Authority requires that the twelve month qualifying period for holding such a licence will start from the time of the conversion or passing the test.

2.2 New licences and renewal licences

- 2.2.1 An applicant will need to complete in full, one of the necessary application forms as detailed below; make payment of the relevant fee at the time of application; and present the appropriate documentation.

Application Forms

- New application for hackney carriage drivers licence
- Renewal application for hackney carriage drivers licence
- New application for private hire drivers licence
- Renewal application for private hire drivers licence

Documentation to be produced:-

If the documentation is complete, photocopies will be taken of all original documents and returned to the applicant.

- Full UK driver's licence which has been held for at least 12 months (or evidence of 12 months in combination with an EU licence). If it is a photo-card licence - the paper counterpart will also be required.
- For countries that do not fall into the exchange licence scheme, a UK driving test will need to be undertaken. Please refer to the DirectGov website for particulars on how this can be undertaken. The 12 month rule referred to above will start from the date of passing the UK DVLA driving test for non EU nationals.
- ¹Any non UK/EU foreign national will be required to give details of any residency outside the UK, provide evidence of the "Right to Work" and sign a declaration that they are permitted to work in the UK. ²Applicants must also provide further evidence that they are permitted to work in the UK for the duration of a licence period should the original "right to work" document be time limited.
- ³A medical certificate, obtained from the driver's own GP or someone with access to his medical records indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards.
- ³A Standard Criminal Records Bureau Check. All overseas applicants who have resided in this country for less than three years must obtain a Certificate of Good Conduct from their relevant embassy or consulate, at the applicant's expense, authenticated, translated and sealed by the embassy or consulate prior to being licensed.

2.2.2 Applicants will be issued with a paper licence and also a driver's badge which shall remain the property of the Licensing Authority and must be surrendered when the driver relinquishes the licence or does not renew.

Should information be received that results in the person not being considered "a fit and proper person" at the renewal application then the licence may not be renewed, may be suspended or revoked depending on the information received.

3. Operator's Licence

An applicant will need to complete in full an application form; make payment of the relevant fee at the time of application; and present the appropriate documentation.

Documentation to be provided

- Appropriate application form
- Proof of public liability insurance if there is a public waiting area (*a visit will be undertaken by an authorised officer at some point*)
- Basic Criminal Records Bureau check (less than 3 months old) for each person named on the application form
- 2 personal references
- Planning permission obtained

If the documentation is complete, photocopies will be taken of all original documents and returned to the applicant.

4. Applications general

- 4.1 If the application form contains any details to suggest that any relevant convictions or cautions have been imposed on the applicant since the licence was last issued or renewed, authorised officer will discuss the matter with the applicant.
- 4.2 At that time it will be decided whether the application is likely to be successful in the light of the Licensing Authority's Policy of the Relevance of Convictions as detailed in Appendix G, either by approval by authorised officers, or by submitting the application to the Licensing Committee.
- 4.3 In all cases, the CRB check will be obtained before any further consideration of the application.
- 4.4 When the CRB check has been returned, the application will be considered in the light of the information provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage (including those generally classed as spent). A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This will lead to consideration of the applicant as not being a 'fit and proper person', and probable refusal of the application. Any information relating to criminal background will only be kept as long as it is necessary for assessment purposes and to allow for the appeal process to take its course, if the applicant is refused a licence. If the licence is granted it will be held until the licence is relinquished.
- 4.5 In the event of an application being refused the applicant has the right of appeal to Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified

¹Represents documents that are only produced at the initial licence application.

²Represents Right to Work documents that are time limited such as visa's , where further evidence may be required to evident the right to continue to work.

³Represents documents that are provided on a 3 year cycle only.

Appendix G: Guidelines relating to the relevance of previous convictions

1 General Policy

Each case will be decided on its own merits.

- 1.1 The overriding consideration is the safety of the public. The Licensing Authority has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 1.2 A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.
- 1.3 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
- 1.4 The following examples afford a general guide on the action which might be taken where convictions are disclosed.

2 Offences of Dishonesty

- 2.1 Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 2.2 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise adults, children and especially vulnerable people.
- 2.3 For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of 4 years free of conviction will be required before an application is likely to be considered favourably.
- 2.4 In particular, an application will normally be refused where the applicant has a conviction for an offence of:-
 - Theft
 - Burglary
 - Fraud
 - Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
 - Handling or receiving stolen goods
 - Forgery

- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

and the conviction is less than 4 years prior to the date of the application.

2.5 Between 4 and 5 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

3 Violence

3.1 As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 4 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably. Further detail is contained within para 6.7 for general guidance on treatment of cautions.

3.2 In particular:-

(i) An application will normally be refused where the applicant has a conviction for an offence of:-

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)

and the conviction is less than 10 years prior to the date of application.

(ii) An application will normally be refused where the applicant has a conviction for an offence of:-

- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm (s.20 Offences Against the Person Act) « Robbery
- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31 (1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)

and the conviction is less than 8 years prior to the date of application.

- (ii) Between 8 and 10 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.
- (iii) An application will normally be refused where the applicant has a conviction for an offence of:-
- Common assault
 - Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
 - Assault on a police officer
 - Affray
 - Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
 - Riot
 - Obstruction
 - Possession of offensive weapon
 - Possession of firearm
 - Criminal damage
 - Violent disorder
 - Resisting arrest

and the conviction is less than 4 years prior to the date of application.

- 3.4 Between 4 and 8 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

4. Drugs

- 4.1 An application will normally be refused where the applicant has a conviction for a drug-related offence and the conviction is less than 5 years prior to the date of application.
- 4.2 In addition applicants will normally be required to show a period of at least 5 years free from taking drugs and/or 5 years after detoxification treatment if (s)he was an addict.

5. Indecency Offences

- 5.1 As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for soliciting, importuning, indecent exposure or any sexual offence will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.
- 5.2 In particular, an application will normally be refused where the applicant has a current conviction for an offence of:-
- Rape
 - Indecent assault

- Gross indecency with a female
- Gross indecency with a male
- Indecent assault on a child under 16 years
- Buggery
- Is on the sex offenders register

and the conviction is less than 10 years prior to the date of the application.

6. Motoring Convictions

6.1 Major Traffic Offences

- 6.1.1 An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.
- 6.1.2 More than one conviction for this type of offence within the last 5 years is likely to merit refusal.
- 6.1.3 A list of offences to which this paragraph applies can be found at the end of this document.

6.2 Minor Traffic Offences

- 6.2.1 Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.
- 6.2.2 In particular, an application will normally be refused where the applicant has 6 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.
- 6.2.3 A list of offences to which this paragraph applies can be found at the end of this document.

6.3 Hybrid Traffic Offences

- 6.3.1 Offences will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.
- 6.3.2 A list of offences to which this paragraph applies can be found at the end of this document.

6.4 Disqualification

- 6.4.1 Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.

- 6.4.2 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.
- 6.4.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) the Licensing Authority is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

6.5 Offences under the Town Police Clauses Acts 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976

- 6.5.1 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.
- 6.5.2 In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

6.6 Drunkenness

With a motor vehicle

- 6.6.1 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.
- 6.6.2 An isolated conviction for drunkenness, without disqualification, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal.
- 6.6.3 In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

Not in a motor vehicle

- 6.6.4 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.
- 6.6.5 In addition, applicants will normally be required to show that a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

6.7 Cautions and Endorsable Fixed Penalties

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions and must be disclosed on application for either a hackney or private hire driver's licence.

