



# Crawley Borough Council

**Report to Licensing Committee  
3 June 2015**

**Report to Cabinet  
8 July 2015**

## **Private Hire and Hackney Carriage Licensing Policy**

Report of the Head of Economic and Environmental Services – PES/187

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### **1. Purpose**

- 1.1 To improve the Council's ability to regulate hackney carriages and private hire vehicles and their drivers in partnership with the local trade for the purposes of protecting public safety.
- 1.2 To assist the Council in implementing part of an action plan to improve air quality.

### **2. Recommendations**

#### **2.1 To the Licensing Committee**

**That the Committee consider the report and decide what comments, if any, it wishes to add and submit to the Cabinet.**

#### **2.2 To the Cabinet**

**That the Cabinet is requested to recommend to Full Council the approval of the Private Hire and Hackney Carriage Licensing Policy**

### **3. Reasons for the Recommendations**

- 3.1 The Council does not currently have a written policy covering the licensing of hackney carriages and private hire vehicles and this policy will provide a means of ensuring consistency when making decisions in a transparent and open manner.
- 3.2 The Council is not legally obliged to have a written policy covering this aspect of licensing but such a policy is useful in enhancing and protecting public safety whilst also working with the trade to refine and enhance local public transport services.

#### **4. Background**

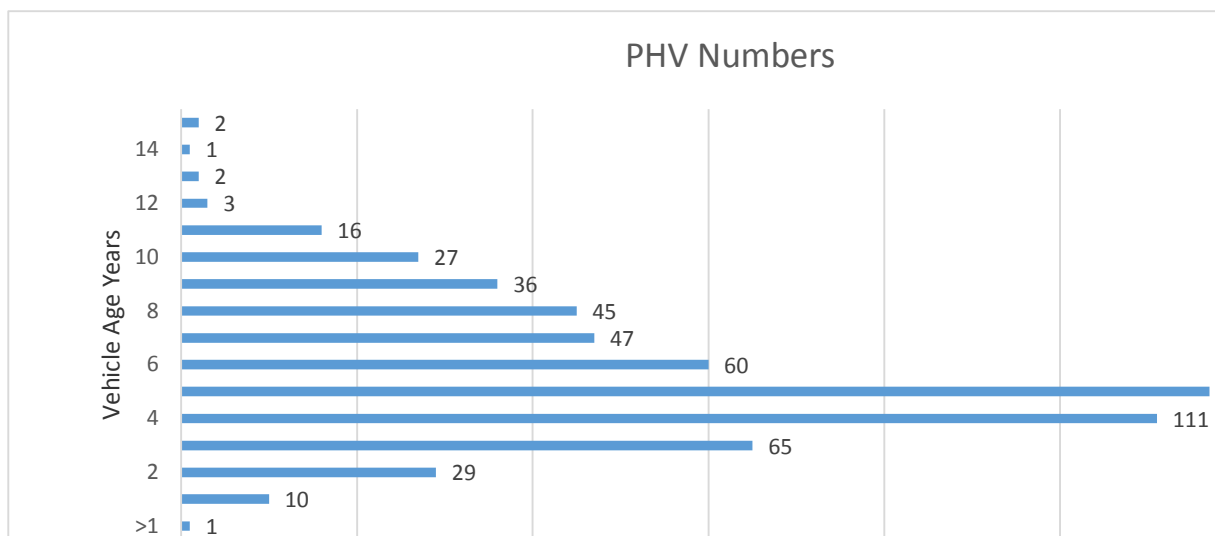
- 4.1 Crawley Borough Council has a number of conditions and procedures relating to hackney carriages and private hire vehicles and licensed drivers of the same. A policy covering these matters has nevertheless not been created or adopted.
- 4.2 Many other Local Authorities with similar taxi fleets such as Ashford have successfully created a policy covering this area of licensing. Having a policy covering this area of licensing gives more clarity to the manner in which the Council makes decisions and is also helpful in regards to enforcement matters.
- 4.3 Whilst the creation of a policy is an important step it seeks more to clarify local custom and practice based on appropriate guidance in a written form and as such should not cause any major change to the current ways of working to either the trade or the Licensing Team

#### **5 What may be considered in a policy?**

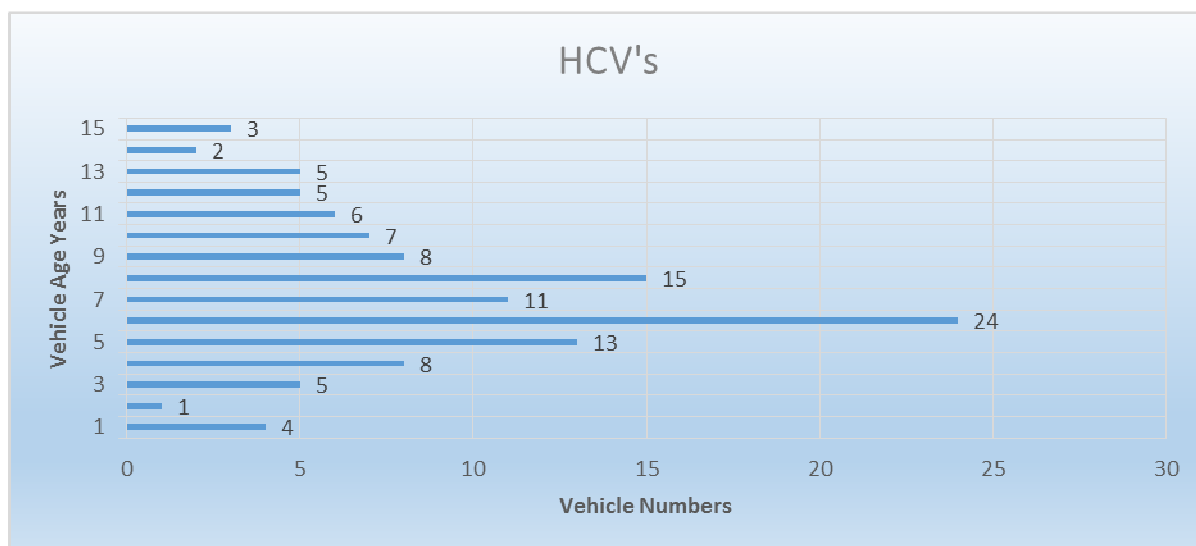
- 5.1 The Department of Transport (DoT) issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades<sup>1</sup>. This guidance has been used in the creation of the policy attached at Appendix A.
- 5.2 The DoT guidance suggests that local licensing authorities, in discussion with those responsible for environmental health issues may wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This of particular importance in designated Air Quality Management Areas (AQMAs). Crawley Borough Council is in the process of designating the areas adjacent to the Hazlewick Avenue an AQMA and emission standards have therefore be included in the proposed policy.

#### **6 Staffing, Financial and Legal Implications**

- 6.1 No additional costs or staffing changes are anticipated as a result of the introduction of the proposed policy.
- 6.2 Decision making and enforcement action should be enhanced as a result of the introduction of a policy covering this area of licensing.
- 6.3 The Council has a duty to create and action plan to deal with air quality once it declares an AQMA. This policy will help the Council to meet part of that requirement.
- 6.4 The current licensed vehicle fleet is made up as below.



Graph showing ages of Private Hire Vehicles currently licensed.



Graph showing ages of Hackney Carriage Vehicles currently licensed.

NUMBER OF REAR LOADING HACKNEY CARRIAGE VEHICLES	40
NUMBER OF SIDE LOADING HACKNEY CARRIAGE VEHICLES	13
NUMBER OF SALOON HACKNEY CARRIAGE VEHICLES*	70
 TOTAL	 123

## Table showing numbers of side loading, rear loading and saloon hackney carriage licensed

\*2 vehicles with existing rights to be of a saloon type are wheel chair accessible by way of the licence holder's choice.

### **7 Other Implications**

7.1 The Law Commission has consulted on major reforms to the licensing of hackney carriages and private hire vehicles. The proposals seek to create a national standard for private hire vehicles but retain the right for Local Authorities to set additional standards for taxi services. This policy if adopted would therefore enhance local controls based on local requirements without imposing excessive costs or burdens on the local trade.

### **8 Consultation**

8.1 A large scale public consultation was undertaken to seek the views of the general public and the hackney carriage and private hire licensing trade. An early draft policy was also presented to the Licensing Committee to seek permission to proceed and a members' seminar was organised to facilitate debate. The major issues raised in the public consultation exercise related to the following proposals:

- Prohibition of rear loading wheel chair accessible vehicles
- A rolling age limit for hackney carriages and private hire vehicles

8.2 As a result of the consultation exercise and members' seminar it was agreed that the draft policy should be amended to agree a dispensation for any rear loading wheel chair accessible vehicles which are currently licensed by the Council and also to add 1 year to the rolling age limit to increase it from 10 years to 11 years.

8.3 Elected Members are also keen to ensure the mixture of wheel chair accessible vehicles in the current fleet and saloon vehicles is preserved to ensure customer choice is maintained. It is therefore proposed that in the event of a saloon vehicle being lost from the current fleet it will now be possible to licence another saloon vehicle accordingly after the commencement date of the policy.

### **9 Background Papers**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/212554/taxi-private-hire-licensing-guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf)

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## **Crawley Borough Council**

### **Taxi and Private Hire Vehicle Licensing Policy**

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## Executive Summary

This document contains the Council's policy on procedures and standards relevant to hackney carriage and private hire licensing within the borough of Crawley.

In drafting this document, the Council has had regard to the DfT Guidance and relevant legislation including the Equality Act 2010.

## Definitions

Throughout this document:

- “the Council” or “the Authority” means Crawley Borough Council
- “Driver” or “Licensed Driver” means drivers of both hackney carriages and private hire vehicles, unless the context indicates otherwise.
- “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 to ply for hire throughout the district controlled by the Council.
- “Private hire vehicle” means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward with the services of a driver.
- “Private hire operator” means a person who in the course of business makes provision for the invitation or acceptance of bookings for of private hire vehicles.
- “DfT” means the Department for Transport, including previous names under which that Department has been known.
- “DfT Guidance” means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010.

- “The Committee” will mean the Licensing Committee of the Council.
- The word “Taxi” has no meaning in law and is often used generically to describe both hackney carriages and private hire vehicles
- The term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency
- Any reference to “proprietor” is a reference to the proprietor of either a hackney carriage or a private hire vehicle, unless the context indicates otherwise.

## Introduction

The Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and private hire operators within the borough of Crawley.

## Policy Status

In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document.

Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, reasons will be given for so doing.

This policy will take effect on 1st September 2015 and will remain in existence for a period of 5 years, during which it shall be kept under review and revised as appropriate.

