Private Hire and Hackney Carriage Policy and Conditions

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Section 1

Introduction

Broadland District Council is situated in the County of Norfolk, which contains 7 District Councils in total. The Council area has a population of 124,626 (2011 Census) and covers 55,215 hectares. Broadland includes the northern suburbs of Norwich and the rural areas to the north and east of the city. It consists of several market towns including Aylsham and Acle and numerous villages.

A map of the Broadland district is at Appendix A.

The Council’s Role in Taxi Licensing

The Council licences vehicles which are available for hire and operate in the district of Broadland. Vehicles are provided with a driver and are equipped with eight or fewer passenger seats.

The vehicle may be a Hackney Carriage or a Private Hire Vehicle. Both of these types of vehicle are generally known as ‘taxis’ by the public. Hackney Carriages may be hailed from the side of the street or hired from a ‘taxi’ rank. Private Hire Vehicles may only undertake journeys following an advance booking being made. The operating base where the bookings are taken is licensed by Broadland Council.

Before any vehicle is licensed it must be tested at an approved MOT garage. The test covers the vehicle's mechanics, general appearance, which includes the comfort for passengers, and the reliability of any meter fitted. The vehicle must also be brought to the Council offices so that an officer may check that it is suitable for licensing as a Private Hire Vehicle or Hackney Carriage.

Broadland Council is responsible for licensing the drivers of both classes of hire vehicle. Within the scope of the legislation the Council ensures that all drivers are ‘fit and proper persons’ to be licensed by carrying out checks on an applicant’s background.

To assess a driver’s suitability and status as a ‘fit and proper person’, the Council will carry out an enhanced Criminal Records check. More information may be found on the Disclosure and Barring Service website at www.gov.uk/government/organisations/disclosure-and-barring-service. The Council will also contact the DVLA to check the driver’s DVLA driving licence. The Council requires all new applicants to pass a Driving Standards Agency (DSA) test.

The Council is responsible for taking enforcement action against the drivers, vehicles and operators it has licensed if they fail to comply with the conditions and regulations under which the various licences are issued. Enforcement covers offences relating to Private Hire Vehicle and Hackney Carriage legislation, drivers’ behaviour, the condition of the vehicles and the investigation of complaints made by the public against any licence holder.

The Council may grant or issue licences as well as suspending or revoking licences and taking Court action if necessary against any offending licence holder.
Licensing and enforcement is carried out by Council officers appointed ‘Authorised Officers’ for that purpose. Such officers have been issued with written authority as well as a Council identity badge.

**Hackney Carriage**

A Hackney Carriage should have an illuminated taxi sign on the roof, a ‘for hire’ sign, a white plate fixed to the rear of the vehicle, a Broadland Council sign permanently fixed to both side rear doors of the vehicle and a meter inside the vehicle to show the fare being charged. It is possible to hire these vehicles from a taxi rank or hail them in the street. In addition a Hackney Carriage can work as a Private Hire Vehicle and may also be booked over the phone or by visiting the vehicle’s operating base.

A Hackney Carriage can be a purpose built vehicle, such as the London type black cab, a saloon car or any other passenger vehicle which carries no more than eight passengers, providing it complies with the Council’s Policy and conditions. Each application for a Hackney Carriage Vehicle licence will be considered on its own merits.

**Private Hire Vehicle**

A Private Hire Vehicle can only be hired by pre-booking it or by visiting the operating base of the vehicle. The Private Hire Vehicle will have a yellow plate (or silver plate for Executive vehicles) fixed to the rear of the vehicle and a small internal plated securely fixed to the inside of the front windscreen. A Private Hire Vehicle may have a Council approved sign on the roof stating ‘Pre-booked Only’ and it may have a meter.

A Private Hire Vehicle will normally be a saloon car or other passenger carrying vehicle with less than nine passenger seats other than a Hackney Carriage.

**Purchasing a Vehicle**

Before purchasing a new vehicle, drivers/operators are advised to contact the Licensing Office. Officers will be able to advise on suitable vehicles to ensure compliance with the relevant licence conditions. Drivers/operators will usually be requested to present a proposed vehicle at the office for an inspection in advance of approval for licensing.

**Hiring a vehicle**

When a person hires a Hackney Carriage or a Private Hire Vehicle, they are entering into a contract with the driver of the vehicle or with the operating base for the provision of a service. The individual making the booking should ensure clear instructions are given regarding their requirements at the time of hiring the vehicle. If it is a pre-booked call, the hirer can ask whether a meter is fitted and ask for a quote for the journey.

Private Hire Vehicles are not governed by a Council maximum fare rate and can charge the fare they think appropriate. In the majority of cases the fares for journeys are quoted the same or less than Hackney Carriage fares.
When pre-booking a vehicle, it may be beneficial to request quotes from more than one ‘taxi’ or firm.

All Hackney Carriage and Private Hire Vehicles licensed by the Council must display an identification plate on the rear and outside of the vehicle and a small internal plate in the front windscreen. The drivers must wear an identification badge issued by the Council.

**Wheelchair accessible hire vehicles**

There is a small number of wheelchair accessible vehicles available in Broadland which are licensed by the Council.

The Council welcomes views and information from the public regarding their needs for wheelchair accessible vehicles, the availability of currently licensed vehicles, or ideas to help provide an efficient ‘taxi’ service for people with physical disabilities.

Operators and Drivers may wish to make themselves aware of the “Equality Act 2010 – Taxis and Private Hire Vehicles” and “Equality Act 2010 – Are you a Taxi or Private Hire Vehicle Driver?” documents. These can be found at [www.gov.uk](http://www.gov.uk).

**Hackney Carriage/Private Hire Drivers Licences**

In considering applications for Hackney Carriage/Private Hire Driver Licences and any breaches during the currency of a licence, the Council must be satisfied that drivers are fit and proper persons to hold a Licence.

In doing so, they must have regard to all convictions, including driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence, including points from the Council’s Penalty Points system (see Appendix B).

The Penalty Points system seeks to expand, formalise and document a system which is already in place to deal with convictions and other matters which arise during the period of the Hackney Carriage or Private Hire Vehicle Driver licence. The intention is to encourage all drivers to apply high standards during day to day driving activities, in particular to comply with the requirements of the licensing conditions.

Applications may be referred to the Regulatory Committee for consideration at the discretion of the authorised officer.

**Referral to Regulatory Committee**

If an applicant or a driver is referred to the Regulatory Committee they will be notified in writing of the date and time of the hearing. A copy of the Committee report will also be forwarded to the applicant/driver.