6.8 Spent Convictions and the Principles of The Rehabilitation of Offenders Act 1974

- 6.8.1 Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty months, the conviction can never be spent. Despite the above, the principles of the Act do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of these vehicles is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- 6.8.2 Although the Act does not prevent any judicial authorities, including the Licensing Authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a 'fit and proper person' to hold a licence.
- 6.8.3 The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.
- 6.8.4 The rehabilitation periods to which reference is most commonly made are set out below. For further details on the periods of rehabilitation applicable to all sentencing options, reference will need to be made to a specialist textbook on the Act

Sentence	Rehabilitation Period
1. Sentence of imprisonment or detention exceeding six months but not exceeding thirty months	Ten years
2. Sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service	Ten years
3. Sentence of imprisonment not exceeding six months	Seven years
4. Sentence of dismissal from Her Majesty's Service	Seven years
5. Sentence of detention in respect of a convictions in services disciplinary proceedings	Five years
6. A fine, compensation, probation, community service or combination order	Five years
7. Absolute discharge	Six months
8. Conditional discharge	One year or date of expiry of order
9. Action plan, curfew, drug treatment and testing order, or reparation order	Five years

Classification of traffic offences and relevant codes

Major traffic offences

AC10 Failing to stop after an accident

AC20 Failing to give particulars or to report an accident within 24 hours

AC30 Undefined accident offences

BA10 Driving while disqualified by order of court

BA20 Attempting to drive while disqualified by order of court

CD10 Driving without due care and attention

CD20 Driving without reasonable consideration for other road users

CD30 Driving without due care and attention or without reasonable consideration for other road users

CD40 Causing death through careless driving when unfit through drink

CD50 Causing death by careless driving when unfit through drugs

CD60 Causing death by careless driving with alcohol level above the limit

CD70 Causing death by careless driving then failing to supply a specimen for analysis

DD40 Dangerous driving

DD60 Manslaughter or culpable homicide while driving a vehicle

DD80 Causing death by dangerous driving

DR10 Driving or attempting to drive with alcohol level above limit

DR20 Driving or attempting to drive while unfit through drink

DR30 Driving or attempting to drive then failing to supply a specimen for analysis

DR40 In charge of a vehicle while alcohol level above limit

DR50 In charge of a vehicle while unfit through drink

DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive

DR70 Failing to provide specimen for breath test

DR80 Driving or attempting to drive when unfit through drugs

DR90 In charge of a vehicle when unfit through drugs

IN 10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence

LC30 Driving after making a false declaration about fitness when applying for a licence

LC40 Driving a vehicle having failed to notify a disability

LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway

MS60 Offences not covered by other codes

UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN16 becomes IN16)

Minor traffic offences

MS10 Leaving a vehicle in a dangerous position

MS20 Unlawful pillion riding

MS30 Play street Offences

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test

MS70 Driving with uncorrected defective eyesight

MS80 Refusing to submit to an eyesight test

MS90 Failure to give information as to identity of driver, etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations

PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle

PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals

TS20 Failing to comply with double white lines

TS30 Failing to comply with a "Stop" sign

TS40 Failing to comply with direction of a constable or traffic warden

- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

Hybrid traffic offences

CU10 Using vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

SP10 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

SP60 Undefined speed limit offence

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

Appendix H: Hackney Carriage and Private Hire driver licensing – details of residency outside the United Kingdom

Pre-fix	Surname	Forename(s)
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Address

Have you ever been a resident of a country other than the United Kingdom?

Yes – if so please provide details below of the dates and countries of which you have been resident

No – if so please sign below and return the form with your application

Name of country	From	To

1. All drivers MUST provide documentation to show that you are permitted to work in the United Kingdom.
2. Under section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976, if any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section he shall be guilty of an offence.

Declaration

I declare that:-

- a. I have checked the details above and that to the best of my knowledge and belief they are true and correct in every respect.
- b. I am not barred from taking up employment in the United Kingdom.
- c. I confirm that I have read and understood each section of this form and answered to best of my knowledge, belief and ability.
- d. I give my consent to the sharing of my details with the Immigration Department to enable a check on the legal status of the right to work documentation supplied in support of my application.

Name

Signature

Date

Appendix I: Driver knowledge tests

1. Introduction

- 1.1. In order to maintain the high standard the Licensing Authority expects of its licensed drivers operating within the Borough, all new applicants are required to pass a "Knowledge Test".
- 1.2. Before an individual applies to sit the "Knowledge Test" they should be satisfied that they can fulfil all other Licensing Authority requirements to become a licensed driver.
- 1.3. An individual should not obtain a Criminal Records Bureau Enhanced Disclosure or a medical until (s)he passes the Knowledge Test.
- 1.4. All elements of the test must achieve the required pass mark.
- 1.5. All questions are held on a data base and selected at random; therefore test papers will not be the same as previous papers and there are no specimen tests for view or study.
- 1.6. Hackney Carriage tests are undertaken in two parts (Dartford East & Dartford West). Any applicant who passes both hackney levels can on application be licensed as a private hire driver without a further test.
- 1.7. The "Knowledge Test" is held quarterly. The duration of the test will be 90 minutes. An applicant must pay a fee to sit the test.
- 1.8. If an applicant is unable to complete the papers in written format special arrangements can be made for him to reply to the test orally.
- 1.9. A Guidance Pack is available on the DBC website or picked up from the Licensing Authority Offices at the Civic Centre. The Guidance Pack contains a guide to the answering format of the test.
- 1.10. Any person found cheating will be disqualified from the test and another application will not be accepted for a period of one year.
- 1.11. Tests will be marked generally within 2-3 weeks and applicants informed of the result. Authorised officers will not enter into any discussion regarding the outcome of the test.

2. The Knowledge Test: Hackney Carriage/Private Hire Applications

- 2.1 The test will consist of the following elements:

Part A	Policy and Licensing Legislation
Part B	Highway Code
Part C	Local Geography (routes/key locations)

DBC Hackney Carriage and Private Hire Legislation and Policy

- 2.2 Ten questions relating to applicants knowledge and understating of the law in respect of hackney carriage and private hire licensing. The questions will relate to legislation, bye-laws, and conditions. Pass mark 80% for both private hire and 90% hackney carriage

Highway Code

- 2.3 Ten questions relating to driving skills, road information and etiquette as set out in the Highway Code. Pass mark is 90% for private hire and 90% for hackney carriage.

Local Geography

- 2.4 The test will consist of two parts comprising (1) a mixture of 30 questions requiring the shortest route by distance between a pick-up point and a destination (2) questions relating to the locations of prominent buildings, such as schools, churches, day centres, hotels, flats, places of interest.
- 2.4.1 The pass marks required are 80% for private hire and 90% for hackney carriage.
- 2.4.2 The Hackney Carriage Test is divided into two sections of the Borough (East & West). Each part can only be taken individually, however once a pass is achieved on a section (either East or West), the second section test will only relate to routes.