## Vehicles – Hackney Carriages and Private Hire Vehicles

### Limitation of hackney carriage numbers

At the Licensing Committee on 18 June 2014 members again approved a policy of limiting hackney carriage vehicle licences granted by the Council (such limit to be the number of current licences granted by the date of the Committee’s decision), subject to any applicant demonstrating exceptional circumstances.

The policy is to be reviewed within 3 years of this decision and if necessary, and in line with guidance, a survey will be conducted as part of that review.

### **Specifications and Conditions – hackney carriages**

The Council has adopted minimum specification standards for hackney carriage and private hire vehicles and these are set out in Appendix A for hackney carriages and Appendix E for private hire vehicles.

Once a licence is granted, the Council will attach conditions to a vehicle licence. A set of standard conditions for hackney carriage vehicle licences is set out at Appendix E, and a set of standard conditions for private hire vehicles is set out at Appendix F. The Council considers that it is reasonably necessary that these conditions be attached to the grant of most licences, however, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

Vehicles will, in general, be licensed for the carriage of up to 4 passengers, but applications in relation to larger vehicles that can accommodate up to 8 passengers will be considered, provided that there is compliance with the specifications applicable to such vehicles. Purpose-built vehicles are amongst those which the Council will licence only as hackney carriages in view of the possible confusion in the minds of the travelling public between the 2 types of vehicle.

### **Accessibility**

The Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society.

Licensed drivers are reminded that they are placed under certain duties by law to provide assistance to people in wheelchairs, to carry them safely and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution and a maximum fine of £1,000.

All licensed hackney carriage drivers and private licensed drivers will be required to undertake disability awareness training as prescribed in this policy. This will take effect as of the renewal date in respect of drivers already holding a licence who have not undertaken disability training before the date of the policies adoption.



Grandfather rights shall be considered as belonging to the principal Proprietor of the Hackney Carriage Licence and shall only be inherited in the event of the current licensed principal proprietor transferring their interest to another person in compliance with the Local Government (Miscellaneous Provisions) Act 1976.

### **Maximum Age of Vehicles**

The Council has an age restriction on licensed vehicles, (see Appendices A and E), but all applications for the licensing of vehicles will be treated on their individual merits. The conditions set out in Appendices B and F have been placed on the licensing of vehicles. Applicants wishing to licence vehicles outside of this policy should show exceptional reason for the Council to deviate from the agreed policy.

### **Vehicle Testing**

No vehicle may be used as a hackney carriage or private hire vehicle unless it has been given a certificate of compliance following a satisfactory test, and the Council has appropriately licensed it. Responsibility for ensuring the vehicle is tested and licensed remains with the proprietor. Vehicle inspections are to be carried out by the garages appointed by Council. Please contact the Licensing Office for an up-to-date list of garages.

### **Signage & Advertising**

Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire and cannot be hailed in the street. It is, therefore, important that members of the public are able to distinguish each type of vehicle easily.

Within the Council's area, both hackney carriages and private hire vehicles are required to display a licence plate on the rear of the vehicle and the plates are different colours to distinguish one type from another. This is a key feature in helping to identify vehicles that are properly licensed. There are some exceptions to this requirement which are set out in Appendix G.

Advertising on licensed vehicles may be beneficial to the trade as it could be another source for generating income for the proprietor. As such, the Council permits advertising

on its licensed vehicles provided that the advertising for hackney carriage vehicles complies with the criteria set out in Appendix B.

Advertising on private hire vehicles must comply with the criteria set out in Appendix F.

### **Security & Closed Circuit Television (CCTV)**

If CCTV facilities are installed in a licensed vehicle, the proprietor will be responsible for ensuring the system conforms to the Data Protection Act and other relevant legislation, and displays the necessary informative notice for passengers.

Drivers who install CCTV equipment in their vehicles must follow the guidance as set out in Appendices B or F as appropriate for their licence.

### **Application Procedures**

The application process for hackney carriage licence applications is at Appendix C, and the application process for private hire vehicle licence applications is at Appendix H. Applications must be submitted together with supporting documentation and application fee.

### **Consideration of Applications**

The Council will consider each application on its own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.

### **Grant and Renewal of Licences**

Hackney carriage and private hire vehicle licences will usually be granted for 12 months. However, the Council may grant a licence for a shorter period, should this be appropriate in the circumstances.

The Council usually sends reminder letters to taxi proprietors and private hire proprietors around 4 to 6 weeks before an existing licence expires in order to assist proprietors in their prompt submission of renewal applications, however the responsibility to ensure renewal applications are submitted on time remains with the proprietor.

The Council will only accept complete applications comprising of all the necessary paperwork. If an application is received late and the licence expires and if the vehicle is more than 4 years old the Council, except in exceptional circumstances, will not renew the licence and the licence plate must be returned to the Council.

The application fees payable are usually subject to annual review.

### **Stretched Limousines & Speciality Vehicles**

The licensing of limousines and speciality vehicles will be approached on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected (for example just because the vehicles may be left-hand drive) and each application will be considered on its merits. However, in considering any application for these types of vehicles, the Council will have regard to any relevant guidance issued by the government, such as by the Vehicle and Operator Services Agency.

As these vehicles may not meet the usual vehicle specification, additional documentation and inspection will be required as part of the application process so that the Council's can be satisfied as to the safety and suitability of any individual vehicle. This is set out further in Appendix G.

The Council strongly recommends that anyone who wishes to licence a limousine (or any other non-standard specialty vehicle) contacts the Council's Licensing section before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle is likely to meet the required standards, as each vehicle will be considered on its merits.

### **Contract Vehicles and Courtesy Vehicles**

The Council will have regard to the DfT Private Hire Vehicle Licensing note dated August 2011 (and any supplementary DfT guidance notes) when considering whether any particular contract vehicle requires a private hire vehicle licence.

All vehicles with 8 or fewer seats that carry passengers for hire and reward must be licensed with the Council. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as

“courtesy cars”, i.e. for transporting customers to and from hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed with the local Council, as should their “operator”.

Those operating “courtesy cars”, i.e. for transporting customers to and from hotels, nightclubs, etc. should have an operator’s licence, and the vehicle and driver must be appropriately licensed.

## Drivers of Hackney Carriages and Private Hire Vehicles

### **Parallel Procedures**

The statutory and practical criteria and qualifications for private hire drivers are broadly similar to those for hackney carriage drivers. The sections below, therefore, apply equally to private hire and hackney carriage drivers.

### **Testing**

Drivers will be required to undertake testing as part of the application procedure. Details of the tests are available in Appendix I.

### **Driving Proficiency and Qualifications**

The Driving Standards Agency (DSA) provides a driving assessment specifically designed for hackney carriage and private hire drivers. The Council has decided that all new applicants must successfully pass this test in order to be considered for a hackney carriage or private hire driver’s licence.

### **Medical Examination**

All applicants are required to meet the DVLA Group 2 medical standard or equivalent. This will require the applicant to undergo a medical examination by their own GP.

A request form for a medical examination, which may be presented to the applicant’s GP, can be obtained from the Council. The applicant will be responsible for paying the fee for the examination to the relevant doctor. On completion of the examination,

the report must be submitted to the Council with the other documentation which must accompany an application.

Where there is any doubt as to the medical fitness of an applicant, the Council may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the Council. Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision.

Licensed drivers are required to be re-examined every 3 years to the same DVLA Group 2 standard, and every year thereafter from the age of 60. The Council may also require a licensed driver to undergo more frequent checks if, in the opinion of a medical practitioner, this is necessary.

Licensed drivers must advise the Council of any deterioration in their health that may affect their driving capabilities.

### **Criminal Record Checks**

A criminal record check on a driver is an important safety measure. The Council requires applicants to submit an enhanced criminal records disclosure report from the Disclosure and Barring Service ('enhanced DBS report') as part of the documentation accompanying their application. All drivers licensed by the Council will then be required to obtain a further report every 3 years.

If an applicant has not lived continuously in the UK for 5 years, then in addition to submitting an enhanced DBS report with their application, they must submit an original authenticated certificate of good conduct (together with a translation into English if the document is in another language) obtained from the embassy for the country in which the applicant was living immediately before arriving in the UK. If the driver has lived in more than one country prior to arriving in the UK, then a report from each country in which they lived for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted with their application. To be clear, any translation of the document must be from the embassy which issued the original document.

Licensed drivers who have lived in another country for 3 months or more since their last enhanced DBS report will also be required to submit an original authenticated certificate of good conduct from the embassy of that country with their next application to renew their licence.

### **Relevance of Convictions and Cautions**

The Council has chosen to substantially adopt Annex D of by the Home Office Circular 13/92 Guidance as part of its policy as to the relevance of certain convictions and cautions in its consideration of whether an applicant or existing driver is fit and property to hold a licence. The parts adopted by the Council are replicated in Appendix L.

Guidance in relation to the relevance of offences is given in Appendix L. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

Applicants for new licences and to renew existing licences will be required to provide authorisation to the Council to conduct a DVLA driver endorsement check, so the Council can ensure that the information held by the DVLA is in accordance with the information submitted by the applicant. The check will be made on an annual basis and the fees for the annual endorsement check must be paid by the applicant at the time of submitting their application.

### **Disability Awareness Training –**

#### **All applicants and existing drivers will be required to undertake Disability Awareness Training.**

Disability Awareness Training will be undertaken at the Council offices and drivers will be required to pay the appropriate fee.

The training is internet based and applicants and existing drivers will be issued a certificate on successful completion of the training.

Applicants and existing drivers who have completed a BTEC in passenger transport or any other training which includes a module for disability awareness will not be required to undertake further disability awareness training, however written evidence must be

provided. The Council reserves the right to require additional training if the required.

## **Application Procedure**

An application for a hackney carriage or private hire driver's licence must be made in accordance with the procedure set out in Appendix I and must be accompanied by the relevant supporting documentation and application fee.

## **Consideration of Applications**

The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.

The Council will usually send a reminder letter to drivers around 6 weeks before their existing licence expires in order to assist applicants in their prompt submission of renewal applications, however the responsibility to submit a renewal application in good time prior to the expiry of any existing licence is the responsibility of the applicant. Drivers should ensure renewal applications forms, together with any supporting documents, are received by the Council at least 10 working days before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.

Where a driver does not submit their application to renew their licence before their existing licence expires, and in the absence of providing evidence of exceptional circumstances, in most cases the Council will require they undergo the new licence procedure as set out at Appendix I.

## **Duration of Licences**

Applicants for new and renewed licences can apply for a 1, 2 or 3 year licence. The Council will usually grant a licence for the duration requested, but may grant a licence for a shorter period than is requested where this is considered appropriate in a particular case.

## **Conditions of Licence**

The Council is not permitted to attach conditions to a hackney carriage driver's licence.

However, hackney carriage drivers are subject to the Council's byelaws which are replicated in Appendix D.