The applicant/driver may bring representatives along to the Committee hearing. These may be a legal representative, a friend or member of their family, or a work colleague, who may assist them during the course of the Committee meeting and speak in support of them.
The Committee

The Committee comprises three district Councillors, at least two of which must be present at each hearing. The Committee will be advised by a legal representative.

Council Officers, including the Licensing Officer, may also attend the Committee meeting, in an advisory capacity. They do not take part in the decision making process.

The Hearing

A number of applications and disciplinary matters may be heard on the same day. Each matter will be considered confidentially and the public and other applicants may not have access to the meeting. Whilst the Committee will attempt to be as punctual as possible, there may be situations where a particular hearing takes more or less time than expected. Therefore, the time specified for a particular hearing may be subject to change.

When it is time for a case to be heard, the relevant driver/applicant will be called into the Committee room, along with any representatives that may be accompanying them.

The Chairman will introduce those present and will ensure that they understand the procedure to be followed. Firstly the Council will put forward its case. This will generally be in the form of a report read by the Licensing Officer. The Licensing Officer may then be questioned by the applicant/driver or his representative, the complainant or other relevant body (e.g. the Police) and then the members of the Committee and their Legal Adviser. The applicant/driver and any representative will then have an opportunity to put forward their case. They will then be questioned by those present. Any complainants, etc will next have an opportunity to put forward their case before being questioned by those present. Once this process is complete, the Licensing Officer, the applicant/driver and any complainant(s) will be asked to give closing statements.

All persons present, with the exception of the members of the Committee, the legal adviser and the Committee clerk will be asked to leave the meeting so that a decision can be made by the Committee.

The Decision

The Committee will be informed of all convictions and will have regard to the Council’s Convictions Policy (see Appendix C) concerning the nature of offences and the time scales involved.

Once the Committee has reached a decision all parties will be invited back into the room and the decision will be read out by the Chairman. The applicant will be provided with a full written copy of the Committee’s decision within 5 working days of the hearing.

The Committee may:

New/Renewal Application
- Refuse the application
• Grant the licence for the full three year period
• Issue the licence for a restricted period with a written warning as to future conduct
• Issue the licence for the full three year period with a written warning as to future conduct
• Apply conditions to the licence
• Take any other course of action which the Committee considers appropriate
• In the case of a current licence Committee may also determine to take no action or they may suspend or revoke the licence.

Right of Appeal

If the Committee decide to refuse the grant of a Vehicle, Operator or Driver Licence, or in the case of a disciplinary hearing, decide to suspend or revoke a Driver Licence, the person will have the right of appeal to a magistrates’ court within 21 days of receipt of the decision. In the case of refusal to grant a Hackney Carriage Proprietor’s Licence, appeal will be to the Crown Court.

General Advice

• The Regulatory Committee is a formal meeting where members sit in a quasi-judicial manner. This means that the Committee acts in a similar way to a Court or Tribunal. It is therefore important that persons appearing before Committee should behave and dress in an appropriate manner.

• If a person appears before the Committee following a complaint about their conduct, they should not attempt to speak to the complainants/witnesses prior to the meeting as this could be deemed to be harassment.

How to make a complaint

To make any complaint regarding a licensed driver or vehicle please make your complaint in writing to the Council’s Licensing Section using the contact details below.

Licensing Section
Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich
NR7 0DU

e-mail: licensing@broadland.gov.uk
Telephone: 01603 430574
Section 2

Private Hire Vehicle and Hackney Carriage Drivers Policy

On application for a Private Hire or Hackney Carriage driver licence (either a new application or a renewal) the applicant must comply with the following;

1. a) All applicants/drivers must be in possession of a full driving licence issued by the DVLA or a licence from an EEA or EU state and that licence must have been held for at least 12 months;

b) Any applicant must be medically examined by a qualified medical practitioner at a practice where the Doctor has access to the applicant’s full medical records and the applicant/driver must be considered fit enough to meet at least the standards required for the grant of a Group 2 driving licence as required by the Driver Vehicle Licensing Agency (DVLA);

c) A first time applicant, or an applicant whose previous licence expired more than 28 days previously, must produce a certificate issued by the Driving Standards Agency confirming that he/she has taken and passed the agency’s Driving Assessment for Taxis and Private Hire Vehicles. The applicant will be required to provide their own vehicle in which to complete the test. The DSA test may not be completed in a limousine;

d) An enquiry shall be made of the Driver Vehicle Licensing Agency to establish the validity of any applicant’s UK driving licence and any motoring convictions recorded against him/her in order to confirm that the applicant is a fit and proper person to hold, or continue to hold, a licence. The applicant will be required to authorise the Council to make such enquiries;

e) Any applicant’s criminal record shall be checked via the Disclosure and Barring Service at enhanced level in order to confirm that the applicant is a fit and proper person to hold a licence. The applicant will be required to complete the necessary forms for the purpose. If a Criminal Records check with the Disclosure and Barring Service is not applicable, the applicant must provide a certificate of good conduct or equivalent from every country where the applicant has been resident during the previous 5 years. Where the applicant is unable to provide the relevant certificates of good conduct, their application will be referred to the Committee for consideration of the application on its own merits;

f) All convictions including cautions must be disclosed. The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2003 amends the Rehabilitation of Offenders Act 1974 and provides that in the case of taxi and Private Hire Vehicle drivers, convictions can never become spent. Therefore, the Council when considering whether an applicant is a fit and proper person to hold a licence, must consider any relevant convictions, in particular the weight to be placed upon those convictions taking into account the nature of the offence and the date of the conviction. The Licensing Section, Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU should be contacted if a driver/applicant has any queries or requires further information in respect of the disclosure of convictions. Failure to disclose convictions is an offence;
g) Any applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a licence;

h) The DVLA licence must cover the appropriate category for the vehicle being driven i.e. Class C1 for limousines;

i) All drivers must have attained a minimum age of 21 before the date of application for the Private Hire driver licence.

j) From 1st November 2016, all new applicants and applicants renewing their Private Hire Vehicle and Hackney Carriage Driver Licence must produce evidence of completion of Broadland District Council approved Safeguarding training.

2. All holders of a Driver licence shall be required to take and pass a medical examination as described in 1 b) above when; renewing a standard term licence; annually from age 60; or at any other time that may be prescribed by a medical practitioner; or at any time as may be required by an Authorised Officer where the Authorised Officer finds there is good reason to do so. If a medical certificate is not produced when requested, the Council may consider suspension/revocation of a Driver licence. If there is a change in a driver’s medical fitness to drive a vehicle, they must notify the Licensing Section within 3 days of becoming aware of the change in circumstances.

3. In relation to the consideration of convictions and cautions recorded against persons the Council has adopted the policy set out in Appendix C under Convictions Policy.