Appendix J: Private Hire driver – licence conditions

Local Government (Miscellaneous Provisions) Act 1976 – Section 51

1. A licensed driver must comply with any specific restriction as detailed on the licence and the general conditions as detailed on this document.
2. A licensed driver shall be of a professional clean and tidy appearance. **“See definitions”**
3. A licensed driver shall behave and drive in a civil and orderly manner and shall take reasonable precautions to ensure the safety and comfort of persons conveyed in or alighting from a licensed vehicle.
4. A licensed driver who has agreed or whose operator has agreed, to be in attendance at a certain time at a specific place, shall unless delayed or prevented by some sufficient cause, punctually attend with a licensed vehicle at the appointed time and place.
5. A driver of a licensed vehicle shall not convey a greater number of persons than specified in the licence. **“See definitions”**
6. A licensed driver shall:
 - (a) Convey a reasonable amount of luggage.
 - (b) Afford reasonable assistance in loading and unloading such luggage.
 - (c) Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he/she may take up or set down passengers.
7. The driver shall not, without the consent of the hirer of the licensed vehicle convey or permit to be conveyed any other persons.
8. If a private hire vehicle is fitted with a fare meter the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and observing the fare to be paid.
9. The driver shall not demand from the hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator, subject to any adjustments to account for an extended journey or additional time, or if a fare meter is fitted and there has been no previous agreement as to the fare, the fare shown on the face of the fare meter.
10. The driver shall upon expiry, revocation or suspension of this licence forthwith return to the Licensing Authority the drivers badge issued to him/her by the Licensing Authority.
11. The driver shall within seven days disclose to the Licensing Authority, in writing, details of any criminal and/or driving convictions imposed on him/her during the course of this licence.
12. The driver shall wear on his./her person a badge issued to him/her by the Licensing Authority, in such a position and manner as to be plainly and distinctly visible unless an exemption has been granted.
13. The driver shall at the end of each hiring inspect the licensed vehicle for any property inadvertently left in the vehicle, if any property is found carry it as soon as possible, and in any event within 48 hours, to a Police Station in the district and leave it in the custody of an Officer on his giving a receipt for it.
14. The driver of a licensed vehicle shall present the vehicle in a clean condition both externally and internally.

15. The holder of this licence shall notify the Licensing Authority in writing, of any change of address and contact number within 72 hours.
16. This licence may be suspended, revoked or not renewed in accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976
17. The driver of a licensed vehicle shall report to the Licensing Authority as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the private hire vehicle causing damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein
18. The driver shall ensure that the wheelchair ramps and retaining straps or clamps are used at all times when carrying a wheelchair bound passenger.
19. This licence is not transferable.

Definitions

“Persons for the purpose of these condition means:

1. For counting purposes, an individual from birth upwards is deemed to count towards the total number of passengers the vehicle is licensed to carry.

Dress code – inappropriate dress is defined as:

2. All shorts (however cropped trousers are acceptable), sports or gym type clothing, sleeveless t-shirts, football or other inappropriate rude slogan t-shirts, and shirtless.

Appendix K: Penalty Points Scheme

1. The details of how the scheme will be operated are as follows:

- 1.1 The Licensing Authority's Taxi Licensing and Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- 1.2 Where it is decided that the use of the Penalty Points Scheme is appropriate, the points will be issued in accordance with this appendix.
- 1.3 The imposition of penalty points against a driver who is an employee will not necessarily result in the additional imposition of points to his/her employer or operator. However the Licensing Authority will issue penalty points to drivers, proprietors, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- 1.4 Points issued to a proprietor, operator or driver will be confirmed in writing within three weeks of the completion of enquiries into the contravention or upon discovery of breach.
- 1.5 When issued, the penalty points will remain "live" for a period of one year from the date they are imposed so that only points accumulated in a rolling 12 months period will be taken into account.
- 1.6 There is no financial penalty associated with the Penalty Point Scheme, and the licensee may continue to work. However, the licensee may be asked to attend either a meeting with the Licensing Authority or the Review Board if 12 or more penalty points are imposed on an individual licence in any one 12 month rolling period, where appropriate action will be taken in accordance with this policy.
- 1.7 Where a driver, proprietor or operator attains 12 penalty points, disciplinary options available to the Licensing Authority or the Review Board will include suspension or revocation of the driver's licence.
- 1.8 If it is felt that the matter does not warrant suspension or revocation of the licence, a written warning may be issued to the driver as to his future conduct.
- 1.9 Periods of suspension of a licence will be dependent on the nature of the breach of legislation or the requirements of this Policy and the compliance history of the licence holder.
- 1.10 A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.
- 1.11 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. In most cases a suspension will be subject to a 21 day appeal period starting on the date of the suspension notice to allow for the formal appeal process. There might be occasions where immediate suspension is required e.g. danger to the public.
- 1.12 The Penalty Points Scheme will operate without prejudice to Licensing Authority's ability to take other action under appropriate legislation or as provided for by this policy.
- 1.13 The Penalty Points Scheme outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.

2. Penalty Points Tariff

2.1 Legislative offences and penalties:

Two statutes principally create offences relating to hackney carriages and private hire vehicles –

- i) Town Police Clauses Act 1847
- ii) Local Government (Miscellaneous Provisions) Act 1976

2.2 The offences are set out below under the relevant statute:

Any subsequent amendments to the legislation will supersede the tables below and this appendix may be amended to reflect the revised legislation by way of an addendum to this policy.

TOWN AND POLICE CLAUSES ACT 1847						
List no.	Section	Offence	Max Penalty Points	Operator	Proprietor	Driver
1	40	Giving false information on a hackney carriage licence application.	12		✓	✓
2	44	Failure to notify change of address on a hackney carriage licence.	2		✓	✓
3	45	Plying for hire without a hackney carriage licence.	Prosecute	-	-	-
4	47	Driving a hackney carriage without a hackney carriage driver's licence.	Prosecute	-	-	-
5	47	Lending or parting with a hackney carriage driver's licence.	12			✓
6	47	Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage vehicle.	12 or prosecute		✓	✓
7	48	Failure of a proprietor to retain in his/her possession copies of any hackney carriage driver's licence that permits them to drive their vehicle.	3		✓	
8	48	Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle.	3		✓	
9	52	Failure to display a hackney carriage plate.	4			✓
10	53	Refusal to take a fare without a reasonable excuse.	8			✓

11	54	Charging more than the agreed fare.	8			✓
12	55	Obtaining more than the legal fare (including failure to refund).	8			✓
13	56	Travelling less than the lawful distance for an agreed fare.	6			✓
14	57	Failure to wait after a deposit to wait has been paid.	12			✓
15	58	Charging more than the legal fare.	8			✓
16	59	Carrying persons other than with the consent of the hirer.	6			✓
17	60	Driving a hackney carriage without the proprietor's consent.	12			✓
18	60	Allowing a person to drive a hackney carriage without the proprietor's consent.	12			✓
19	62	Driver leaving a hackney carriage unattended.	2			✓
20	64	Hackney carriage driver obstructing other hackney carriages.	2			✓

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

List no.	Section	Offence	Max Penalty Points	Operator	Proprietor	Driver
21	46(1)(a)	A licensed driver using an unlicensed vehicle for private hire purposes.	12			✓
22	46(1)(b)	Driving a private hire vehicle without a private hire driver's licence.	Prosecute	-	-	-
23	46(1)(c)	Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle.	8		✓	
24	46(1)(d)	Operating a private hire vehicle without a private hire operators' licence.	Prosecute	-	-	-
25	46(1)(e)	Operating an unlicensed vehicle as a private hire vehicle.	12	✓	✓	✓
26	46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver.	12	✓	✓	✓