A set of standard conditions for private hire driver licences is set out at Appendix J and the Council considers that it is reasonably necessary that these be attached to the grant of most licences, however, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

## **Hackney carriage fares - prescribed rates**

The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council.

Fares rates are reviewed no more than once per year, usually around October time with any change agreed by the Licensing Committee, and new rates are usually implemented on 1st December each year subject to any objections received during the objection period.

## **Receipts**

A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

## **Private Hire Operators**

### **Requirements and Obligations**

Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for a private hire operator's licence.

A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle with a driver. Private hire



operators must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

An application for a private hire operator's must be made in accordance with the procedure set out below and accompanied by the relevant supporting document and application fee.

### **Criminal Record Checks**

A criminal record check on operators is an important safety measure. It will depend on the individual applicant as to what criminal record checks will be required. These are set out below.

Where the applicant is an individual person, the Council requires the applicant to submit the following as part of the application process:

- (a) a standard criminal records disclosure report from the Disclosure and Baring Services ('standard DBS report') relating to the applicant; and
- (b) a declaration as to whether any company of which they have been a director or secretary has been convicted of any offences.

Where the applicant is a company, the Council requires the applicant to submit following documentation as part of the application process:

- (a) a declaration as to whether the company has been convicted of any offences at any time; and
- (b) a standard DBS report for each director and secretary of the company.

Where the applicant is a partnership, the Council requires a standard DBS report for each partner to be submitted as part of the application process.

Further declarations and standard DBS reports as specified in 6.3.2 to 6.3.4 will be required every 3 years.

Paragraphs 5.5.2 and 5.5.3 (requirement of a certificate of good conduct where the person has resided abroad for 3 months or more) will also apply to individual applicants,

each partner of a partnership applicant and the directors and secretaries of company applicants.

## **Conditions**

A set of standard conditions for operator's licences is set out at Appendix K and the Council considered that it is reasonably necessary that these be attached to the grant of most operator's licences, however, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

## **Licence Duration**

Private hire operators' licences are usually granted for one year, however, the Council may grant a licence for a shorter period should this be considered appropriate in the circumstances.

An operator can apply for a licence for the number of vehicles that they have at the time of application. An operator's licence authorises vehicles up to the number stated on the licence. If an operator wishes to add to his or her fleet above that number then the operator must apply for a variation to the licence before they start operating more than the number of vehicles as is specified in their existing licence.

The Council will usually send a reminder letter to licensed operators around 6 weeks before their existing licence expires in order to assist them in their prompt submission of renewal applications; however the responsibility to submit a renewal application in good time prior to the expiry of any existing licence is the responsibility of the applicant. Licensed operators should ensure renewal applications forms, together with any supporting documents, are received by the Council at least 10 working days before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.

## **Operating address**

The Council will only grant an operator's licence if the applicant proposes to operate from an address within the borough of Crawley. This is to ensure that proper regulation and

enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the records referred to in Paragraph 7.4 above are kept and where bookings are made.

The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.

It will be the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. The grant of a private hire operator's licence will not imply that such consent is either necessary or, if it is necessary that it is likely to be granted, as such determination will be subject to any appropriate planning application and consultation process.

Private Hire Operators are required to only use licenced private hire vehicles that have been licenced with Crawley Borough Council. Vehicles that have been licenced outside the borough of Crawley cannot legally work under a Crawley Borough Council's private hire operator's licence.

## Disciplinary and Enforcement Measures

### **Enforcement**

With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Council will only intervene where it is proportionate to do so.

The Environmental Health General Enforcement Policy will be used to ensure that the Council's enforcement effort is proportionate, transparent and well directed. Where criminal sanctions are being considered, the Council will also have regard to the Council's General Enforcement Policy.

## **Disciplinary**

Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Head of Planning and Environmental Services or dealt with by Officers. One of the functions of the Head of Planning and Environmental Services is to consider the impact of any misconduct on the fitness of an individual to hold a hackney carriage or private hire licence, and to take the action appropriate to the circumstances.

# Appendix A

## Hackney Carriage Vehicle Specification

### Vehicle Specification

1. When licensing hackney carriage vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be as constructed and designed:
  - (a) For the Carriage of not more than 8 passengers with the provision of a seatbelt for each passenger.
  - (b) With the seat provided for each passenger having a minimum width of 405 millimetres (16 inches) measured across its narrowest part.
  - (c) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
  - (d) With an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as "1.6" models.
  - (e) To have windows to the side and rear providing natural light to passenger compartment.
2. In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.
3. The passenger carrying capacity will be at the discretion of the Council.
4. The vehicle seats must have these specifications:

- (a) The rear seat of the vehicle must be a minimum of 1.22 meters long (405 millimetres, 16 inches per person)
  - (b) All seats must be fitted with fully operational seat belts
  - (c) The number of passenger seats must remain as stated on the vehicle licence
  - (d) There must be no alteration to the seating configuration without notifying the Council
  - (e) All seats must be forward or rear facing
  - (f) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers
  - (g) The seat covering must be clean and in a good state of repair.
5. The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
- (a) Be safe
  - (b) Be tidy
  - (c) Be clean
  - (d) Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
6. The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
7. The licensed vehicle shall be white and no other colour unless it is a purpose-built vehicle approved by the Council.
8. All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

9. In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix B) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period of 3 years in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

### **Wheelchair Accessible Vehicles**

10. In the case of all hackney vehicles that are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Vehicles adapted to load wheelchairs both from the side and rear are acceptable.
11. Vehicles already licensed will be able to continue with rear loading access however when the proprietor applies to licence a new vehicle, the requirement in 10 above will apply.
12. If a hackney carriage vehicle is off the road due to accident or damage and a replacement vehicle is supplied, this vehicle must also comply with 10 above.
13. The Council will only consider licensing vehicles converted or adapted to carry wheelchairs if the conversion is approved by an Institute of Automotive Engineers Assessor. The licence applicant must produce the original certificate from the approved Institute of Automotive Engineers Assessor as part of their licence application.
14. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Licensing Office as part of the licence application.

## Roof signage

15. Hackney carriages must have a sign complying with the following criteria. The sign must:

- (a) measure 76cm in width x 15cm in length x 16cm in height.
- (b) be of “Aero” type design
- (c) include the Crawley Borough Council logo in colour on the left hand side of the front face of the sign.
- (d) the logo must measure not less than 13cm in height by 13cm in width.
- (e) display in the middle of the front face of the sign the following words in the format shown below:

CRAWLEY  
TAXI

- (f) The letters comprising the word ‘CRAWLEY’ shall be not less than 3cm in height, and the letters comprising the word ‘TAXI’ shall be not less than 7cm in height.
- (g) Include the hackney carriage proprietor’s licence number on the right hand side of the front face in numbers measuring not less than 6 cm in height.
- (h) The rear face of the sign there shall be displayed only the telephone number of the operator or proprietor of the vehicle, in digits measuring not less than 9cm in height. The rear face of the sign may be left blank if the operator or proprietor does not wish to display his/her telephone number.
- (i) All letters and numbers displayed must be solid black in colour and be in Flute B font.
- (j) The sign must be white on the front face. The sign may be red or white on the rear face but must be red at the rear when illuminated.
- (k) No words or numbers may be displayed on the sign except as set out above.



16. Vehicles which have a built-in roof sign or light may be exempt from displaying the standard roof light if the Licensing Officer is satisfied that the built-in roof light is an acceptable alternative.

### **Door signage**

17. Door signs will be ordered and authorised by the Council and proprietors will be advised when the door signs are ready for collection.
18. Proprietors are responsible for collecting, paying for and affixing the signs to the lower panel of each front door of the vehicle.
19. If at any time replacement door signs are required, because for example the signs are lost or damaged, the proprietor will be responsible for the cost of the replacement door signs and for arranging for them to be affixing them to the vehicle.
- 20.

### **Advertising on hackney carriages**

21. One of the standard conditions of licence for hackney carriages is that the proprietor may affix advertising if they have first applied for an obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:
  - (a) Display screens on rear headrests is permitted.
  - (b) Full livery or half livery third party advertising is permitted on purpose-built hackney carriages (that is London-style black cab vehicles).
  - (c) Advertising may be displayed on the external sides of the rear doors providing the advertisement complies with the following criteria:
    - (i) Purpose-built hackney carriages (that is London-style black cab vehicles) may advertise inside the vehicle on the base of the occasional seats or along the bulkhead on top of the passenger/ driver partition.

- (ii) Any advertisements shall not exceed 30 inches by 15 inches.
- (iii) Advertisements must be of such a form as not to become easily soiled or detached.
- (iv) Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

## CCTV

22. One of the standard conditions of licence for hackney carriages is that the proprietor may install CCTV into the vehicle if they have first applied for and obtained the Council's permission to do so. The Council will generally require that a CCTV system complies with the following specifications before approval will be given for it to be installed in a vehicle:
- (a) The CCTV system must either be only capable of only recording images and not sound, or if the system is able to record sound, the proprietor must ensure that the sound recording function of the system is disabled so that only images are recorded.
  - (b) The CCTV system must not have a video display screen (VDU) screen inside the vehicle.
  - (c) The CCTV system must be designed and capable of adequately recording after dark.
  - (d) The CCTV system must be one where any recorded data is encrypted and access to the data is password protected or locked and only authorised persons can view any recordings.

## Emissions

22. From 1st April 2016, an 11 year rolling age limit will be introduced for taxis unless exempted. Vehicles already licensed at the date of adoption of this policy must, as a minimum, meet Euro 4 standards for emissions or be capable of being retrofitted to achieve the same within a reasonable time

period and all newly licensed taxis must, as a minimum, meet Euro 5 standards for emissions.

23. In the event of the existent number of salon vehicles in the fleet, or vehicles capable of being such a type due to grandfather rights falling below 72 which is the number existing as at the time of the adoption of the policy, a new vehicle of a saloon type may be licensed if this is considered necessary. The decision to issue such a licence will be at the discretion of the Head of Economy and Environment in conjunction with the Portfolio Holder for Licensing functions.

## Appendix B

### **Standard Hackney Carriage Vehicle Licence Conditions**

1. Where the proprietor permits another person to drive the licensed vehicle, they must ensure that that person has a valid hackney carriage driver's licence and they must draw the following conditions of the vehicle licence to that person's attention. The proprietor is responsible for ensuring that any person who drives their licensed vehicle complies with these licence conditions.

#### **Internal and External Licence Plates**

2. The proprietor must ensure that the external licence plate provided and allocated to him by Crawley Borough Council is maintained in a clear and legible condition and is securely affixed on the Council's approved bracket to the outside of the Carriage, on or adjacent to the rear bumper. Magnets, double sided tape and velcro are not acceptable for securing the bracket/plate.
3. The Council must be informed as soon as practicable should the external licence plate be lost broken or defaced.
4. The proprietor shall not cause or permit the vehicle to be used or operated with the external licence plate so defaced that any figure or material particular is illegible.
5. The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be displayed at all times.