4. A Driver licence shall be valid for a standard term of three years, unless the licence is issued for a shorter period by an Authorised Officer or following a determination by the Regulatory Committee.

5. Drivers must notify the Licensing Section of any penalty points received in respect of their DVLA driving licence within 7 days of receiving the points. If a driver accrues a number of points within a short period of time they may be brought before the Council’s Regulatory Committee for a possible suspension/revocation of their Private Hire licence. Each case will be considered on its own merits.

6. Any driver whose DVLA driving licence has been suspended or revoked will automatically have their Private Hire Driver licence suspended by an Authorised Officer as they will no longer satisfy the prerequisites for a Private Hire Driver licence. The driver will then be required to appear before Committee for consideration of the future of their licence.

7. All drivers will be encouraged to complete the BTEC Level 2 Award, Introduction to the Role of the Professional Taxi and Private Hire Driver and the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (or equivalent). In recognition of completion, the Council will issue the driver with a gold driver’s badge.
Section 3

Private Hire Vehicle Driver Conditions

1. In these conditions “the Council” means Broadland District Council and "authorised officer" means an officer of the Council authorised in writing for the purposes of these conditions.

General Prohibitions Under Licence

2. The licensee shall not assign or in any way part with the benefit of the licence. It is personal to the licensee.

3. The driver of a vehicle whilst driving or in charge of a vehicle shall not:
   a) tout or solicit or cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any vehicle;
   b) ply for hire by offering a vehicle for immediate hire whilst they or that vehicle are on a road or other public place;
   c) accept an offer for the immediate hire of a vehicle whilst they or that vehicle are on a road or other public place except where the offer is first communicated to the driver in person by telephone or vehicle radio without him/her in any way procuring the offer.

   In this condition "road" means any highway and any other road to which the public has access and includes bridges over which a road passes.

4. Only a driver licensed by Broadland District Council may drive a vehicle also licensed by Broadland District Council.

5. A Broadland District Council licensed driver, driving a Broadland District Council licensed vehicle, may only pursue work derived from a Broadland District Council licensed operator.

6. No driver shall drive a vehicle without the proprietor’s consent.

7. When hired to drive to a particular destination, a driver shall (subject to any directions given by the hirer) proceed to that destination by the shortest available route.

Conduct of Driver

8. The driver shall;
   a) carry a reasonable quantity of luggage when requested by any person hiring or seeking to hire a vehicle and afford all reasonable assistance in loading and unloading passengers' luggage;
b) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner;

c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her;

d) not without the express consent of the hirer eat or drink in the vehicle;

e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;

f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;

g) when collecting passengers the driver will not sound the vehicle’s horn but shall make his/her arrival known in person;

h) comply with all reasonable requests of hirers or passengers;

i) anticipate the needs of disabled people who wish to use their services;

j) not use a mobile phone whilst driving the vehicle, unless the usage complies with current legislation;

k) not smoke in the vehicle;
   (i) “smoking” refers to smoking tobacco or anything which contains tobacco, or smoking any other substance, and
   (ii) smoking includes being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form in which it could be smoked.

l) drive in a safe manner at all times and in compliance with all road signage and legal requirements.

Copy of Conditions

9. The driver shall at all times when driving a vehicle carry a copy of these conditions and shall make it available for inspection by the hirer or any other passenger upon request.

Change of Address

10. The driver shall notify the Licensing Section in writing of any change of his/her address during the period of the licence within seven days of the change taking place.
Convictions

11. The driver shall notify the Licensing Section in writing of any conviction, caution or driving offence imposed on him/her during the period of the licence within seven days of the conviction.

12. In the event of a disqualification from driving, a driver shall immediately inform the Licensing Section and return their driver’s badge.

Badges

13. The driver shall at all times when under hire or available for hire wear their driver’s badge issued by Broadland Council on their person where it is clearly visible.

14. A driver shall not damage or deface a driver’s badge nor allow any other person to do so.

15. The driver shall upon the expiry (without immediate renewal), revocation or suspension of his licence immediately return to the Licensing Section the driver’s badge issued when granting this licence.

Driving licence

16. A driver shall produce their DVLA driving licence for inspection by an authorised officer at any point during the period of the licence (within 7 days of request).

Medical fitness to drive

17. The driver shall undergo a medical to Group 2 standard as specified by the DVLA (at least every 3 years) up to the age of 60. This must be completed no more than one month before the medical certificate is submitted to Broadland Council. After the age of 60 has been reached a medical to the same standard will be required annually. Broadland District Council will not renew a licence if the medical certificate is not produced. In the case of persons over the age of 60 the Private Hire Vehicle Driver licence may be suspended if the required medical is not produced as requested. The Council reserves the right to require any applicant to undergo a further medical examination if the contents of the certificate suggest that this may be necessary.

18. A medical examination to Group 2 standard may be requested if during the period of the licence there are concerns in respect of the fitness to drive of the Private Hire driver. If a medical is not produced within a reasonable time, Broadland District Council may consider suspension or revocation of the licence.

19. If there is a change in medical fitness to drive, the Licensing Section must be notified in writing within 3 days of the change occurring. Changes could include an inability to move a limb, diabetes, impairment of vision and back injuries. This list is not exhaustive.
Prompt Attendance

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

Passengers

21. The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed on the licence for the vehicle.

22. The driver shall not allow there to be conveyed in the front of a vehicle:-

   a) any child up to 135cms in height (or their 12th birthday whichever they reach first) unless the correct child restraint is used; or

   b) more than one person above that age.

23. The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

24. The driver should ensure that all passengers are wearing seatbelts as required by the appropriate legislation.

25. The driver shall ensure he is conversant with all tail lifts and ramps attached to the vehicle and any wheelchair fittings and fixings.

26. The driver who shall knowingly convey in a vehicle the dead body of any person, shall immediately thereafter notify the fact to the Licensing Section, Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU.

27. The driver shall carry, free of charge, a guide, hearing or assistance dog which accompanies a passenger, unless the driver has a proven medical condition which precludes him from doing so and has obtained an exemption certificate from the Council. The driver shall inform his employer and the Licensing Section of such medical condition:-

   i) when becoming first employed as a driver, or

   ii) immediately upon diagnosis of such medical condition.

27.A The driver of any vehicle included on the Council’s designated list of Wheelchair Accessible Vehicles shall without making any additional charge;

   a) carry the passenger while in the wheelchair;

   b) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;

   c) to take such steps as are necessary to ensure that the passenger is carried
in safety and comfort; and

d) to give the passenger such mobility assistance as is reasonably required. (Mobility assistance is defined as; enabling the passenger to get into or out of the vehicle; if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair; to load the passenger’s luggage into or out of the vehicle; if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle)

unless the driver has a proven medical condition which precludes him from doing so and has obtained an exemption certificate from the Council.