List no.	Section	Offence	Max Penalty Points	Operator	Proprietor	Driver
27	48(6)	Failure to display a private hire vehicle plate.	4		✓	✓
28	49	Failure to notify the transfer of a vehicle licence.	3		✓	
29	50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request.	6		✓	
30	50(2)	Failure to inform the Licensing Authority where a hackney carriage or private hire vehicle is stored, if requested.	3		✓	
31	50(3)	Failure to report an accident to the Licensing Authority within seventy two hours.	6		✓	✓
32	50(4)	Failure to produce the vehicle and/or insurance upon request.	6		✓	✓
33	53(3)	Failure to produce a driver's licence upon request.	6			✓
34	54(2)	Failure to wear a private hire driver's badge.	6			✓
35	56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Licensing Authority or a police officer within reasonable time/or time specified.	6	✓		
36	56(3)	Failure of a private hire operator to keep proper records of all private hire vehicle licenses and driver licenses, or failure to produce them on request of an authorised officer of the Licensing Authority or a police officer within reasonable time/or time specified.	6	✓		
37	56(4)	Failure of a private hire operator to produce his licence upon request.	4	✓		
38	57	Making a false statement or withholding information to obtain a hackney carriage private hire driver's licence.	12	✓	✓	✓

39	58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence.	12		✓	
40	61(2)	Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew.	Prosecute	-	-	-
41	64	Permitting a private hire vehicle to wait on a hackney carriage rank.	6			✓
42	66	Hackney Carriage charging more than the meter fare for a journey ending outside the District, without prior agreement.	8			✓
43	67	Hackney Carriage charging more than the meter fare when a hackney carriage is used as a private hire vehicle.	8			✓
44	69	Unnecessarily prolonging a journey.	8			✓
45	71	Interfering with a private hire taxi-meter with intent to mislead.	12		✓	✓
46	73(1)(a)	Obstruction of an authorised officer of the Licensing Authority or a police officer.	12	✓	✓	✓
47	73(1)(b)	Failure to comply with a requirement of an authorised officer of the Licensing Authority or a police officer.	12	✓	✓	✓
48	73(1)(c)	Failure to give information or assistance to an authorised officer of the Licensing Authority or police officer.	12	✓	✓	✓

LOCAL AUTHORITY TAXI POLICY

List no.	Section	Offence	Max Penalty Points	Operator	Proprietor	Driver
49	N/A	Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below.	6			✓
50	N/A	Failure to ensure the safety of passengers.	12	✓	✓	✓
51	N/A	Concealing or defacing a vehicle licence plate.	6	✓	✓	✓
52	N/A	Failure to attend on time for a pre-arranged booking without reasonable cause.	2	✓	✓	✓
53	N/A	Conveying a greater number of passengers than permitted.	12			✓
54	N/A	Failure to give reasonable assistance with passenger's luggage.	2			✓
55	N/A	Private hire soliciting for hire or accepting a fare that is not pre-booked.	6			✓
56	N/A	Operating/using a vehicle that is not clean and tidy internally or externally.	2		✓	✓
57	N/A	Operating/using a vehicle that is in a safe condition internally or externally.	12		✓	✓
58	N/A	Driving without the consent of the proprietor.	12			✓
59	N/A	Drinking or eating in the vehicle whilst carrying passengers.	2			✓
60	N/A	Smoking in the vehicle at any time.	4			✓
61	N/A	Causing excessive noise from any radio or sound-reproducing equipment.	2			✓
62	N/A	Sounding the horn to signal that the vehicle has arrived, disturbing residents	2			✓
63	N/A	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	6			✓

64	N/A	Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire.	6			✓
65	N/A	Using a non-hands free mobile telephone whilst driving.	12			✓
66	N/A	Failure to advise of a relevant medical condition.	12			✓
67	N/A	Failure to provide a receipt for a fare when requested.	2			✓
68	N/A	Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of a hackney carriage.	8			✓
69	N/A	Failure to notify the Licensing Authority of relevant change to licence details within the time specified in the associated licence conditions.	2	✓	✓	✓
70	N/A	Failure to produce a hackney carriage or private hire licence upon request.	3	✓	✓	✓
71	N/A	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment.	2			✓
72	N/A	Failure of a private hire operator to request and keep a copy of all driver's licence in his employ at the beginning of employment.	2	✓		
73	N/A	Failure of a licence holder to disclose convictions within seven days of conviction.	12	✓	✓	✓
74	N/A	Carrying any animal other than a guide, hearing or other prescribed assistance dog or those owned by bona-fide fare paying passengers.	6			✓
75	N/A	Failure to search a vehicle after a journey or failure to take found property to the police within forty eight hours of finding.	6			✓
76	N/A	Failure to report an accident within seventy two hours.	6			✓

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

List no.	Section	Offence	Max Penalty Points	Operator	Proprietor	Driver
77	N/A	Failure to comply with requirements for the safe carrying of a wheelchair.	6		✓	✓
78	N/A	Operating a vehicle that does not comply with the Licensing Authority's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified herein.	12		✓	✓
79	N/A	A Private Hire driver using a Hackney Carriage vehicle without a Hackney Carriage driver licence.	12			✓
80	N/A	Failure to carry an approved fire extinguisher.	2		✓	✓
81	N/A	Failure to carry a first aid kit for personal use that has been approved by the Licensing Authority.	2		✓	✓
82	N/A	Modifying a licensed vehicle without the consent of the Licensing Authority.	12		✓	✓
83	N/A	Failure to display or maintain external plates as issued by the Licensing Authority or displaying them incorrectly e.g. in the window of a vehicle.	4		✓	✓
84	N/A	Affixing or displaying a roof sign on a private hire vehicle.	4		✓	✓
85	N/A	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Licensing Authority.	4		✓	✓
86	N/A	Using a taxi-meter that does not conform to Licensing Authority requirements.	6	✓	✓	✓
87	N/A	Driving with no insurance or inadequate insurance for the vehicle.	12		✓	✓

88	N/A	Permitting the vehicle to be used for any illegal or immoral purposes.	12	✓	✓	✓
89	N/A	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times.	2	✓		
90	N/A	Failure of a private hire operator to keep the operating premises in accordance with Licensing Authority requirements.	3	✓		
91	N/A	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured.	12	✓		
92	N/A	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access.	6	✓		

Where a breach is proven that is a combination of any of the above offences, the option to allocate points for each of the offences can be utilised by any authorised licensing officer or the Officer Review Board.

Appendix L: Code of Good Conduct for Licensed Drivers

1. In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Licensing Authority has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

2. Responsibility to the Trade

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- i) complying with this Code of Conduct
- ii) complying with the Licensing Authority's Hackney Carriage and Private Hire Licensing Policy
- iii) behaving in a civil, orderly and responsible manner at all times.

3. Responsibility to Clients

Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory condition at all times
- b) keep their vehicles clean and suitable for hire to the public at all times
- c) attend punctually when undertaking pre-booked hiring
- d) assist, where necessary, passengers' ingress to and egress from vehicles
- e) offer passengers reasonable assistance with luggage

4. Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) not sound the vehicle's horn illegally
- b) keep the volume of all audio equipment and two-way radios to a minimum
- c) switch off the engine if required to wait
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood
- e) at hackney carriage ranks, in addition to the requirements above:
 - i) rank in an orderly manner and proceed along the rank in order and promptly
 - ii) remain in the vehicle
- f) at private hire offices:
 - i) not undertake servicing or repairs of vehicles
 - ii) not allow volume of all audio equipment and two-way radios to unduly disturb residents of the neighbourhood

- iii) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood, which might arise from the conduct of their business.