#### **Vehicle Change of Use**

6. The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements.

## **Vehicle Licence**

7. In the event of loss or damage to this licence the Council must be informed immediately so that a replacement can be issued.
8. On revocation, expiry or suspension of the licence, the licence and the internal and external licence plates issued in respect of the vehicle must be immediately returned to the Council upon the Council giving such a demand in writing to the proprietor as they remain the property of the Council at all times.
9. The proprietor shall advise the Council in writing within 14 days of any change of their home address, contact telephone number or email address.

## **Insurance**

10. The proprietor shall ensure that there is in force a policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of this licence.
11. A copy of a vehicle's current insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Crawley Borough Council officer or any Police Officer upon request.
12. If, during the currency of this licence a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

## **Interior Appearance**

13. The interior of the vehicle should always be in a clean and tidy state.
14. Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.
15. All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
16. All doors, locks and windows are to be in full working order and in good condition.

17. All interior lights and fascia illumination are to be in full working order and in good condition.
18. All windows are to be kept free of dirt, grime and marks.
19. Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.

### **Tinted Windows**

20. A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the Council to do so.

### **Fire Extinguisher and First Aid Kit**

21. The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.
22. The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.
23. Vehicles licensed to carry 5 or more passengers must also carry a glass hammer.

### **Accidents**

24. The proprietor must inform the Council the next available working day of any accident causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

### **Luggage storage**

25. If the licensed vehicle is either an estate car or multi-passenger vehicle, there must be luggage restraints kept in the vehicle so that passengers' luggage can be securely stowed, and the restraints must be kept in good working order.

## **Taximeters**

26. The proprietor of a hackney carriage must ensure the vehicle is fitted with a taximeter approved by the Council at all times the vehicle is available for hire. The meter must be maintained and kept in a good working order at all times.
27. The taximeter must be set for up to the current maximum tariff agreed by the Council and the proprietor must ensure that no adjustment to the meter is made without the Council's prior permission.
28. The proprietor must ensure the "For Hire" sign or other illuminated sign on the roof of the vehicle is linked to the taximeter or a means is provided to switch off the for hire sign so that when the meter is switched on at the commencement of any individual hire, the roof sign is extinguished.
29. The taximeter must be kept clean and in good working order and positioned so that the fare recorded on the taximeter is plainly visible to passengers in the vehicle.
30. The taximeter must be sealed at all times and if a seal is broken the proprietor must notify the Council's Licensing Office on the next available working day.

## **Fare Table**

31. A hackney carriage proprietor must ensure that a copy of the current fare table supplied by the Council is on display inside the hackney carriage at all times and that the table is kept clean and undamaged and is positioned so that it is plainly visible to passengers in the vehicle.
  - (i) A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

## **Smoking**

32. The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

### **Roof Sign**

33. Each hackney carriage vehicle (with the exception of those vehicles with a built-in roof light) shall display at all times an illuminated white roof sign approved by the Council, regardless whether the vehicle is working for public hire or personal use.
34. A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.
35. The illumination mechanism of the roof sign shall not be operated during any period for which the vehicle is hired.

### **Door Signage**

36. Hackney carriage vehicles must display door signs on the lower panel of each front door of the vehicle.
37. If at any time the signs become damaged or lost, the proprietor must notify the Council as soon as possible so that the Council can order replacement signs. The cost of the replacement door signs is the responsibility of the proprietor.
38. If at any time the signs become damaged or lost, the proprietor must ensure that the hackney carriage is not used for hire until the replacement door signs are affixed.

### **Pre-Booked Fares**

**Hackney Carriages may be used for pre-booked shared journeys providing they comply with the criteria below.**

39. The vehicle's proprietor must notify the Council in writing that the vehicle is to be used for pre-booked shared journeys prior to commencement.
40. The taximeter must be calibrated for the calculation of separate fees for separate journeys and has been tested and sealed by the Council.
41. The proprietor must ensure that a record of all pre-booked shared journeys undertaken in the vehicle shall be kept by the proprietor and stored for a period of 6 months.



42. The hackney carriage may be used for a pre-booked shared journey only where the hirers have consented to the journey when booking in advance and where the consent of the hirer has been recorded in the record kept under condition 41 above.

#### Certificate of Compliance

43. The proprietor must ensure the vehicle has a current Certificate of Compliance from a Council-approved garage at all times whilst the vehicle is licensed. (Note: a list of Council-approved garages is available upon request from Crawley Borough Council.)
44. If a vehicle fails its Certificate of Compliance or the Certificate of Compliance expires the vehicle cannot be used as licensed hackney carriage (irrespective of whether it still has a valid MOT Certificate) until a valid Certificate of Compliance has been issued.

#### **Advertising**

45. The approval of the Council must be sought and obtained before any advertising (or modifications to existing advertising) is affixed to the vehicle.

#### **CCTV Installation in Hackney Carriage Vehicles**

46. The approval of the Council must be sought and obtained before installing a CCTV system in the vehicle.

Where CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:

47. If the data recorded by the system is lockable by a key:
- (a) the proprietor must deposit all keys to the system to Crawley Borough Council; and
  - (b) the proprietor must not make or seek to make another copy of the key without the Council's prior agreement.
48. If the data recorded by the system is lockable by a password:

- (a) the proprietor must provide that password to an officer of the Council and permit the officer to alter the password (so that the password is known to the Council and not the proprietor);
  - (b) the proprietor must not seek to change the password without the Council's prior agreement.
49. The proprietor must not interfere, or try to interfere, with the workings of the device.
50. The proprietor must ensure that operation of the CCTV complies with the *CCTV Code of Practice* published by the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.
51. Upon a request being made by an officer of the Council or a police officer for access to the data recorded by the CCTV system, the proprietor must present the hackney carriage within 48 hours of the request being made to the person who requested access and allow the Council's officer or police officer, as the case may be, to extract data from it.

**Disability Access – the following conditions will apply to vehicles adapted to carry wheelchairs**

52. Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- (a) Loading of the wheelchair must be undertaken through the side of the vehicle.
  - (b) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
  - (c) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
53. If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must:

- (a) within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and
  - (b) notify their insurance company of the fact that the vehicle has been so adapted/converted.
54. A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
55. If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle, this must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in vehicle at all times and be presented to any Licensing Officer or police officer upon request.
56. There must be kept in the vehicle at all times either access ramps or a lift to assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
57. Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.
58. Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.
59. There must be no alteration to the seating configuration without notifying the Council

## Appendix C

### **Hackney Carriage Vehicle Licensing Procedure**

#### **1.0 Application Process for Hackney Carriage Vehicle Licence**

- 1.1 Applications for a hackney carriage proprietor's licence must be submitted on form HCV/1.
- 1.2 Applications for renewal should be submitted at least 10 days prior to licence expiring.
- 1.3 Once the application form has been received an invoice will be raised and sent to the applicant.
- 1.4 The fee for a hackney carriage vehicle licence must be paid and cleared before the application for licence (whether for a new or renewal) will be decided.
- 1.5 Once a decision has been made to grant the licence, an internal licence plate will be issued and sent to the applicant together with their new licence and conditions of licence.

# Appendix D

## **Hackney Carriage Byelaws**

### **1.0 Hackney Carriage Byelaws**

1.1 Byelaws made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Borough Council of Crawley with respect to hackney carriages in the Borough of Crawley.

### **2.0 Interpretation**

2.1 Throughout these byelaws “the Council” means the Borough Council of Crawley and “the District” means the Borough of Crawley.

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

- (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (b) A proprietor or driver of a hackney carriage shall:
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

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

3.1 The proprietor of a hackney carriage shall

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;

- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least 2 doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

3.2 The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,

- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taxi meter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of 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;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figured shall be capable of being suitably illuminated during any period of hiring;
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**4.0 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.**

4.1 The driver of a hackney carriage shall

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.
- 4.2 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.
- 4.3 The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
- (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf; (or rank designated under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976)
  - (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.
- 4.4 A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 4.5 The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 4.6 The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

- 4.7 The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 4.8 A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 4.9 If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- 4.10 The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,
- (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

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

- 5.1 No longer applicable (replaced by section 63 of the Local Government (Miscellaneous Provisions) Act 1976)

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

- 6.1 No longer applicable (replaced by section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

- 6.2 No longer applicable (replaced by section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

#### **7.0 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.**

- 7.1 The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

- 7.2 The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the District and leave it in the custody of the officer in charge of the office on his giving a receipt for it.



- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5p in the pound of its estimated value, (or the fare for the distance from the place of finding to the Police Station, whichever be the greater) but not more than £5.

## **8.0 Penalties**

- 8.1 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine.

These byelaws were made on 25<sup>th</sup> September 1974. A copy of the original byelaws are available upon request from the Licensing Office.

# Appendix E

## Private Hire Vehicles Specifications

### Vehicle Specification

1. When licensing private hire vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be constructed and designed:
  - (a) For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
  - (b) With the seat provided for each passenger having a minimum width of 405 millimetres (16 inches) measured across its narrowest part.
  - (c) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
  - (d) With an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as "1.6" models.
  - (e) To have windows to the side and rear providing natural light to passenger compartment.
2. In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.
3. The passenger carrying capacity will be at the discretion of the Council.

4. The vehicle seats must have these specifications:
  - (a) The rear seat of the vehicle must be a minimum of 1.22 meters long (405 millimetres, 16 inches per person)
  - (b) All seats must be fitted with fully operational seat belts
  - (c) The number of passenger seats must remain as stated on the vehicle licence
  - (d) There must be no alteration to the seating configuration without notifying the Council
  - (e) All seats must be forward or rear facing
  - (f) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers
  - (g) The seat covering must be clean and in a good state of repair.
  
5. The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
  - (a) Be safe
  - (b) Be tidy
  - (c) Be clean
  - (d) Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
  
6. The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.

The licensed vehicle shall be coloured black, red, dark blue e.g. (navy blue, Westminster Blue), maroon, dark green and no other colour unless it is approved by the Council.

7. All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
8. From 1<sup>st</sup> April 2016, an **11 year** rolling age limit will be introduced for private hire vehicles unless exempted. Vehicles must, as a minimum, meet Euro 4 standards for emissions and be no older than 4 years at the time of initial licensing.
9. The Council have nominated certain garages to undertake the Certificate of Compliance on their behalf and a list of the approved garages can be obtained from the Licensing Office.
10. In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix F) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

#### **Private Hire Vehicles Exempt**

11. Some private hire operators may be exempt from displaying roof sign, door signs and licence plate. The reason for this can be found in **Appendix E** of this policy.