Lost Property

28. The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.

29. If any property accidentally left in a vehicle by any person who may have been conveyed therein is found by or handed to the driver, it shall be taken as soon as possible and in any event within twenty-four hours (if not claimed by or on behalf of its owner) to a convenient police station and left in the custody of the officer in charge after obtaining a receipt for it.

Animals

30. The driver shall not convey in a vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle whilst carrying fee paying passengers.

31. The driver shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle except that an assistance dog accompanying a disabled person may sit in the front of the vehicle provided that the animal is properly trained to sit in the foot well of the vehicle with the disabled passenger.

Accidents

32. A driver shall report to the Licensing Section any accident involving a licensed vehicle as soon as possible and in any event within 72 hours of the accident occurring.

Breakdowns

33. In the event of a breakdown during a hiring, the driver shall ensure that passengers have the means to continue their journey.

Trailers

34. A driver will be permitted to tow a trailer whilst driving a licensed Private Hire Vehicle providing that:
a) The driver has the correct entitlement category on his DVLA licence.

b) It is the proprietor’s responsibility to ensure that the trailer towed by his/her Private Hire Vehicle complies with the legislation and licensing conditions.

c) It is the proprietor’s responsibility to ensure the driver towing the trailer has the correct entitlement category DVLA licence.

Fare to be demanded

35. The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator.

Written Receipts

36. The driver shall if requested by the hirer of a vehicle provide him/her with a written receipt for the fare paid.

Complaints by hirers

37. Where a hirer has, during the course of a hiring, cause to make a complaint it is required that the hirer be given certain information to enable him/her to identify the driver, vehicle and proprietor if they wish to report the matter to the Licensing Section. This information includes the driver’s Private Hire badge number, the driver’s name and the Private Hire Vehicle plate number.

Serving of Notices

38. Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these Conditions to be given or served on the licensee by or on behalf of the Council or any authorised officer.

Penalties

39. The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine. In addition such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence.

Part II of the Act provides that these conditions must be adhered to.
APPENDIX

Safeguarding Code of Conduct

Private Hire Vehicle and Hackney Carriage Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its Licensing Team and Committees, must ensure that all Drivers are ‘fit and proper’ to undertake their work as Drivers and that they also act as ambassadors for the district. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect and that any concerns about the welfare of passengers is reported.

On occasion, Drivers may become aware of, or have suspicions that, their passengers are the victim of abuse, neglect or exploitation, either sexual or otherwise, or at risk of becoming a victim. In addition, Drivers themselves may be accused of misconduct or inappropriate behaviour through the possible misinterpretation of the Driver’s actions or conversation.

Therefore, Broadland District Council has introduced this Code of Conduct which is aimed at protecting both passengers and Drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately as well as minimising the risks for Drivers.

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

It should be noted that the Code does not override any obligations enshrined in legislation, licence conditions or contractual obligations, such as County Council contracts.

Drivers should:

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

And be aware of:

- The safety and well-being of passengers
- The importance of the use of appropriate language
- The vulnerability of children and adults
- Passengers with special needs
- Any instruction given about the care or first aid requirements of a passenger
- Personal beliefs and standards, including dress and religion
- Passengers misreading situations
- The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a Driver’s profile. Drivers should ensure the appropriate privacy settings are used to avoid passengers viewing their social media profiles
Drivers should never:

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism
- Inappropriately touch a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger
- Administer medication unless a specific request has been made by the hirer
- Photograph or video passengers in their care unless used in compliance with data protection legislation and any relevant Codes of Practice issued by the Home Office or Information Commissioner’s Office
- Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games (other than for clear and obvious business connections)
- Phone or send text messages to passengers other than directly concerning the hiring of their vehicle
- Swear, make personal or humiliating comments, or tell inappropriate jokes in person or by any other means e.g. social media
- Offer cigarettes or gifts of any sort
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- Show passengers videos or pictures on their mobile phone or any other electronic device

Safeguarding:

If a Driver has concerns or suspects abuse, neglect or exploitation of a passenger then these concerns should not be ignored. The safeguarding of children and vulnerable adults is everybody’s responsibility. Remember that your information could help a vulnerable child or adult.

If a Driver is working in accordance with a Norfolk County Council contract then documents and guidance procedures issued by that Council should be followed in addition to any training received by the Driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have:

Action to be taken if you have concerns:

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on 999 (or 112 from a mobile telephone).

- If you are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent matter, please call Broadland Council Licensing Team on 01603 430580.

- If you would prefer to speak to the police on a non-urgent matter then call them on 101 and follow the directions for Norfolk Constabulary.
Section 4

Private Hire Vehicle and Hackney Carriage Policy

All Vehicles

1. Broadland District Council will not grant or renew a licence unless satisfied that the vehicle is suitable to be a licensed vehicle, is in a suitable mechanical condition and is safe and comfortable.

Duration of Licence

2. A vehicle licence will be granted for one year until the vehicle attains seven years old at which point a vehicle licence will be granted six-monthly.

Insurance

3. A vehicle must have a current certificate of insurance or cover note which complies with the requirements of Part VI of the Road Traffic Act 1988 and which clearly covers the use to which the vehicle is to be put.

Excise Licence (Road Tax)

4. There should be a valid excise licence for the vehicle.

Vehicle Registration Document (V5)

5. A valid vehicle registration document must be produced at the time of application for a vehicle licence.

Age

6. On initial application the vehicle must not exceed five years of age.

7. The Council encourages the use of eco-friendly vehicles. Any application to licence a vehicle with an engine capacity of less than 1300cc will be considered on its own merits.

8. Once a vehicle exceeds 7 years of age the vehicle will be considered for licensing subject to passing a 6 monthly vehicle mechanical test and MOT.

Exceptions to Age Requirement

9. The exceptions to this are:-

- Limousines - the Authority will not licence or re-licence this type of vehicle if it is more than 10 years old.
- Vintage / Classic / Specialist Vehicles – each application will be considered by the Authority on its own merits.
Vehicle Specifications

10. a) The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) or three side opening doors and a tailgate or rear door(s) which is easily accessible and may be opened from the inside of the vehicle.

Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.

No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.