5. General

Drivers shall:

- a) pay attention to personal hygiene and dress, so as to present a professional image to the public (see definitions in hackney carriage and private hire driver conditions)
- b) be polite, helpful and fair to passengers
- c) drive with care and due consideration for other road users and pedestrians and, in particular, shall not use a hand held mobile phone whilst driving
- d) obey all Traffic Regulation Orders and directions at all time
- e) not smoke at any time when inside the vehicle
- f) not consume alcohol immediately before, or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle (any amount of alcohol can affect a drivers' judgement)
- g) not drive while having misused legal or illegal drugs (any amount of drugs can affect a driver's judgement). If a driver properly uses prescription drugs that make him drowsy he should not drive
- h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours
- i) not eat in the vehicle in the presence of customers

6. Suspension, revocation or refusal to renew a driver's licence

Drivers should be aware of the powers the Licensing Authority has to take action, by way of suspension, revocation or refusal to renew a driver's licence where:

- i) the driver has been convicted, since the grant of the licence, of an offence involving drink driving, drug driving, dishonesty, indecency or violence
- ii) the driver has been convicted of an offence under any legislation relating to hackney carriage or private hire regulation
- iii) the driver has breached any requirements of the Licensing Authority's Hackney Carriage and Private Hire Licensing Policy
- iv) there are persistent breaches of this Code

Appendix M: Hackney Carriage Driver – Licence Conditions

Local Government (Miscellaneous Provisions) Act 1976 – Section 57

Without prejudice to the Byelaws in respect of hackney carriages made by the Dartford Borough Council, the following conditions shall apply:

1. The driver of a hackney carriage shall occupy the first position on a stand and remain with the vehicle ready to be hired.
2. A driver of a hackney carriage hired to drive to a particular destination, subject to any directions given by the hirer, shall proceed to that destination using the shortest route available.
3. A licensed driver shall behave and drive in a civil and orderly manner and shall take reasonable precautions to ensure the safety and comfort of persons conveyed in or alighting from a licensed vehicle.
4. A licensed driver who has agreed or whose employer has agreed, to be in attendance at a certain time at a specific place, shall unless delayed or prevented by some sufficient cause, punctually attend with a licensed vehicle at the appointed time and place.
5. A driver of a licensed vehicle shall not convey a greater number of persons than specified in the licence. **“See Definitions”**
6. A licensed driver shall:
 - (a) Convey a reasonable amount of luggage.
 - (b) Afford reasonable assistance in loading and unloading such luggage.
 - (c) Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he/she may take up or set down passengers.
 - (d) Carry without extra charge guide and assistance dogs; unless exempt by the Council.
7. The driver shall not, without the consent of the hirer of the hackney carriage convey or permit to be conveyed any other persons.
8. The driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and observing the fare to be paid.
9. The driver shall not demand from the hirer a fare in excess of any previously agreed for that hiring or a fare in excess of that shown on the taximeter, subject to any adjustments to account for an extended journey or additional time.
10. The driver shall upon expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the drivers badge issued to him/her by the Council.
11. The driver shall within seven days disclose to the Council, in writing, details of any criminal and/or driving convictions imposed on him/her during the course of this licence.
12. The driver shall wear on his/her person a badge issued to him/her by the Council, in such a position and manner as to be plainly and distinctly visible.
13. The driver shall at the end of each hiring inspect the licensed vehicle for any property inadvertently left in the vehicle, if any property is found carry it as soon as possible, and in any

event within 48 hours, to a Police Station in the district and leave it in the custody of an Officer on his giving a receipt for it.

14. The driver of a hackney carriage shall present the vehicle in a clean condition both externally and internally.
15. The holder of this licence shall forthwith notify the Council, in writing, of any change of address.
16. This licence may be suspended, revoked or not renewed in accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976.
17. The driver of a licensed vehicle shall report to the Council as soon as reasonable practicable, and in any case within 72 hours of the occurrence thereof, any accident to the hackney carriage vehicle causing damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein
18. The driver shall ensure the wheelchair ramps, retaining straps or clamps are carried in the vehicle. The retaining straps or clamps are used at all times to secure the wheelchair.
19. This licence is not transferable.

Definitions

“Persons” for the purpose of these condition means:

1. For counting purposes, an individual from birth upwards is deemed to count towards the total number of passengers the vehicle is licensed to carry.

Appendix N: Private Hire Operators – Licence Conditions

Local Government (Miscellaneous Provisions) Act 1976 – Section 55

1. The licensed operator shall ensure that all vehicles and drivers employed by him/her are licensed with Dartford Borough Licensing Authority.
2. The licensed operator shall keep a copy of each private hire or hackney carriage driver's licence whilst in his/her employ and a copy of each vehicle's motor insurance for vehicles used by the drivers in his/her employ.
3. The licensed operator shall ensure drivers are fully trained in the use of wheelchair ramps and securing the wheelchair in the vehicle by the straps or clamps provided by the manufacturer.
4. The licensed operator shall provide a prompt, efficient and reliable service to the public at all times and in particular ensure that premises to which the public have access for the purpose of booking or waiting are kept clean and provided with adequate seating facilities.
5. Before the journey is commenced, the operator shall record:
 - (a) Whether the request for the hiring was made by the hirer directly or by another operator.
 - (b) The time, location and destination of the hiring.
 - (c) The name and/or call sign of the driver undertaking the hiring.
 - (d) The licence number of the vehicle used.
6. The licensed operator shall produce the above records for inspection on request by an authorised Officer of the Licensing Authority or a Police Constable.
7. The licensed operator shall ensure that the records required by licence condition 4 are retained for a period of not less than twelve months.
8. The licensed operator shall make available at all times to an authorised officer a list of licensed drivers showing their "call sign" or any other method that will readily identify the driver who has carried out a particular hiring.
9. The licensed operator shall notify the Licensing Authority immediately of any change of circumstance relating to the operation of his business including change of vehicles and drivers.
10. The licensed operator shall notify the Licensing Authority immediately, in writing, of his/her intention to change the operating address to which the licence refers and ensure the appropriate planning permission is sought prior to moving. (Operating from an address other than the licensed address is operating illegally.)
11. The licensed operator shall notify the Licensing Authority within 72 hours of the occurrence thereof, any accident to any of his vehicles whether or not it causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of the persons carried therein.
12. The operator shall within 7 days disclose to the Licensing Authority, in writing, details of any criminal convictions imposed on him/her and/or any partners, directors during the period of the licence.
13. Any advertisement referring to the operators business shall not use the words "Hackney

Carriage,""Cab", or "Hire" or in any way lead any person to believe that the vehicle for hire is a licensed hackney carriage.

14. This licence is not transferable.
15. This licence may be revoked, suspended or not renewed in accordance with Section 62 of the Local Government (Miscellaneous Provisions) Act 1976.

Appendix O: Taxi Licensing and Enforcement Policy

1. Enforcement Policy Statement

- 1.1 It is the policy of Dartford Borough Licensing Authority to ensure that taxi drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant law and the conditions attached to the licences.
- 1.2 This policy is intended to fairly and firmly enforce the law in a consistent and transparent way. The Licensing Authority has adopted the provisions of the Government's Enforcement Concordat which provide the common principles for all enforcement procedures across the services. The Enforcement Concordat principles are:
 - agreed standards and procedures
 - helpfulness
 - openness
 - transparency
 - proportionality
 - consistency
 - complaints procedure
- 1.2 All enforcement action, be it verbal warnings, the issue of written warnings, statutory notices, appearance before the committee or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation.
- 1.3 Delegated authority for all levels of enforcement has been given to Licensing Officers. Authorised officers, when making enforcement decisions, will abide by this policy. Any departure from the policy must be exceptional, capable of justification, be fully considered and be endorsed by the Senior Licensing Officer or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 1.4 Authorised officers must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.