#### **Advertising on Private Hire Vehicles**

12. One of the standard conditions of licence for private hire vehicles is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:

- (a) Display screens on rear headrests is permitted.
  - (i) Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

### **CCTV Installation in Private Hire Vehicles**

**The approval of the Council must be sought and obtained before installing a CCTV system in the vehicle.**

Where CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:

- 13. If the data recorded by the system is lockable by a key:
  - (a) the proprietor must deposit all keys to the system to Crawley Borough Council; and
  - (b) the proprietor must not make or seek to make another copy of the key without the Council's prior agreement.
- 14. If the data recorded by the system is lockable by a password:
  - (a) the proprietor must provide that password to an officer of the Council and permit the officer to alter the password (so that the password is known to the Council and not the proprietor);
  - (b) the proprietor must not seek to change the password without the Council's prior agreement.
- 15. The proprietor must not interfere, or try to interfere, with the workings of the device.
- 16. The proprietor must ensure that operation of the CCTV complies with the *CCTV Code of Practice* published by the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.
- 17. Upon a request being made by an officer of the Council or a police officer for access to the data recorded by the CCTV system, the proprietor must present the hackney carriage within 48 hours of the request being made to the person who requested

access and allow the Council's officer or police officer, as the case may be, to extract data from it.

18. Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass. These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable, however in the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on licensed vehicles.

## Appendix F

### **Private Hire Vehicle Conditions of Licence**

#### **Licence Plate**

1. The proprietor must ensure that the licence plate provided and allocated to him by Crawley Borough Council is maintained in a clear and legible condition and is securely affixed on the Council's approved bracket to the outside of the Carriage, on or adjacent to the rear bumper. Magnets, double sided tape and velcro are not acceptable for securing the bracket/plate.
2. The Council must be informed as soon as practicable should the licence plate be lost broken or defaced.
3. The proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible.
4. The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be displayed at all times.

#### **Vehicle Change of Use**

5. The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements immediately and shall not use the vehicle for the purposes of carrying fare paying passengers until approved by the Council.
6. A proprietor shall give 7 days written notice to the Council of his intention to transfer this licence to another vehicle and shall not permit that vehicle to be hired until this licence has been endorsed by the Council.

## Vehicle Licence

7. In the event of loss of or damage to this licence the Council must be informed immediately so that a replacement can be issued.
8. On revocation, expiry, or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon the Council giving such a demand in writing to the proprietor.
9. The proprietor shall advise the Council in writing within 14 days of any change of their home address, contact telephone number or email address.
10. The proprietor shall give 7 days' notice of his intention to transfer the licence to another vehicle and shall not permit that vehicle to be used as a licensed vehicle until the licence has been endorsed by the Council.

## Insurance

11. The proprietor shall ensure that there is in force a policy of insurance with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of this licence.
12. A copy of a vehicle's current valid insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Crawley Borough Council officer or any Police Officer upon request.
13. If, during the currency of this licence, a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

## **Interior Appearance**

14. The interior of the vehicle should always be in a clean and tidy state.
15. Carpets, upholstery and cloth trim are to be kept clean and undamaged. Seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.



16. All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage
17. All doors, locks and windows are to be in full working order and in good condition.
18. All interior lights and fascia illumination are to be in full working order and in good condition.
19. All windows are to be kept free of dirt, grime and marks.
20. Boot space/luggage areas to be kept clean and vehicle equipment properly stowed.

### **Tinted Windows**

21. A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the council to do so.

### **Fire Extinguisher & First Aid Kit**

22. The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.
23. The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.
24. Vehicles licensed to carry 5 or more passengers must also carry a glass hammer.

### **Accidents**

25. The proprietor must inform the Council the next available working day of any accident causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

### **Luggage in Estate Cars and Multi Purpose Vehicles**

26. Luggage stowed in the boot should not be stacked above the height of the rear seats unless the vehicle is fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

## **Taximeters**

27. All taximeters must be approved by the Council and the proprietor of a private hire vehicle which has been fitted with a taximeter must ensure that meter is maintained in a sound working condition at all times.
28. The taximeter shall be of the clock calendar type or a Council approved taximeter.
29. The taximeter must not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered.
30. Show the fare recorded on the taximeter in plainly legible figures and the word “FARE” shall be clearly displayed.
31. Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.
32. The taximeter must be sealed at all times and if a seal is broken the Licensing Office must be notified as soon as possible.

## **Two Way Radios**

33. The proprietor must ensure that any radio equipment fitted to the licensed vehicle is kept in good working order at all times.

## **Smoking**

34. The proprietor must ensure that the prescribed ‘no smoking’ signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

## **Roof Sign**

35. Each private hire vehicle shall display at all times a non illuminated yellow roof sign approved by the Council unless authorisation has been approved for roof signs to be a different colours.

36. A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.
37. The roof light must comply with the criteria below.
38. be 'point' type design
39. measure 46cm in width x 16cm in length x 14cm in height.
40. all letters and numbers displayed must be solid black in colour and in Flute B font
41. the words 'ADVANCE BOOKINGS ONLY' must be displayed on the front of the sign at the top in letters not less than 2.5cm in height.
42. the company name must be displayed underneath in letters not less than 5cm in height.
43. the rear of the sign should display only the word 'CRAWLEY' in letters not less than 2.5cm in height and underneath, the telephone number of the company or private hire operator through whom the vehicle can be booked, displayed in numbers not less than 5cm in height.
44. the sign shall not include the words 'hire', 'cab', 'taxi', 'hackney' or any other word which would lead a person to believe that the vehicle is a hackney carriage (even if these words form part of the company name) or any other words or numbers except those set out above.

### **Door Signage**

45. Each private hire vehicle shall display a sign on each front door in accordance with the criteria laid out below.
46. Private Hire vehicles shall display door signs on the lower panel of each front door of the vehicle
47. The sign shall be constructed of vinyl, and shall be applied directly to the door.  
Licence holders should note that magnetic door signs are not acceptable in fulfilment of this condition.

48. the words 'Advance booking only' shall be displayed at the top of the sign in letters of 4cm in height.
49. the operator or company name shall be displayed in the middle of the sign in letters of 8cm in height if on one line or 4cm in height if on 2 lines.
50. the telephone number of the operator through which the vehicle is operating shall be displayed at the bottom of the sign in numbers of 4cm in height.
51. the overall dimensions of the sign shall be 23cm in height by 45cm in width.
52. all numbers and letters displayed on the sign must be laid out in Flute B font and shall be solid black or solid white, as required by the Licensing Officer. The colour required will be dependent on the colour of the vehicle and will be chosen to ensure maximum visibility against the vehicle's paintwork.
53. These door signs must be displayed at all times. Failure to display these door signs may result in the suspension of the vehicle licence.

### **Certificate of Compliance**

54. Upon notification from the council that a compliance test must be carried out, the proprietor must ensure that the vehicle is submitted for a compliance test and provide the original certificate of compliance to the Council by the date required. Compliance Testing is required every 12 months for vehicles under 4 years old and every 6 months for vehicles more than 4 years old.
55. The proprietor must ensure the vehicle has a Certificate of Compliance from a Council-approved garage at all times whilst the vehicle is licensed.
56. If a vehicle fails the Certificate of Compliance test and the vehicle still has a valid MOT Certificate the vehicle cannot be used as a licensed vehicle until a valid Certificate of Compliance has been issued.

### **Advertising**

57. Advertising is not permitted on or in the vehicle except as follows:
  - (a) Display screens on rear headrests or in the rear compartment of wheelchair accessible vehicles.

- (b) Company name, telephone number, email address or web address may be displayed in the rear window providing the signs are transparent and it does not obscure the driver's vision.
- (c) All permitted advertising signage must be approved prior to being affixed

**Disability Access – the following conditions will apply to vehicles adapted or carry wheelchairs**

58. Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- (a) Loading of the wheelchair must be done from the side of the vehicle (whether or not rear access is possible).
  - (b) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
  - (c) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
59. If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must:
- (a) within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and
  - (b) notify their insurance company of the fact that the vehicle has been so adapted/converted.
60. A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
61. If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle, this must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A

copy of the certificate should also be kept in vehicle at all times and be presented to any Licensing Officer of police officer upon request.

62. There must be kept in the vehicle at all times either access ramps or a lift so assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
63. Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.
64. Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.
65. All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
66. In view of the high mileage covered by private hire vehicles and the interval between examinations, the depth of tyre tread on all vehicles must be a minimum of 2mm.
67. From 1<sup>st</sup> February 2015 a **10 year** rolling age limit will be introduced for private hire vehicles unless exempted. Vehicles must, as a minimum, meet Euro 4 standards for emissions and be no older than 4 years at the time of initial licensing.
- 68.

## Appendix G

### **Private Hire Limousines & Speciality Vehicles Special Conditions**

The following are a pool of standard conditions relating to speciality vehicles. The Council may decide to attach all or any of the following standard conditions (which may be in addition to some of all of the conditions in Appendix F) to the grant of a private hire vehicle licence in respect of a speciality vehicle, as may be considered appropriate in any individual case.

#### **1.0 Additional Conditions for Private Hire Limousines & Speciality Vehicles**

1.2 The vehicle to be exempted is of a high quality both in terms of brand and condition.

- Vehicles will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered.
- The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim. This is a spec – to be added to the pre-amble or the body of the policy.

#### **2.0 Types of Vehicles**

2.1 The vehicle must have one of the following:

- (i) A UK Single Vehicle Approval Certificate
- (ii) A European Whole Vehicle Approval Certificate
- (iii) UK Low Volume Type Approval Certificate

2.2 If the vehicle has a UK Single Vehicle Approval Certificate, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the IVA certificate at time of licensing.

#### **3.0 Vehicle and Safety Equipment**

3.2 The proprietor of a vehicle shall:

- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, safe and clean condition.

3.7 Ensure the vehicle is fitted with tyres that meet both the manufacturer's size and weight specification for that vehicle.

3.8 Vehicles may be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive.

3.9 Vehicles with sideways facing seating may be considered for private hire licensing.

3.10 The passenger compartment of the vehicle may be fitted with darkened or blackened glass if approved by the Council.

#### **4.0 Use of Vehicle**

- Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers (should also be a condition for standard HC/PH vehicles).
- Ensure that in any advertisement publicising their business, the vehicle is not stated to carry any more than 8 passengers.
- Not convey any passengers in the front compartment with the driver.
- Not supply alcohol to passengers unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same
- If the occupants are below the age of 18, there should be no alcohol carried in the passenger compartment.
- Any glassware in the vehicle must be made of either shatterproof glass or plastic
- The driver shall not play or permit the performance of any film, video or similar media where any passenger in the vehicle is below the age permitted by the age classification to view the particular film etc.