Any vehicle’s suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.

b) The vehicle must be right-hand drive.

c) The vehicle must have EU Type Approval.

d) If c) cannot be satisfied then the vehicle must have a Department for Transport Certificate of Single Vehicle Approval.

e) In the case of a Private Hire Vehicle its appearance must not lead people to believe it is a Hackney Carriage.

f) The vehicle must have seats with a minimum width of not less than 408mm (16 inches) per person.

g) The vehicle shall be fitted with appropriate seatbelts to the front and rear seats of the vehicle. The number of seat belts fitted to the vehicle, as a minimum, shall correspond with the number of passengers the vehicle is licensed to carry plus the driver.

h) All wheelchair accessible vehicles shall be equipped with properly mounted fittings for the safe securing of a wheelchair and a passenger seated in it, when carried in the vehicle. The Licensing Authority reserves the right to require further examination and certification to confirm the safety of the vehicle.

i) If a mechanical hoist is fitted to the vehicle this will require a LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspection every 6 months by the manufacturer or his approved agent and a certificate/report must be produced to that effect.
11. The seat layout, legroom, headroom and seated comfort of the vehicle will be assessed by an authorised officer upon inspection of the vehicle at the Council’s offices. Each application will be considered on its own merits. Should the authorised officer determine that the vehicle is not appropriate for use as a Private Hire Vehicle or Hackney Carriage, or the dimensions of the vehicle are not sufficient to seat the specified number of passengers, the vehicle may be refused for licensing or the number of passengers permitted in the vehicle may be reduced. The safety and comfort of the passenger will be paramount. It is therefore advised that proprietors liaise with the Council before purchasing a vehicle to ensure its suitability.

**Vehicle Test Standards**

12. a) The Authority will not grant/renew a vehicle licence unless the person examining it has confirmed that it has passed the Council Vehicle Mechanical Test and, at the same time, the vehicle has been certified roadworthy to MOT standard and has a current MOT certificate completed within the last month. Vehicles of a class that are not subject to ‘EU Type approval’ and are being tested for the first time will be additionally tested to ensure tyres and any other aspect of the vehicle are as safe and mechanically sound as possible for the passenger.

Costs of such testing must be paid by the person wishing to licence the vehicle. In addition the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

b) A vehicle may require re-examination, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to in (a) above. This will be the case for all vehicles exceeding 7 years of age from the date of first registration.

c) A vehicle which fails an inspection/safety check during the currency of a licence with Broadland District Council will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to do so will lead to the automatic revocation of the vehicle licence.

d) A vehicle may be inspected by an authorised officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give an unfit vehicle notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

**Exterior Bodywork and Wheel trims**

13. The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer’s original specification.
Upholstery

14. All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.

Fittings

15. All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair bound passengers.

Roof and Floor Coverings

16. All roof and floor coverings shall be clean and in good condition, with no tear or other damage.

Fire Extinguishers

17. A fire extinguisher shall be provided in an easily accessible position capable of being reached by the driver without delay. Upon issue of the Private Hire Vehicle licence, the Council will issue an inspection sticker to identify the fire extinguisher with the particular Private Hire Vehicle.

Vehicles Powered by Liquefied Petroleum Gas (LPG)

18. A vehicle, the engine of which has been converted to run on LPG, shall be entered on the UKLPG Vehicle Register confirming that the LPG installation is safe and conforms with the Association’s Code of Conduct.

19. An LPG powered vehicle must undergo an additional annual service by a person competent in LPG powered vehicles. If an LPG conversion involves installation of an LPG fuel tank in a vehicle’s boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the storage of a reasonable amount of luggage and any spare wheel displaced as a result must be stored in a location that does not impinge on the passenger carrying area of a vehicle.

Tinted Windows (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986 (As Amended))

20. The Authority will not licence a vehicle unless the windscreen allows at least 75% of light to be transmitted through it and the front side windows allow 70% of light to be transmitted through them. The Authority also recommends that rear windows allow a minimum of 70% of light to be transmitted through them. Each application will be considered on its merits.
Wheelchair Accessible Vehicles

21. The Authority will encourage the provision of wheelchair accessible vehicles, in compliance with the Equality Act 2010 and any requirements of the Department for Transport.

Taximeters

22. All Hackney Carriage vehicles licensed or to be licensed shall have a taximeter fitted unless an exemption has been approved. Any vehicle fitted with a meter shall be tested on the road by reference to a measured distance to establish that the taximeter is accurate. In relation to Hackney Carriages the test shall be to establish that the meter does not produce a fare in excess of the maximums prescribed on the current Hackney Carriage Fare Tariff approved by the Council.

23. In all cases taximeters shall be fitted in such a way that they are visible to passengers.

24. Taximeters fitted to Hackney Carriages which are to be licensed for the first time, must be one of the makes/types listed in Appendix D or any other that is specifically approved by the Council.

Unfit Vehicle Notices

25. These will be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.

26. Immediate Unfit Notices may be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to an Authorised Officer of the Council once the faults have been rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.

27. Alternatively a Deferred Notice may be issued. The vehicle may continue to be used on the road for the time specified on the Notice, however any works required by the Notice must be completed within the specified time. When the faults are rectified the vehicle must be presented to an Authorised Officer. If, following inspection, the Officer is satisfied that the works have been completed, the Notice will be lifted.

28. If an Immediate Unfit Notice is not lifted within 2 months the vehicle licence will be revoked.

Advertising on inside and outside of vehicle

29. Advertising will be permitted on Hackney Carriages and Private Hire Vehicles in compliance with the stated conditions. Advertising will also be permitted, subject to written application, on the inside of purpose built hackney vehicles but is limited
to the base of the pull down spring seats. All advertising is subject to the following:

a) All adverts shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority.

b) No advertisement shall relate to or advertise alcohol, nudity, gambling, smoking materials or anything of a political nature. The council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.

c) Any requests for advertising on a vehicle must be made in writing and is subject to approval by the Council or an authorised officer. In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words “taxi”, “cab”, or “hire”.

30. Advertising in all other vehicles will be subject to approval by the Council and each application will be decided on its own merits.

**Licence Plate Content**

31. Any external or internal licence plate issued by the Authority will include the following information:

a) Licence Number

b) Registration Number

c) Make and model of vehicle

d) Licence expiry date

e) Number of passengers

f) Details of the issuing Licensing Authority

**Dual Plating**

32. Dual Plating will not be permitted where different requirements of design, age or other local conditions apply.

**Trailers**

33. Trailers must be of a specific type, design and standard to comply with the conditions adopted by the Council. Trailers are not to be utilised for general use and must be used on pre-booked journeys only for the carrying of excess luggage. There must be adequate insurance for the trailer and its contents and the trailer must display a Broadland Council licence plate whenever used with a Broadland Council licensed vehicle.
Private Hire Vehicles

Roof Signs

34. The proprietor may, by written application to the Licensing Section, request permission to permanently fix an illuminated roof sign or roof bar to a Private Hire Vehicle. The roof sign or roof bar must be to the specification required by the council and have the words ‘Pre-Booked Only’ on both or all sides of the sign or bar. The Private Hire Vehicle once fitted with the roof sign or roof bar must be presented for inspection at the Council, prior to the vehicle being used for private hire purposes, to certify that the roof sign or roof bar is to the required specification and correctly fixed. Private Hire Vehicles are permitted to use bus lanes and bus gates providing an approved roof sign/bar has been fitted to the roof of the vehicle.