2 Enforcement Options

- 2.1 Achieving and maintaining a consistency of approach to making all decisions that concern taxi licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.
- 2.2 Licence application and enforcement decisions must always be consistent, balanced, proportionate and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:-
 - seriousness of any offences;
 - driver or operator's past history;
 - consequence of non-compliance;
 - likely effectiveness of the various enforcement options;

- danger to the public.
- 2.3 Having considered all relevant information and evidence, the choices for action are:-
- 2.3.1 Licence Applications:
- grant licences subject to the Licensing Authority's Hackney Carriage and Private Hire Licensing Policy requirements
 - refuse to grant a licence.
- 2.3.2 Enforcement Action:
- take no action;
 - take informal action; or
 - use DBC penalty point system
 - use statutory notices, (stop notices etc.);
 - suspend a licence;
 - revoke a licence;
 - use simple cautions;
 - prosecute
 - a combination of any of the above
- 2.4 This policy document provides detailed guidance applicable to the various options for enforcement action.

3. Informal Action

- 3.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.
- 3.2 Such informal enforcement action may be appropriate in any of the following circumstances:-
- the act or omission is not serious enough to warrant more formal action;
 - it can be reasonably expected that informal action will achieve compliance, perhaps by taking into account the individual driver or operator's past history;
 - confidence in the operator's management is high;
 - the consequences of non-compliance will not pose a significant risk to the safety of the public.

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

4. Appearance before the Officer Review Board

- 4.1 An offending licensee may opt to be heard by an Officer Review Board where disciplinary action to be taken by an authorised licensing officer in the form of penalty points is not agreed. The Officer Review Board will consist of 2 Authorised Licensed Officers and 1 Independent Officer. The Officer Review Board will determine the level of points to be awarded if concluding the breach occurred, but could opt for other action if the offence was serious enough.
- 4.2 The Officer Review Board may decide to recommend the Licensing Officer takes one or more of the following actions:-

- no action;
- a written warning;
- require the production of driving licences or other specified documentation at the Licensing Authority's Office;
- award points
- suspend a licence;
- revoke a licence;
- recommend prosecution action
- other appropriate action as deemed necessary

5. Section 68 Notices (Stop Notices)

- 5.1 An authorised officer may serve notice in writing for a hackney carriage or private hire vehicle or the taximeter affixed to such vehicle to be examined at the Licensing Authority's appointed garage at a time specified in the notice. This notice must only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter.
- 5.2 An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied with the condition of the hackney carriage or private hire vehicle. This action will only be taken when he has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.
- 5.3 The suspension notice will remain in place until such time as the Officer issuing the notice is satisfied that the grounds for suspension have been satisfactorily resolved. Written confirmation of the lifting of the suspension notice will be given. Until such time as written confirmation has been received, the suspension notification will remain active.
- 5.4 If the Authorised Officer who issued the suspension notice is not satisfied that the appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two months from the date of issue, the vehicle licence shall be deemed to be revoked.

6. Appeals

- 6.1 Appeals against decisions of the Licensing Committee, Strategic Director or Licensing Officer must be made to the Magistrates' Court.
- 6.3 Any notifications of enforcement actions will include written information on how to appeal. Where the Licensing Authority suspends or revokes a driver's licence the revocation or suspension may take place immediately regardless of the fact that the driver may have made an appeal against the decision to the Magistrates' Court.
- 6.4 A driver can also appeal against a refusal to renew his drivers licence, but as his previous licence would have already expired he cannot continue to drive as he would no longer hold a current licence.

7. Prosecution

- 7.1 The decision to prosecute is a very significant one as it may impact on the licence holder's future employability. Prosecution will, in general, be restricted to those circumstances where

the law is blatantly disregarded, legitimate requirements of the Licensing Authority are not followed and/or the public is put at serious risk.

Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made provide common standards which ensure a consistent approach.

- 7.2 The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-
- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
 - when there appears to have been reckless disregard for the safety of passengers or other road users;
 - where there have been repeated breaches of legal requirements;
 - where a particular type of offence is prevalent;
 - where a particular contravention has caused serious public alarm.
- 7.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.
- 7.4 Before referring a matter to the Head of Legal Services for possible prosecution, the Strategic Director, the Enforcement & Regulatory Services Manager and the Senior Licensing Officer must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction; a bare prima facie case is not enough. With insufficient evidence to prosecute, the issue of a simple caution is not an alternative.
- 7.5 In addition to being satisfied that there is sufficient evidence to provide realistic prospect of conviction, it must be established that it is in the public interest to prosecute. The Code for Crown Prosecutors (November 2004), issued by the Crown Prosecution Service, provides guidance which will be considered, including relevant public interest criteria
- 7.6 When a decision is being taken on whether to prosecute, the factors to be considered may include:-
- the seriousness of the alleged offence;
 - the risk or harm to the public;
 - identifiable victims;
 - failure to comply with a statutory notice served for a significant breach of legislation;
 - disregard of safety for financial reward;
 - the previous history of the party concerned;
 - offences following a history of similar offences;
 - failure to respond positively to past warnings;
 - the ability of any important witnesses and their willingness to cooperate;
 - the willingness of the party to prevent a recurrence of the problem;
 - the probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public

interest will allow anything other than a prosecution);

- whether other action, such as issuing a simple caution in accordance with the Home Office Circular 016./2008 would be more appropriate or effective.

8 Simple Cautions

8.1 A simple caution may be used as an alternative to a prosecution in certain circumstances.

8.2 The purposes of the simple caution are:-

- to deal quickly and simply with less serious offences;
- to divert less serious offences away from the Courts;
- to reduce the chances of repeat offences

8.3 To safeguard the suspected offender's interests, the following conditions should be fulfilled before a caution is administered:-

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction;
- the suspected offender must admit the offence;
- the suspected offender must understand the significance of a simple caution and give informed consent to being cautioned.

8.4 If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).

8.5 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will usually mean prosecution, this is not necessarily inevitable. For example, it may be considered that a written warning would be appropriate.

9 Transparency

9.1 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

9.2 Any written documentation issued or sent will:-

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

9.3 The clear distinction between legal requirements and matters which are recommended as good practice recommendations in all enforcement action, even if only giving verbal advice, is vitally important.