# Appendix H

## **Private Hire Vehicle Licence Procedures**

### **1.0 Application Process for Private Hire Vehicle Licence New Vehicle**

1.1 The vehicle must accord with the specifications in Appendix E.

1.2 Applicants must telephone the licensing office to make an appointment to have their vehicle licensed.

1.3 Applications for a private hire vehicle licence must be submitted on form PHV/1

1.4 Applicants must bring all their documents relating to the vehicle, which include:-

- Insurance for Hire and Reward
- Registration Document or Bill of Sale
- Certificate of Compliance.

1.5 Applicants must pay the appropriate fee before the licence can be issued.

1.6 Applicants must ensure that the internal plate is placed in the holder provided on the windscreen as soon as they receive it with the expiry date seen from the outside of the vehicle.

1.7 Applicants must bring their vehicle to the Town Hall for an officer of the Council to :-

- Check for the Council approved door signs (where applicable)
- Check for the Council approved roof sign (where applicable)
- To check a bracket is fixed firmly to the exterior of the vehicle (where applicable)
- to fix an external plate to the Council approved bracket (where applicable)

### **2.0 Application Process for Private Hire Vehicle Licence Renewal**

2.1 Applications for renewal should be submitted at least 10 days prior to the vehicle licence expiring. Applicants must telephone the licensing office to have their licence renewed. If less than 10 days are left licence may not be able to be processed and granted prior to the expiry of the existing licence?

Once an invoice is raised, it will be sent to the applicant the next working day.

2.2 The fee must accompany the application for renewal

2.4 An internal licence plate will be issued and sent to the applicant.

2.6 Applicants who fail to renew their vehicle licence on time will be required to submit a new application and will be also be required to comply with the conditions set out in Appendix D

#### Application Process for Private Hire Vehicle Licence Transfer of vehicle

3.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another vehicle.

3.2 Vehicles must comply with the conditions of licence outlined in Appendix D above.

3.3 Applications for a private hire vehicle licence transfer must be submitted on form PHV/1

3.4 Applicants must bring all their documents relating to the vehicle which includes:-

- Insurance for Hire and Reward
- Registration Document or Bill of Sale
- Certificate of Compliance.

3.5 An invoice will be raised for the applicant to pay the appropriate fee.

3.6 An internal licence plate will be issued.

3.7 Applicants must ensure that the internal plate is placed in the holder provided on the windscreen as soon as they receive it with the expiry date seen from the outside of the vehicle.

3.8 An external licence plate will be issued and fixed to the bracket on the rear of the vehicle by the Council

3.9 A paper licence will be issued.

3.10 Applicants must bring their vehicle to the Town Hall for an officer of the Council to :-

- Check for the Council approved door signs (where applicable)
- Check for the Council approved roof sign (where applicable)
- To check a bracket is fixed firmly to the exterior of the vehicle (where applicable)
- to fix an external plate to the Council approved bracket (where applicable)

#### **4.0** Application Process for Private Hire Vehicle Licence Transfer of ownership

4.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another person.

4.2 Vehicles must comply with the conditions of licence outlined in Appendix D above.

4.3 Applications for a private hire vehicle licence transfer of ownership must be submitted on form PHV/1

4.4 Applicants must bring all their documents relating to the vehicle which includes:-

- Insurance for Hire and Reward
- Registration Document or Bill of Sale
- Certificate of Compliance.
- A letter from the existing licence holder authorising the transfer of the licence

4.5 An invoice will be raised for the applicant to pay the appropriate fee.

4.5.1 The Council will determine whether a new external plate is required. If required this will issued and fixed to the bracket on the rear of the vehicle by the Licensing Office in the appropriate colour.

4.6 A paper licence will be issued.

# Appendix I

## Private Hire and Hackney Carriage Drivers' Licences Procedures

1.1 In determining your application, you are required to declare all convictions / cautions / offences. The Council as Licensing Authority is entitled to consider all convictions whether or not they may be considered "spent" for other purposes.

A Crawley Borough Council PHD may drive a 'private hire' vehicle licensed by this Authority, must have 'private hire' or 'hire and reward' insurance, must drive on a circuit for a Crawley Borough Council licensed 'Operator', whilst on this circuit, all 'hire and/or reward' passengers must be pre- booked through the 'operator', a PHD may not use or park a vehicle on or near (plying for hire) any appointed 'taxi' rank, a PHD may not drop-off or pick-up any passenger on or near an appointed 'taxi' rank and may not be 'hailed' in the street.

1.4 Following the grant of a licence, any breach of condition or action(s) contrary to the relevant legislation, any criminal or motoring record will be given due consideration by the Council and may result in the suspension, revocation or refusal to renew any such licence. Not necessary or should be in the body of the policy.

1.5 All applicants for the grant of a driver's licence must satisfy the criteria set out below.

### 2.0 Driving History

(a) Applicants must have held or be in possession of a full UK or EU driving licence for at least 12 months and present same for inspection at the time of application. Please note if you have been issued with a photo card and counterpart, both parts must be provided.

(b) Submit a completed DVLA driving licence disclosure form. This will be provided and can be completed at the time you are submitting your application at the Town Hall.

(c) If your DVLA licence is revoked or you are disqualified for any reason, the Council may automatically revoke your Private Hire or Hackney Carriage Driver's Licence.

### 3.0 Medical Certificate

A medical must be carried out on the Council's prescribed form by your own GP. The medical test will be carried out to PSV Group 2 specification. This medical must be completed to the satisfaction of the Council BEFORE a licence can be issued. The Council will only accept a medical certificate produced on the Council's prescribed form. No other form of certificate will be accepted. The Medical Form will be provided when you submit your application. A medical is required every 3 years until you reach the age of 60 and then annually.

### 5.0 Photographs

5.1 Your photograph will be taken on the day you submit your application by a member of the Licensing Staff. You do not need to provide any photographs

## 6.0 Driving Standards Agency Test(s)

(a) Private Hire Driver applicants will be required to pass the DSA Taxi/Private Hire assessment and provide certificated proof, before the issue of the licence.

Hackney Carriage Driver applicants will be required to pass the DSA Taxi/ Private Hire assessment and DSA Wheelchair Accessibility Test and provide certificated proof of both before the issue of the licence.

(c) Contact details for the DSA will be provided, when you submit your application.

## 7.0 Knowledge Test

7.1 All applicants are required to pass the Council's knowledge test. Applicants who wish to be exempt from sitting the Council's knowledge test must provide detailed information why the Council should deviate from this policy

## 7.2 Hackney Carriage Knowledge Test

This test is advanced and requires an excellent knowledge of Crawley's streets, roads, closes, courts, terraces, walks, major buildings, pubs, hotels, public buildings etc and the shortest route between such points. Applicants for hackney carriage drivers licences will need to know all of the above and achieve a pass mark of 20 correct answers from 25 questions. The Council may stop the test at any time if the applicant reaches 6 incorrect answers; there is no refund for failed or 'stopped' tests.

## 8.1 Private Hire Knowledge Test

8.2 This is a computerised test, which is held at the Town Hall. There are 3 categories of questions.

- Category 1 Local knowledge of Crawley (As per Hackney Carriage, but not the shortest route)
- Category 2 Highway Code Road Signs
- Category 3 Private Hire Drivers and Vehicle Conditions of Licence

This test consists of 40 multiple choice questions; you must achieve 32 correct answers in order to pass. Successful applicants will be issued with a pass certificate. If there are any difficulties anticipated with the knowledge test, applicants must make the Licensing Section aware within sufficient time prior to the actual date to the test.

## 9.0 Knowledge Test General Information

9.1 No mechanical/electrical devices or other means of assistance will be allowed into the test. The applicant will be required to provide photographic identification on the day of the test.

Applicants who are attending a knowledge test must bring with them the following:-

Photographic Identification. (e.g. passport or photographic DVLA licence)  
The Council's letter of knowledge test notification.

9.3 If applicants fail to bring any of the above documents the test will be cancelled and a further knowledge test will have to be arranged. The cost for the first knowledge test is included in the initial fee; if the applicant fails this test there will be a further charge for any subsequent "re-sits".

9.4 The test will be conducted and controlled by Officers of the Council at the Town Hall. At the end of the test you will be advised of the results. Providing all other criteria has been met and there are no outstanding issues, an appointment may be made to arrange for the issue of the Licence.

#### 10.0 Disability Awareness Training

10.1 All applicants are required to undergo Disability Awareness Training. This training is undertaken online and can be incorporated with the Council's knowledge test.

Applicants who wish to undertake their Disability Awareness Training after their knowledge test must inform the Licensing section 48 hours prior to their appointment for a knowledge test.

10.3 Applicants who fail the Disability Awareness Training will be required to re-sit the training and pass before a licence can be issued.

The cost of the Disability Awareness Training is charged to the applicant and must be paid at the time the application is submitted.

10.4 If applicants fail the Disability Awareness Training they must pay for their next training session in advance

#### 11.0 Proof of Identification

11.1 Applicants must submit 2 forms of photo identification, one of which must be a Passport (or for EU/EEA Member States a National Identity Card is acceptable).

The following documents may also help to support proof of identity; however, they will not be accepted as an alternative to adequate photographic identification (Please note only original documents/certified copies will be accepted).

- Birth Certificate
- P45/P60
- Photo/Paper driving licence
- Marriage Certificate
- Applicants must submit 2 forms of proof of address, from the list below. Please note, these documents must be no more than 3 months older than the date of issue.
- Utility bill (not mobile phone bill)

- Credit Card Statement, Bank Statement or Mortgage Statement
- Rent Account or Council Tax Record

11.4 Please ensure that the name, date of birth and address corresponds on all forms of identification provided. If names are not identical on each document the application will not be accepted until all the documents show the same name.

11.5 Applicants must provide printed proof of their National Insurance Number. E.g. Wage slip or P60.

## 12.0 Fees and Charges

12.1 The cost of the Council's taxi and private hire fees and charges can be obtained from the licensing office.

## 13.0 Border and Immigration

13.1 Applicants must satisfy Border & Immigration that the conditions of the applicant's passport and residency permission are compatible with the licence applied for.

You are also advised that it is the Council's policy to consult with Border & Immigration if it deems necessary, to ensure that the applicant's rights of residency are compatible with the licence applied for.

At the current time, applicants who reside in the UK on the strength of a Student Visa cannot work on a self-employed basis. They must provide written confirmation that they intend to be EMPLOYED and plan to work no more than 20 hours per week. They will also be required to provide details in writing of the Private Hire Operator intending to act as their employer, who will be required to complete the appropriate form. A copy of both of these forms will be forwarded to HM Revenue & Customs or any other organisations that the Council deems relevant.