Vehicle Licence

35. Broadland District Council may suspend, revoke or refuse to renew a Private Hire Vehicle Licence on the following grounds:

a) The vehicle is unfit for use as a licensed Private Hire Vehicle;

b) The proprietor or driver has committed an offence under, or failed to comply with the provisions of the relevant Acts;

c) Any other reasonable cause.

36. The Council must give notice of the grounds for doing so within 14 days.

37. An applicant for a Broadland District Council Private Hire Vehicle licence has a right of appeal to a magistrates’ court if aggrieved by any condition attached to a licence or by a refusal to grant a licence or by a decision to suspend, revoke or refuse to renew a vehicle licence. This appeal must be implemented within 21 days of receipt of the notice.

Stretched Limousines

38. A “stretched limousine”, is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. An “American stretched limousine” is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.

39. The purpose of this Policy and subsequent conditions is to protect public safety. The conditions will apply in addition to the Authority’s standard conditions for Private Hire Vehicles and take account of the fact that stretched limousines will:

a) travel generally at slower speeds than normal taxis

b) not normally overtake other vehicles

c) be easily recognisable by the hirer

d) be heavier and considerably longer than standard cars
e) be adapted or converted by someone other than the original manufacturer.

40. For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 408mm (16 inches). In the case of an ‘L’ shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

41. In the case of a stretched limousine, or American stretched limousine, where the vehicle has been constructed or adapted to seat up to 8 passengers, originals of the following documentation will be required by the Council before an initial application for a vehicle licence can be considered:

a) Completed importation documentation where applicable and individual vehicle approval (IVA) certificate confirming that the vehicle has been adapted to carry no more than eight passengers. Please note a Minister’s Approval Certificate is not acceptable.

b) Proof the ‘stretch’ was performed by the manufacturer or by a Coachbuilder approved by the vehicle manufacturer i.e. American Limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.

c) DVLA Registration Document (V5).

d) Valid Certificate of Insurance, with cover for hire and reward.

e) Current MOT certificate issued by an approved MOT Testing Station specifically equipped to test stretch limousines.

f) Where applicable, confirmation that the vehicle is safe and has been entered on the UKLPG Vehicle Register in the case of vehicles converted to run on LPG.

g) Valid Road Vehicle Excise licence disc.

42. The vehicle must not be more than 10 years old.
Hackney Carriages

Restriction on Numbers of Licensed Vehicles

1. This Council will not restrict the number of licences that it issues.

Taximeters

2. The Council requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The Taximeter shall be of a type specified in the table in Appendix B or approved by Broadland District Council.

Roof Signs

3. The Council requires all Hackney Carriage vehicles to be fitted with roof-mounted signs.

Vehicle Licence

4. Broadland District Council may suspend, revoke or refuse to renew a Hackney Carriage Vehicle Licence on the following grounds:

   a) The vehicle is unfit for use as a licensed Hackney Carriage;

   b) The proprietor or driver has committed an offence under, or failed to comply with the provisions of the relevant Acts;

   c) Any other reasonable cause.

The Council must give notice of the grounds for doing so within 14 days.

5. An applicant for a Broadland District Council Hackney Carriage vehicle licence has a right of appeal to a magistrates’ court, if aggrieved by any condition attached to a licence or by a refusal to grant a licence or by a decision to suspend, revoke or refuse to renew a vehicle licence. This appeal must be implemented within 21 days of receipt of the notice.

Hackney Carriage Stands

6. To be included upon the resolution of the Council to fix stands for hackney carriages and adopt a scale of fares for the same.
Section 5

Private Hire Vehicle Licence Conditions

Identification Plate

1. The yellow (or silver in the case of “Executive” vehicles) plate which identifies the vehicle as a Private Hire Vehicle and is required to be exhibited on a Private Hire Vehicle by virtue of Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976, shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be able to be removed by an authorised officer of the council or a police constable.

2. A smaller internal licence plate, issued by Broadland Council, must also be securely fixed to the windscreen of the vehicle so that the vehicle may be identified from the front as well as the rear.

3. The licence plates are the property of Broadland District Council to whom they must be returned within 7 days of demand if the vehicle licence is suspended, revoked or not renewed for any reason.

“Executive” Plate

4. Where vehicles are deemed by the Council to be “Executive” and are used for executive-type work an alternative identification plate may be issued in place of the standard yellow plates. These are silver in colour and more discrete. They are issued at an authorised officer’s discretion and each case will be decided on its own merits.

Return of Identification Plate

5. On suspension, revocation or expiry of a Private Hire Vehicle licence the Council will require the Proprietor to return the identification plates within 7 days and any authorised officer of Broadland District Council or any police officer is entitled to remove the plate from the vehicle and retain it.

Insurance

6. a) During the period of the Private Hire Vehicle licence, the proprietor shall keep in force, in relation to the use of the vehicle as a Private Hire Vehicle, a policy of insurance in respect of public hire and complying with the provisions of Part VI Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. The certificate of insurance shall be produced to an authorised officer of the Council for inspection on initial application or renewal of a Private Hire Vehicle licence and whenever required by an authorised officer.

b) It shall be the responsibility of the proprietor of a Private Hire Vehicle to produce proof of continuous insurance cover. The insurance proof may be requested by an authorised officer of the Council within seven days of the expiry of the preceding certificate or cover note.
c) If the proprietor fails to produce a certificate of insurance cover on request he/she shall produce it forthwith or within seven clear days of the request to an authorised officer of the Council. Failure to comply shall result in suspension of the Private Hire Vehicle licence.

Fire Equipment

7. There shall be provided and maintained in a licensed Private Hire Vehicle carriage the following equipment:

Fire Extinguisher

To be carried as to be readily accessible by the driver and available in any emergency. The fire extinguisher should be either a 1kg dry powder or a 1 litre AFFF. Both types should have gauges to show the state of charge and must be manufactured to satisfy relevant BSEN accreditation. It should be ensured that the fire extinguisher is valid and in date. Once the fire extinguisher is life expired it must be replaced immediately.