Appendix P: Grounds for Appeal to Magistrates' Court

1. Any person aggrieved by any conditions attached to a hackney carriage licence may appeal to a Magistrates Court under Section 47, Local Government (Miscellaneous Provisions) Act 1976
2. Any person aggrieved by the refusal of the Licensing Authority to grant a private hire vehicle licence under the Local Government (Miscellaneous Provisions) Act 1976, or by any conditions specified in such a licence, may appeal under Section 48 of such Act
3. Any person aggrieved by the refusal of the Licensing Authority to grant a licence to drive private hire vehicles, or by any conditions attached to the grant of such a driver's licence, may appeal to a Magistrates' Court under Section 52, Local Government (Miscellaneous Provisions) Act 1976
4. Any person aggrieved by the refusal of the Licensing Authority to grant a licence to operate private hire vehicles under the Local Government (Miscellaneous Provisions) Act 1976, or by any conditions attached to the grant of such a licence, may appeal to a Magistrates' Court under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976
5. Any person aggrieved by the refusal of the Licensing Authority to grant a licence to drive a hackney carriage on the ground that he is not a fit and proper person to hold such a licence may appeal to a Magistrates' Court under Section 59 of the Local Government (Miscellaneous Provisions) Act 1976
6. Any driver aggrieved by a decision of the Licensing Authority to suspend, revoke or refusal to renew any licence for a hackney carriage or private hire vehicle may appeal to a Magistrates' Court under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976
7. Any driver aggrieved by a decision of the Licensing Authority to suspend, revoke or refusal to renew any licence to drive a hackney carriage or private hire vehicle may appeal to Magistrates' Court under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976
8. Any operator aggrieved by a decision of the Licensing Authority to suspend, revoke or refusal to renew an operator's licence may appeal to a Magistrates' Court under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976

The time within which any appeal as mentioned above may be brought is 21 days from the date on which notice of the Licensing Authority's requirement, refusal or other decision was served upon the person desiring to appeal.

Appendix Q: Summary of Legislation

TOWN POLICE CLAUSES ACT 1847

Section 46 Driver not to act without first obtaining a licence	No person shall act as a driver of any hackney carriage without first obtaining a licence
Section 48 Proprietors to retain licences of drivers and produce the same before justices' on complaint	Proprietors must retain licences of drivers while they remain in his employment. Where the proprietor of a hackney carriage is summoned before a justice or to produce the driver he shall also produce the licence of the driver if he is in his employment
Section 52 Penalty for neglect or refusing to exhibit the prescribed number of passengers	If the proprietor, or driver of any hackney carriage permits the same to be used, employed, stand or ply for hire without having the number of persons to be carried displayed in the in the prescribed manner
Section 53 Penalty on driver for refusing to drive	The driver of any hackney carriage standing at any stands for hackney carriages or in any street, without reasonable excuse shall not refuse or neglect to drive such carriage to any place within the prescribed distance
Section 54 Demanding more than the sum agreed	Proprietors or drivers of hackney carriages or any person on his behalf is not permitted to exact or demand more than the fare agreed
Section 55 Payment of more than the legal fare	No agreement whatsoever shall be made between the driver or with any person having or pretending to have the care of any such hackney carriage, for the payment of more than the fare allowed by any byelaw or Act
Section 56 Agreement to carry passengers a discretionary distance for a fixed sum	If the proprietor or driver of any hackney carriage, or any other person on his behalf, agrees to carry persons for a distance at the discretion of the proprietor or driver, and for a sum agreed upon, he shall not carry those persons for a lesser distance than would be allowed by the sum agreed according to the scale of fares in force
Section 57 Deposits made for hackney carriages required to wait	When a hackney carriage is hired and taken to any place, and the driver is required to wait by the hirer, the driver may demand his fare for driving to such place, and a fare for the waiting period
Section 59 Persons riding without the consent of the hirer	No proprietor or driver of any hackney carriage which is hired, shall not without the express consent of the person hiring the said hackney carriage permit any other person to be carried in such hackney carriage
Section 60 No unauthorised person to act as driver	No authorised driver of a hackney carriage shall allow any person, whether licensed or not, to act as the driver of any hackney carriage without the consent of the proprietor

Section 61 Drunkenness and furious driving	No driver or any other person having or pretending to have the care of any such hackney carriage shall do so whilst intoxicated, or drive in a wanton and furious manner, or by any other wilful misconduct injure or endanger any person in his life limb or property
Section 62 Carriages being left at places of public resort	A driver of any hackney carriage may not leave it in any street or any place or public resort or entertainment, whether it be hired or not, without someone proper to take care of it
Section 64 Drivers obstructing other drivers	Any driver of any hackney carriage shall not obstruct or hinder any driver of any carriage in taking up or setting down any person into or from that carriage, nor shall they, in a forcible manner prevent or endeavour the driver of any other hackney carriage from being hired

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section 46 Vehicle, driver and operators licences	<p>No person being the proprietor of any vehicle not being a hackney carriage in respect of which a vehicle licence is in force, shall use or permit the same to be used in a controlled district as a private hire vehicle without having for such a vehicle a current licence under section 48 of this Act</p> <p>No person shall act in a controlled district as a driver of any private hire vehicle without having a current licence under section 51 of this Act</p> <p>No person being the proprietor of a private hire vehicle licensed under this part of this Act shall employ as the driver thereof for the purpose of any hiring any person who does not have a current licence under the said section 51</p> <p>No person in a controlled district shall operate any vehicle as a private hire vehicle without having obtained a current licence under section 55 of this Act</p> <p>No person licensed under the said section 55 shall in a controlled district operate any vehicle as a private hire vehicle – (i) if the vehicle does not have a current licence under section 48 of this Act (ii) if the driver does not have current licence under section 51 of this Act</p>
Section 49 Transfer of hackney carriage and private hire vehicles	The proprietor of a hackney carriage or private hire vehicle shall give written notice to the district council within fourteen (14) days of the transfer of the vehicle. Such notification shall specify the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred
Section 50 Provisions as to proprietors	<p>(1) The proprietor of any hackney carriage or private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require</p> <p>(2) The proprietor of any hackney carriage or private hire vehicle shall, within such period as the district council may by notice reasonably require, state in writing the address if every place where such hackney carriage or private hire vehicle is kept when not in use</p>

<p>Section 53 Drivers' licences for hackney carriage and private hire vehicles</p>	<p>(3) The proprietor of a hackney carriage or private hire vehicle licensed by a district council shall report to them as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein</p> <p>(4) The proprietor of any hackney carriage or private hire vehicle licensed by a district council shall at the request of any authorised officer of the council produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the Certificate of Policy of Insurance or security required by the Road Traffic Acts in respect of such hackney carriage or private hire vehicle</p> <p>The driver of any hackney carriage or of any private hire vehicle licensed by a district council shall at the request of any authorised officer of the council or of any constable produce for inspection his drivers' licence wither forthwith or</p> <p>(a) in the case of the request by an authorised officer at the principal offices of the council, before the expiration of the period of five days beginning with the day following that on which the request was made</p> <p>(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 area of the council and is nominated by the driver when the request is made</p>
<p>Section 54 Wearing of drivers badges</p>	<p>A driver shall at all times when acting in accordance with a drivers licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible</p>
<p>Section 56 Operators of private hire vehicles</p>	<p>(i) Every contract for the hire of a private hire vehicle licensed under this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle</p> <p>(ii) Every person to whom a licence in force under this Act shall keep a record in such form as the council may by condition attach to the grant of the licence, and enter details in the record before the commencement of each journey, particulars of every booking of a private hire vehicle invited or accepted by him whether by accepting the same from the hirer or at the request of another operator. The operator shall produce such record on request to any authorised officer of the council or constable for inspection.</p> <p>(iii) Any person who has a licence under this Act shall enter details in the record the particulars of any private hire vehicle operated by him and shall produce the same on request to any authorised officer of the council or constable for inspection</p> <p>(iv) A person to whom a licence has been granted under this Act shall produce the licence on request to any authorised officer of the council or constable for inspection</p>