## 14.0 General Guidance

14.1 Upon completion of an application for either a hackney carriage or private hire drivers licence the Licensing staff will check through the application to ensure that it has been completed correctly and in full. If the applicant does not complete the application fully then it will not be processed and the application will be returned.

When issued, the Enhanced CRB disclosure will detail all known offences to the Licensing Authority, any disclosed information may be used by the Council to determine whether an applicant is a 'fit and proper' person to be issued a private hire or hackney carriage driving licence.

The Council will give due consideration to the merits of each individual case and if further investigation is required, the 'disclosure form' may be retained on the applicants file until the outcome of the case or for a maximum period of 6 months. All files are kept in a secure area and are only available to the appropriate staff. If no offences are disclosed the 'form' is destroyed.

14.2 Once all the forms have been completed and have been checked by the Licensing staff the CRB, DVLA and Border & Immigration checks will be sent off ASAP for processing by the relevant agencies.

14.3 On return of the CRB disclosure, the DVLA driving licence check and any feedback from Border & Immigration, the Licensing Officer will review each response. If the Officer considers the records revealed to be acceptable, the applicant will be notified regarding the details of the knowledge test.

14.4 If the CRB or DVLA checks reveal relevant cautions, convictions, fixed penalties, or Border & Immigration have concerns, the Licensing Officer may contact the applicant to arrange for an interview. The interview will allow the Council to discuss the full circumstances concerning the incidents revealed. The applicant will then be offered the opportunity to put all explanations of such cautions, convictions or incidents in writing, to support the application. After the interview has been completed, a report will be submitted for the consideration of the Head of Planning and Environmental Services for a decision. The applicant will be notified in writing of the Council's decision.



The Licence will be issued subject to the laws governing the licence and Council's own standard conditions. A copy of these conditions is included in the application pack and will be supplied on the grant of any licence issued.

The licence will usually be issued for 3 years, but may be issued for a lesser period if so decided by the Head of Planning and Environmental Services, for reasons relating to Visa restrictions etc. If a licence holder is stopped by a Police or Licensing Officer, the licence holder must be able to produce their licence on demand.

14.5 Following the submission of the application to the Council, the Applicant has 12 months to complete their. If for any reason this has not happened, the Applicant will be required to complete the following further checks, at their own expense:-

- Enhanced CRB Disclosure
- Medical
- DVLA Mandate

14.9 Applicants are also required to advise the Council's Licensing Section of any change(s) to your circumstances i.e. medical condition, criminal incidents, driving licence, address etc., from the time the application is submitted, to the time of issue.

# Appendix J

## Private Hire Driver Conditions of Licence

1. A licensed driver shall behave in a civil and orderly manner and shall take reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the licensed vehicle.
2. A licensed driver who has agreed to be in attendance at a certain time at a specified place or whose operator has informed him he/she must be in attendance at a certain time at a specified place shall, unless delayed or prevented by unpreventable circumstances, punctually attend with a licensed vehicle at the appointed time and place.
3. A licensed driver must:
  - carry in the vehicle any luggage which a passenger requests be carried in the vehicle provided that it can be properly secured with the luggage restraints fitted to the vehicle;
  - provide reasonable assistance in loading and unloading such luggage;
  - provide reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down a passenger.
  - provide reasonable assistance to any passenger in alighting or entering the vehicle.
4. The licensed driver of a vehicle equipped with a taxi meter shall set the meter into operation at the point at which the hirer commences his journey unless the hirer expresses at the time of hiring his desire to engage by time.
5. The licence holder shall at all times when acting as a private hire driver wear the badge issued by the Council around his/her neck on the lanyard supplied by the Council.

6. Where any property is left in the vehicle by a passenger, the licence holder must take it to a police station in the borough of Crawley within 48 hours and deposit it with a police officer unless before he/she can do so the owner claims the property.
7. The licence holder must not allow a passenger into their vehicle unless they have first confirmed that there is a booking in place for that passenger made by their operator.
8. Where the licence holder is issued with a fixed penalty by a police officer for a driving-related offence, his/she must notify the Council's Licensing Office of this fact in writing (or by email to [taxis@crawley.gov.uk](mailto:taxis@crawley.gov.uk)). The licence holder must ensure that the notification is delivered to the Council by the next working day.
9. Where any of the following occur, the licensed driver must notify the Council of this fact and must do so in writing (or by email to [taxis@crawley.gov.uk](mailto:taxis@crawley.gov.uk)), so that the notification is delivered to the Council within 7 days:
  10. Any change to the licence holder's personal details including home address, contact telephone number or email address.
  11. If the licence holder is charged with any criminal offence including any motoring offence.
  12. Any convictions or police cautions given for any criminal offence, including any motoring offence.
  13. If they change from one private hire operator to another.
14. A licensed driver shall not at any time permit the noise from any radio or sound system in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. The licensed driver must turn off their radio/stereo if requested by a passenger.
15. A licensed driver shall not between the hours of 23:30 and 07:00 sound his horn to notify the hirer of his presence.

16. A licensed driver shall not, without the consent of the hirer, convey any other person in the vehicle other than the hirer.
17. A licensed driver shall, if requested by the hirer, provide him or her with a written receipt for the fare paid.
18. A licensed driver must supply on request his badge number or plate number to any person who requires it.
19. Any occupied wheelchair being transported in a wheelchair accessible vehicle must be safely secured using the restraint system carried in the vehicle, provided such system is compatible with the wheelchair being transported.
20. The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.

# Appendix K

## Private Hire Operator's Licence Conditions

### 1.1 Provision and Furnishings of Private Hire Vehicles

1.2 Should it come to the operator's attention that a vehicle on his/her/its circuit is not in a clean and tidy condition, he shall notify the proprietor and/or the driver and ensure that no jobs are given to the driver of that vehicle until the operator is satisfied that the vehicle is in a clean and tidy state.

### 2.0 Display of Licence Plates, Signs and Advertising

2.1 The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of the carriage, on or adjacent to the rear bumper, or in such other position as may be approved by the Licensing Officer.

2.2 The operator shall ensure maintenance of such licence plate in a clean and legible condition and shall inform the Council immediately should it be lost or broken or become defaced. – proprietor condition – add if not already

The operator may display on the outside or inside of the vehicle the following:

- Private hire car sign (which may be issued by the Council) on the windscreen
- Vehicle Licence plate
- Approved West Sussex County Council School Transport Sign when operating in conjunction with school contracts and
- Anything else that is required to be displayed by law
- but may not without first applying for and obtaining the council's permission, allow any other sign to be affixed to any part of a vehicle.

### 3.0 Records

3.1 The operator shall keep a permanent record of every booking of a private hire vehicle invited and accepted by him, whether direct from the hirer or by undertaking the

bookings at the request of another operator. The records shall be made available for inspection by a Council Officer or Police officer upon request. The record entries must be made before the commencement of each journey and shall include:

- • The time and date of the booking
- • The time and date of the pickup point
- • Details of the destination
- • The name and contact details of the hirer
- • The registration number of the vehicle and
- • The name of the driver allocated for the journey and the driver's Call sign.

3.2 All records kept by the operator pursuant to Condition 3.1 above shall be preserved for a period of at least 12 months from the date of the journey.

3.3 The operator shall keep written records of the particulars of all private hire vehicles operated by him and shall include a copy of the licensed driver's private hire licence, details of the proprietor of each vehicle, the registration number of each vehicle and driver/s of each vehicles together with any radio call sign used.

3.4 The operator shall ensure that each driver is allocated their own unique call sign.

3.5 The Operator will securely retain a copy of the licenses of all drivers (whether private hire or hackney carriage) engaged to work for them and make them available for inspection by a Council officer or Police officer upon request.

3.6 The operator must ensure that every driver that works on his circuit holds a current private hire driver's licence at all times the driver is undertaking work on the circuit.

3.7 During all times that a vehicle is being operated by the licence holder under this licence, the licence holder must ensure that the vehicle has:

- a valid certificate of insurance for the vehicle to be used for hire and reward for those vehicles licensed as private hire vehicles or a valid public hire insurance policy for those vehicles with a hackney carriage vehicle licence.
- a valid Certificate of Compliance
- a valid private hire vehicle Licence or hackney carriage proprietor licence.

- a valid road fund licence

The operator is required to keep a record of all the above and allow a Council officer of Police officer to inspect them upon request..

- 3.8 If any documents (as above in condition number 3.7) expire the operator must ensure the driver does not work on the circuit until valid documents have been submitted to the operator.

#### **4.0 Conduct of Operator**

- 4.1 The licence holder must not accept a booking by any person to hire a private hire vehicle unless the passenger or someone on his behalf previously requested the hiring by telephone, letter, email, text or personal call to the office or business premises of the licence holder.
- 4.2 The licence holder must not accept a request for hire (a booking) which has been communicated to them via a driver operating a private hire vehicle. To be clear: the licence holder must not accept a booking from a potential passenger made on that person's behalf by a driver in circumstances where the person approached the driver in the street seeking to hire the vehicle.
- 4.3 The operator must ensure that none of his office staff or agents touts for business on the street whether or not this is nearby the operator's offices. In this context, 'tout for business' means approaching any person on the street and asking if they want to book a vehicle where that person has not approached the operator's staff first.

#### **5.0 Miscellaneous**

- 5.1 The operator may only operate from an address within the borough of Crawley.
- 5.2 The licence holder must notify the Council at least 7 days prior to any intended change of address from which the licence holder intends to operate under this licence.

- 5.3 The licence holder may only trade under this licence using one of the following names:
- (a) his/her/its own name, or
  - (b) the trading name or one of the names which the licence holder included on the licence application form; or
  - (c) another trading name provided that the operator notifies the Council at least 14 days prior to the intended change to name under which the operator intends to trade.

What about advertising the name of the operator/trading name on the vehicle?  
Include as a condition that until it clearly displays who the operator is under which the vehicle is working, they cannot allocate any jobs to that vehicle/driver.

- 5.2 This licence must be kept in the possession of the operator and must be produced when requested by a Council officer or any police officer.
- 5.4 In the event of loss or damage to this licence the Council's Licensing Section must be informed immediately so that a replacement licence can be issued.
- 5.5 This licence must not be altered or defaced in any way.
- 5.6 The operator must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicles at any time.
- 5.7 The operator must not refuse a booking because the person wishing to make the booking proposes that his/her guide dog is to travel in the vehicle with them. The operator must not make an additional charge for the carriage of a passenger's guide dog. How do you know it's a guide dog?
- 5.8 The operator must not operate more vehicles than the number specified in their licence.
- 5.9 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the records referred to in Paragraph 7.4 above are kept and where bookings are made



5.10 Where the licence holder is a person, he/she must notify the Council in writing (or by email to [taxis@ Crawley.gov.uk](mailto:taxis@ Crawley.gov.uk)) if any of the following occur, and must do so within 7 days of the event occurring

Any change to the licence holder's personal details including home address (or where the licence holder is a company, the registered address), contact telephone number or email address.