Advertising on outside of vehicle

8. During the currency of the licence advertising will be permitted on licensed vehicles, subject to the following conditions:

a) The proprietor of a Private Hire Vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Council.

b) Advertising is to be limited to the front door and back door panels of licensed vehicles. Advertising on parts of the vehicle over and above front and back door panels may be permitted but only after prior written approval of the Council has been given. However, no advertising will be permitted to the windows of the vehicle.

c) Proprietors of Private Hire Vehicles shall ensure that any advertisements carried on their vehicles are not disfigured or damaged and shall immediately remove any advertisements that are or become damaged or disfigured.

d) All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.

e) No advertisement shall relate to or advertise alcohol, nudity, gambling, smoking materials or be of a political nature.

f) The same advertising must be displayed on the front nearside and offside doors of vehicles.

g) Any advertising may cover both doors.
Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.

In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire", the use of which will not be permitted.

No advertising will be permitted on any part of a trailer.

**Signs which must be displayed**

9. The following signs and notices will be displayed on Private Hire Vehicles during the currency of the licence:

a) Notices issued from time to time by Broadland District Council for the information of the traveller.

b) A sign stating ‘Seat Belt Regulations – Seat belts must be worn’.

c) The number of passengers and licence number of the vehicle displayed in a clearly visible position.

d) No smoking signage as required by the appropriate legislation.

**Signs, Notices, etc**

10. During the period of the licence no signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever will be displayed on, in or from the vehicle except as may be required by any statutory provision, including byelaws, or permitted by these conditions.

11. Provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:

a) is displayed in or from the vehicle while it is stationary; and

b) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on his business and in either case, the name of a passenger or passengers to be carried in the vehicle; and

c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named on the sign.

**Vehicle Accidents**

12. The proprietor of a private hire vehicle must report to the council as soon as possible, and in any case within seventy-two hours, any accident which has caused damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of passengers.
Vehicle Inspections

13. A vehicle which fails an inspection/safety check during the currency of a licence will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to do so will lead to the automatic revocation of the vehicle licence.

14. A Private Hire Vehicle may be inspected by an authorised officer of the council or a police officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or police officer is so satisfied.

15. If the officer or police officer is not so satisfied within 2 months of the initial inspection the Private Hire Vehicle licence shall be deemed revoked.

Maintenance of Vehicle

16. The proprietor of a Private Hire Vehicle will ensure that the vehicle and all its fittings are at all times when the vehicle is in use or available for hire, kept in safe, tidy and clean conditions and comply with the relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations.

Transfer of licence to new vehicle

17. The proprietor of a licensed Private Hire Vehicle wishing to replace a licensed vehicle with another vehicle may apply to transfer the licence to the new vehicle. The new vehicle will be required to undertake a Broadland Council vehicle mechanical test. The proprietor will also be required to produce valid MOT, insurance and vehicle registration documents for the vehicle as well as paying the prescribed fee. The vehicle must comply with the above conditions as required for a new vehicle licence.

Transfer of licence following vehicle requiring repairs

18. In the case of a vehicle involved in an accident or sustaining other damage requiring repair, the plate may be temporarily transferred to another vehicle via the process described in the above paragraph. Upon completion of remedial works to the vehicle, the plate may be transferred back. The requisite documents must be provided and the vehicle must complete a further MOT and vehicle mechanical test to establish the safe working condition of the vehicle. Depending on the severity of the damage to the vehicle, an authorised officer may waive the requirement for an MOT and/or vehicle mechanical test. This is at the authorised officer’s discretion.
Transfer of vehicle

19. Any proprietor transferring a licensed vehicle to a new proprietor must complete the specified application form within 14 days of the transfer.

Proprietor's Responsibility

20. During the period of a licence, the holder shall be in direct control of the day to day running of the vehicle.

Roof Signs

21. The proprietor may, by written application to the Licensing Section, request permission to permanently fix a roof sign or roof bar to a Private Hire Vehicle. The roof sign or roof bar must be to the specification required by the Council and have the words 'Pre-Booked Only' in black lettering on both or all sides of the sign or bar. The sign or bar must be illuminated showing white to the front and red to the rear and permanently fixed to the roof of the Private Hire Vehicle. The Private Hire Vehicle once fitted with the roof sign or roof bar must be presented for inspection at the Council offices, prior to the vehicle being used for private hire purposes, to certify that the roof sign or roof bar is to the required specification and correctly fixed. Private Hire Vehicles are permitted to use bus lanes and bus gates providing a roof sign or bar is fitted to the roof of the vehicle.

Copy of Conditions

22. The driver of a Private Hire Vehicle shall carry with him/her a copy of these conditions and shall make them available for inspection by the hirer or any other passenger on request.

Notification of Conviction

23. The proprietor shall within 7 days disclose to the Council in writing details of any conviction imposed on him/her (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

Trailers

24. Nothing in this section precludes the towing of a trailer or caravan solely for personal use. A trailer or caravan used for such purpose is not required to comply with the following conditions.

A Private Hire Vehicle will be permitted to tow a trailer subject to the following conditions:

a) The proprietor presents the trailer for a compliance inspection at an approved MOT testing station prior to its first use and again at each inspection of any vehicle on which the trailer is authorised to be used. If found to be satisfactory permission will be allowed for one year. The trailer shall also be submitted for further inspections as the Council may require.
b) Trailers will not be permitted on vehicles where one of the access/egress routes for the vehicle is via the rear of the vehicle.

c) The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.

d) The trailer must comply with all aspects of current legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.

e) The trailer must be purpose built and manufactured for the purpose of which it was intended.

f) The trailer must be maintained in a satisfactory condition and comply with all current road traffic legislation requirements.

g) The tow bar and fitting should be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.

h) No advertising will be permitted on any part of the trailer.

i) The trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use for hire and reward.

j) The trailer must be of a design that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps.

k) The trailer must be hard bodied and fitted with securely fastening covers, which can be hard top or canvas tarpaulin type, to prevent the ingress of liquid on to any luggage being carried. The trailer shall be covered at all times whilst in transit.

l) The trailer must be plated by the manufacturer specifying the maximum load to be carried.

m) There must be current insurance which must be produced to an authorised officer on request to prove the vehicle is insured to tow a trailer and that there is adequate cover for the carriage of luggage and/or goods.

n) Suitable insurance cover for the trailer must be held by the Proprietor. A copy of the certificate must be produced to an officer on request.

o) Any defect or damage of any kind occurring on the trailer must be reported to the Council as soon as possible or in any case within 7 days.

p) A trailer is not permitted on a Hackney Carriage rank.

q) When the approved trailer is used with the licensed vehicle, a Broadland District Council licence plate must be affixed to the rear of the trailer and made clearly visible.
r) The kerbside weight of the trailer when fully laden must not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.

s) It is the proprietor’s responsibility to ensure that the trailer towed by his vehicle complies with the legislation and licensing conditions.

t) It is the proprietor’s responsibility to ensure the driver towing the trailer holds the appropriate category DVLA licence.