Section 57 Power to require applicants to submit information	Any applicant for a licence under the Act of 1847 and this part of this Act shall submit to a district council such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any licence
Section 58 Return of identity plate or disc on revocation or expiry of licence	<p>(a) On the revocation or expiry of a vehicle licence in relation to a hackney carriage or private hire vehicle</p> <p>(b) The suspension of a licence under section 68 of this Act</p> <p>The proprietor of the hackney carriage or private hire vehicle shall, on request of the district council issuing the licence, return within 7 days to the council the plate or disc</p>
Section 59 Qualifications for drivers of hackney carriages	A person must be authorised to drive a motor vehicle under Part III of the Road Traffic Acts for a minimum of twelve months prior to the application for a driver licence
Section 64 Fares for long journeys	A driver of a hackney carriage must not charge a fare for a journey ending outside the licensing district, greater than that agreed before the hiring was effected or that indicated on the taxi meter or fixed by the table of fares in force within the licensing district
Section 67 Hackney carriages used for private hire	No hackney carriage shall be used in the district under a contract or proposed contract for private hire except at a rate of fares or charges not greater than that fixed by the table of fares, and when any such hackney carriage is so used the fare or charge shall be calculated from the point in the district at which the hirer commences his journey
Section 69 Prolongation of journeys	No person being the driver of a hackney carriage or private hire vehicle licensed by a district council shall without reasonable excuse unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private hire vehicle has been hired
Section 71 Taximeters	Any person who (a) tampers with any seal on any taximeter without lawful excuse; or (b) alters any taximeter with intent to mislead; or (c) knowingly causes or permits a vehicle of which he is the proprietor to be used in contravention of this section shall be guilty of an offence
Section 73 Obstruction of authorised officers	<p>(1) Any person who (a) wilfully obstructs an authorised officer or constable; or (b) without reasonable excuse fails to comply with any requirements properly made to him by such officer or constable; or (c) without reasonable cause fails to give such officer or constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions shall be guilty of an offence</p> <p>(2) If any person in giving any information to (1) makes an y statement he knows to be false he shall be guilty of an offence</p>

THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981

Application of the Health and Safety (First-Aid) Regulations 1981 to self-employed workers	If you are self employed you are required to ensure you have such equipment, as may be adequate and appropriate in the circumstances, to provide first aid to yourself while at work.
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Appendix R: Byelaws

made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875 by the Dartford District Council acting by the Council with respect to hackney carriages in the District of Dartford

Interpretation

1. Throughout these byelaws “the Council” means the Dartford District Council.

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

2. Every proprietor of a hackney carriage shall:
 - (a) cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage, or on plates affixed thereto;
 - (b) 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;
 - (c) not cause or permit the vehicle to ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

3. Every proprietor of a hackney carriage shall:
 - (a) if the driver’s seat is separated from the seats provided in the vehicle for passengers by a partition, screen or window, provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side.
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall at all times be carried in a convenient and conspicuous position on the carriage readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
4. The proprietor of a hackney carriage shall cause such carriage to be fitted with a taximeter so constructed, attached and maintained as to comply with the following requirements, viz:-
 - (i) if the taximeter is fitted with a flag or other device bearing the words “FOR HIRE”

- (a) the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least one inch 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;
- (b) when the flag or other device is so locked the machinery of the taximeter 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;
- (c) 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;
- (ii) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE"
 - (a) the taximeter shall be fitted with a key or other device the turning of which shall bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) 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;
- (iii) 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 for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
- (iv) 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;
- (v) 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 suitably illuminated during any period of hiring when the hackney carriage is in pursuance of any statute required to carry any lighted lamp and also at any other time at the request of the hirer;
- (vi) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances.

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

5. Every driver of a hackney carriage provided with a taximeter shall:
- (i) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE";
 - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - (b) 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;
 - (ii) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE";
 - (a) when standing or plying for hire exhibit in a conspicuous position on the vehicle a sign on which the words "FOR HIRE" are easily distinguishable;
 - (b) when the carriage is hired (whether by distance or by time) remove or place in such

a position that the words thereon are not conveniently legible the sign referred to in the immediate preceding sub-paragraph of this byelaw;

- (c) when standing or plying for hire keep the meter locked in the position in which no fare is recorded on the face of the meter;
 - (d) 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 device fitted for that purpose so that the word "HIRED" is legible on the face of the meter.
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. Every driver of a hackney carriage for which stands are fixed by any byelaw in that behalf shall, when plying for hire in any street and not actually hired;
- (a) proceed with reasonable speed to and station the carriage on one of such stands;
 - (b) if a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
8. The driver of a hackney carriage shall, if such carriage occupies the first position on one of the stands fixed by these byelaws, remain with the carriage ready to be hired at once.
9. Every proprietor or driver of a hackney carriage who shall have agreed or shall have 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.
10. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.
11. Every 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 house, station, or place at which he may take up or set down such person.
12. Every driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to such destination by the shortest available route.

[Provisions regulating the number of persons to be carried by such hackney carriage.](#)

13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such

carriage a greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

Provisions fixing the stands of hackney carriages

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

Exact Position	No. of Hackney Carriages Authorised
Home Gardens south side between Suffolk Road and Hythe Street	6
Market Street Car Park	2

The provision of fixing stands of hackney carriages is now set locally outside of Byelaws by power given within the Local Government (Miscellaneous Provisions) Act 1976 Part II para 63.

Provisions fixing the rates or fares, as well for time as distance, to be paid for hackney carriages within the district, and securing the due publication of such fares.

15. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hire his desire to engage by time.

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

FARES FOR DISTANCE

The fare tariff is now set locally outside of Byelaws by power given within the Local Government (Miscellaneous Provisions) Act 1976 Part II para 65

FARE TARIFF	New Pence
(i) Mileage	
If the distance does not exceed 1650 yards for the whole distance	20
If the distance exceeds 1650 yards:	
(1) For the distance of 1650 yards	20
(2) For each additional 275 yards or uncompleted part thereof	3
(ii) Waiting Time	
For each period of 1 minute 57 seconds	3
(iii) Extra Charges	
For each article of luggage carried outside the vehicle	2

For each adult over 2	3
For hirings begun at any time during Christmas Day or between 12.00 midnight and 5am any other day	50% of the above rate of fare
For each dog, perambulator or bicycle conveyed	5

16. (i) Every proprietor of a hackney carriage plying for hire for which any fares are fixed by any byelaw in that behalf shall
- (a) cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures;
 - (b) renew such letters and figures as often as is necessary to keep them clearly visible.
- (ii) 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 letter 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.

17. Every proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring, carefully search the carriage for any property which may have been accidentally left therein.
18. Every proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- (i) carry it within twenty-four 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 his giving a receipt for it;
 - (iii) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five new 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.

Penalties

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefor.
20. The following byelaws are hereby repealed:

When made	By whom made	Date confirmed	By who confirmed
19 February 1952	Dartford Borough Council	10 April 1952	One of Her Majesty's Principal Secretaries of State
20 October 1959	Dartford Borough Council	26 April 1960	One of Her Majesty's Principal Secretaries of State
8 May 1974	Dartford Borough Council	3 July 1974	One of Her Majesty's Principal Secretaries of State

The Common Seal of the Dartford District Council hereunto duly affixed this 14th day of January 1975

Chief Executive

The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which the byelaws are to come into operation as the 10th day of March 1975

An Assistant Under Secretary of State
Home Office
Whitehall
7th March 1975