If the licence holder is charged with any criminal offence including any motoring offence.

Any convictions or police cautions given for any criminal offence, including any motoring offence.

5.11 Where the licence holder is a company, a director or the secretary must notify the Council in writing (or by email to [taxis@ Crawley.gov.uk](mailto:taxis@ Crawley.gov.uk)) if any of the following occur, and must do so within 7 days of the event occurring

- Any change to the licence holder's personal details including the registered address, contact telephone number or email address.
- If the licence holder is charged with any criminal offence.
- If any director or the company secretary is charged with any criminal offence or motoring offence.
- If any director or the company secretary is convicted or given a police caution for any criminal offence or motoring offence.
- The details, including full name, home address and telephone contact number, of any director or company secretary appointed after the licence was granted.

## Appendix L

### **Enforcement**

In most cases where there are reasons to believe that enforcement action against a licence holder may be required the procedure to be followed is that set out in the Council's General Enforcement Policy (available on the Council's website at [www.crawley.gov.uk](http://www.crawley.gov.uk)), in particular the procedure relating to enforcement reviews. The following should therefore be read in conjunction with, and is in addition to, the Council's General Enforcement Policy.

#### **Private hire drivers, hackney carriage drivers and private hire operators**

The Council has considered the Department of Transport's 2010 Best Practice Guidance and in particular notes that a paragraph 59 councils are encouraged to have a clear policy for the consideration of criminal records.

Set out below are the factors, both in relation to criminal activity other types of unacceptable behaviour and factors of concern, which will be considered when the delegated officer is considering whether or not they are satisfied that a person is a fit and proper person to hold a licence.

#### **1. General matters**

1.1 Each case will be decided on its own merits.

#### **1.2 Relevance of convictions**

1.21 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application will be entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the Council's overriding consideration should be the protection of the public.

1.22 Simply remaining free from convictions will not generally be regarded as sufficient evidence that a person is a 'fit and proper' person to hold a licence. The Council does not confine itself to convictions but also takes into account non-convictions etc (in line with Leeds City Council v Hussain). Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

## 2.0 Dishonesty

2.1 It is essential for the public to have trust in hackney carriage and private hire drivers. The practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. However, there is scope for a dishonest driver to defraud a passenger by demanding more than the legal or agreed fare or by taking a longer route to a destination. Tourists and overseas visitors are particularly at risk from an unscrupulous driver, and it is to be noted that Gatwick Airport is within the boundary of the borough of Crawley. For this reason, the Council will take a serious view of any offences involving dishonesty. The Council will generally not consider an application until a period of at least 3 years free from convictions has elapsed. More than one conviction for this type of offence within the last 5 years will raise serious doubts about the applicant's fitness to hold a licence. In such cases, the Council may reject the application.

2.2 In the case of a licensed driver convicted of an offence involving dishonesty, the Council, may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 3 years free from convictions of this type has elapsed.

2.3 Offences of dishonesty include:

- • Theft
- • Burglary
- • Fraud including benefit fraud
- • Handling or receiving stolen goods
- • Forgery
- • Conspiracy to defraud
- • Obtaining money or property by deception

- • Other deception

### 3.0 Violence

3.1 The Council will take a serious view of any applicant convicted of an offence involving violence.

3.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for one or more of the following offences:

- • Murder
- • Manslaughter
- • Manslaughter or culpable homicide while driving
- • Arson with intent to endanger life
- • Terrorism offences
- • Or any similar offences (including attempted or conspiracy to commit offences) or offences which replace the above.

3.2.1 In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Council will normally revoke the licence immediately.

3.3 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 10 years immediately prior to the date of application:

- • Malicious wounding or grievous bodily harm which is racially aggravated
- • Actual bodily harm which is racially aggravated
- • Grievous bodily harm
- • Robbery
- • Possession of firearm
- • Riot
- • Assault on Police
- • Racially aggravated offences
- • Violent disorder
- • Resisting arrest
- • Or any similar offences (including attempted or conspiracy to commit offences), which replace the above.

3.3.1 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 10 years free from convictions of this type has elapsed.

3.4 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 5 years immediately prior to the date of application:

- • Assault occasioning actual bodily harm
- • Common assault
- • Affray
- • Criminal damage
- • Harassment
- • Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above

3.4.1 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

3.5 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 3 years immediately prior to the date of application:

- • S.5 Public Order Act 1986 offence (harassment, alarm or distress)
- • S.4 Public Order Act 1986 offence (fear of provocation of violence)
- • S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- • Possession of a weapon (other than a firearm)
- • Obstruction
- • Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above

3.5.1 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 3 years free from convictions of this type has elapsed.

## 4.0 Drugs

4.1 The Council will take a serious view of convictions for drug related offences.

4.1.2 An application will normally be refused when an applicant has a conviction related to the supply of drugs and the conviction is less than 5 to ten years prior to the date of application. After 5 years have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a 'fit and proper' person.

4.1.3 In the case of a licensed driver who is convicted of an offence linked to the supply of drugs, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

4.2 An application will generally be refused where the applicant has more than one conviction relating to the possession of drugs and the last conviction was less than 5 years prior to the date of application.

4.3 An application from an applicant who has an isolated conviction for possession of drugs within the last 3 to 5 years will require serious consideration before a decision is made regarding their suitability. The Council may require the applicant to produce additional information in order to satisfy the Council that they are a fit and proper person to be granted a licence.

4.4 The Council will take a serious view of a licensed driver convicted of an offence for possession of drugs. An isolated incident will result in a strict warning about future conduct. More than one conviction for this type of offence in the last 5 years will raise serious doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions has elapsed, and the Council may require that the person submit a medical examination report from their own GP addressing their drug-use problems when they re-apply for a licence.

4.5 See below for offences relating to driving under the influence of drugs and/or alcohol.

## 5.0 Sexual and indecency offences

5.1 Hackney carriage and private hire drivers frequently carry unaccompanied and/or vulnerable passengers. The Council will therefore take a serious view of any convictions for a sexual offence. A licence will not normally be granted if an applicant has more than one conviction for a sexual offence.

5.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- • Rape
- • Assault by penetration
- • Sexual offences involving children or vulnerable adults
- • Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above

5.2.1 In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Council will in most cases immediately revoke the licence.

5.3 A licence will not normally be granted where the applicant has a conviction for any of the following offences in the 10 years immediately prior to the date of application:

- • Sexual assault
- • Indecent assault
- • Possession of indecent photographs, child pornography etc
- • Exploitation of prostitution
- • Trafficking for sexual exploitation
- • Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above.

5.3.1 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 10 years free from convictions of this type has elapsed.

5.4 A licence will not normally be granted where the applicant has a conviction for any of the following offences in the 5 years immediately prior to the date of application:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above.

5.4.1 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

5.5 Applications will be refused where the applicant is on the Sex Offenders Register or is subject to a Sexual Offences Prevention Order (SOPO) or any similar order which may in the future replace SOPOs.

## 6.0 Alcohol Related Offences

6.1.1 With motor vehicle:

The Council will take a serious view of an applicant convicted for driving or attempting to drive a vehicle with levels of alcohol in blood, breath or urine in excess of the permitted limit. A single conviction for any alcohol-related driving offence will normally preclude an application from being granted a licence for a period of 5 years from the time the person's DVLA licence is restored.

6.1.2 More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will normally be refused.

6.1.3 If there is any suggestion that the applicant suffers clinical alcohol dependence, the Council may require a special medical examination to be undertaken and a report submitted to the Council to consider as part of the application process. If the applicant is found to be suffering from clinical alcohol dependence, an application will not normally be considered until a period of at least 5 years has elapsed after completion of treatment of the condition. The cost of any medical examination and report must be paid for by the applicant/driver.



6.1.4 The Council will take a serious view of a licensed driver convicted of driving or attempting to drive a vehicle with levels of alcohol in excess of the permitted limit as this will raise serious doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

6.1.5 If a licensed driver is convicted of driving or attempting to driver a vehicle with levels of alcohol in excess of the permitted limit where he/she was driving (or attempting to drive as the case may be) a licensed vehicle (whether hackney carriage or private hire vehicle), the Council will view this especially seriously and treat this as an aggravating factor.

## 6.2 Without motor vehicle:

An isolated alcohol-related offence (not involving driving) will not necessarily prevent an applicant being granted a licence, and similarly an isolated alcohol-related offence (not involving driving) committed by a licensed driver will not usually lead to the suspension or revocation of the driver's licence.

However, where an applicant has a number of convictions for alcohol-related offences may indicate a medical problem. In such cases, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of the application process. The cost of any medical examination must be paid for by the applicant.

## 7.0 Minor traffic offences

7.1 Convictions for minor traffic offences, for example obstruction, waiting in a restricted street, etc., will not necessarily prevent a person from being considered for a licence. If a new applicant has 6 live penalty points on their driving licence for such offences then the application may be granted subject to a strong written warning. If an applicant has more than 6 penalty points on their licence then the application will normally be refused and no further application will normally be considered until a period of at least 12 months free from convictions of this type has elapsed.

7.2 In the case of a licensed driver accumulating nine or more penalty points the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 12 months free from convictions of this type has elapsed.

#### 8.0 Major traffic offences

8.1 If an applicant has live endorsements or has been disqualified from driving in respect of one or more major traffic offences, for example reckless driving or driving without due care and attention etc., then the application will normally be refused until at least 5 years after the most recent such conviction.

#### 9.0 Offences by licensed drivers, proprietors or operators

Where a licensed driver is convicted of more than one offence for alcohol-related offence this will raise doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of a future re-application process.

9.1 Any conviction resulting from an offence committed by any person whilst working as a hackney carriage or private hire driver or operator, or when driving a hackney carriage or private hire vehicle even if not working as a professional driver, is regarded as extremely serious and may lead to a licence being suspended or revoked or an application to renew the licence being refused.

The Council also regards as extremely serious offences by licensed drivers and operators who commit licensing-relating offences, especially the offence of illegally plying for hire, and may lead to a licence being suspended or revoked or an application to renew the licence being refused. Licensing-related offences in this context include any offences contrary to the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 or any breach of licence conditions or byelaws made under the relevant legislation, but especially the offence of illegally plying for hire.

9.2 More than one conviction for the above would almost certainly lead to the Council revoking the licence.

#### 10.0 Cautions and Endorsable Fixed Penalties

10.1 For the purpose of these guidelines simple cautions and endorsable fixed penalties shall be treated as though they were convictions.

#### **References**

1. <http://www.crawley.gov.uk/pw/web/int080937>