Television

25. If televisions/DVDs/screens/digital media are fitted to vehicles they must comply with the requirements of the relevant Road Vehicle (Construction and Use) Regulations.

Alteration of Vehicle

26. During the currency of the Licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council. All vehicles must have four doors with the exception of purpose built vehicles or specialist vehicles, subject to the approval of the Licensing Authority.

Change of particulars

27. The proprietor shall notify the Council in writing of any change in the particulars supplied by him in his application for the vehicle licence including his address during the period of the licence and within 7 days of any such change taking place.

Citizen Band Radios

28. No citizen band radios may be fitted in any Private Hire Vehicles during the currency of the licence.

Radio Scanning Devices

29. No radio scanning devices of whatever type or sort may be fitted to, carried in or used in or in the vicinity of any Private Hire Vehicle during the currency of the licence.

CCTV Cameras

30. Private Hire proprietors may, subject to the written approval of the Council and in compliance with any separate CCTV policy, install and use a visible closed circuit television surveillance camera in their vehicles for the purposes of personal safety and as a deterrent only. The legislation relating to the provision of CCTV in licensed vehicles is currently under review. These conditions are therefore subject to change following the introduction of any relevant legislation.

31. If an approved camera is fitted a sign must be displayed inside the vehicle, visible to passengers, stating ‘Closed Circuit TV surveillance in operation’. Similar signs
shall be displayed outside the vehicle to warn prospective customers of the possible use of the surveillance camera.

Roof and Boot Racks

32. No roof or boot racks or boxes may be fitted to Private Hire Vehicles during the currency of the licence except with the express permission of the Licensing Authority. Requests should be made in writing.

Deposit of Drivers Licence

33. Where the proprietor of a Private Hire Vehicle employs any other person to drive the vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Drivers Licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle which he operates.

LPG Conversions

34. A Private Hire Vehicle proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions.

a) That the installation of a LPG tank is undertaken by an LPG approved installer.

b) That the proprietor demonstrates that the vehicle is included on the UKLPG Vehicle Register.

c) That the LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.

d) That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

e) Where doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely placed in a position not obstructing the entire luggage space.

f) The proprietor of the vehicle must notify DVLA Swansea of the change in fuel from petrol to both LPG and petrol.

g) The vehicle must be annually serviced by a person competent in LPG powered vehicles.

Limousine Conditions

35. These conditions shall apply in addition to the Council’s standard conditions for Private Hire Vehicles.

36. The vehicle shall be tested every 6 months.
37. The Vehicle shall comply with the following:

a) The vehicle shall not be over 10 years old.

b) The vehicle shall be equipped with a minimum of four road wheels and a full sized spare wheel.

c) The vehicle shall be equipped with tyres, braking systems and suspension designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed.

d) The Maximum Gross Weight of the vehicle will be assessed by the Local Authority to ensure it will not be exceeded when carrying passengers.

e) All seats shall be fitted with seat belts which must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.

f) The maximum length of the stretch conversion (measured between the rear edge of the front door and the front edge of the rear door) shall not exceed 3048mm/120”.

g) The vehicle must not be fitted with a two-way radio system.

38. No person, under the age of 18 years, being conveyed in a stretched limousine shall be allowed to consume alcohol.

39. Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.

40. Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children.

41. A limousine will not be permitted to tow a trailer.

**Alcohol Sales**

42. Alcohol sales made in relation to limousine/Private Hire operations will require the Operator base to be licensed under the Licensing Act 2003. A personal licence holder will also need to be named as Designated Premises Supervisor on the relevant premises licence.

**Serving of Notices**

43. Sub-sections (2) and (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these conditions in relation to any notices required or authorised by these conditions to be given or served on the proprietor by or on behalf of the Council or by an authorised officer.
Penalties

44. The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of part II of the Act shall be guilty of an offence and liable on summary conviction to a fine. In addition such action may lead to the suspension or revocation of an existing licence or the failure to renew such a licence.

Part II of the Act provides that these conditions must be adhered to.
Section 6

Hackney Carriage Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of Broadland District with respect to hackney carriages in Broadland.

Interpretation

1. Throughout these byelaws “the Council” means Broadland District Council and “the district” means the District of Broadland.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to 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; and

(ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-

(a) provide sufficient means by which any person in the carriage may communicate with the driver;

(b) cause the roof or covering to be kept water-tight;

(c) provide any necessary windows and a means of opening and closing not less than one window on each side;

(d) cause the seats to be properly cushioned or covered;

(e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

(f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

(g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
(h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and

(i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause 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 taximeter 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 or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;

(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 figures shall be capable of being suitably illuminated during any period of hiring; and

(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.

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

5. The driver of a hackney carriage provided with a taximeter 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) before beginning a journey for which a fare is charged for distance and time, 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; and
(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired -

   (a) proceed with reasonable speed to one of the stands appointed by the Council;

   (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; and

   (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. 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.

12. 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.

13. 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; and

(c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

**Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

14. (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

(ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

16. 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.

17. 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 the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

(b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.
Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.
Section 7

Hackney Carriage Conditions

In this licence and in these conditions:

“Authorised Officer” means any Officer of the Council authorised in writing for the purposes of these Conditions. It may also mean a Police Officer.

“The Council” means the Broadland District Council.

“Hackney Carriages” has the same meaning as in the Town Police Clauses Act 1847.

“Licence Disc” and “Licence Plate” mean the disc and plate respectively issued by the Council for the purposes of identifying the vehicle as a Hackney Carriage duly licensed by the Council.

“Proprietor” means the person or persons or body named in this Licence as the Proprietor of the vehicle and includes a part proprietor and in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement means the person in possession of the vehicle under that agreement.

“The vehicle” means the Hackney Carriage in respect of which this licence is issued.

Conditions

The Proprietor shall observe and perform the following terms and conditions:

1. (1) the Proprietor shall cause the number of this Licence to be fixed and displayed on the vehicle at all times during which the vehicle is being used as a Hackney Carriage, such number to be displayed by means of the Licence Disc and the Licence Plate issued by the Council to the Proprietor;

(2) the Licence Disc shall be fixed and displayed inside the vehicle in such a manner and place that the particulars thereon are clearly visible to a passenger being conveyed in the vehicle;

(3) the Licence Plate shall be fixed and displayed outside and on the rear of the vehicle either immediately above or immediately below the bumper in such a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the Licence Plate is clearly visible by daylight from the road at the rear of the vehicle.

2. The Licence Disc and Plate referred to in Condition 1 of these Conditions shall remain the property of the Council and shall be returned forthwith to the Licensing Section, Broadland District Council, Thorpe Lodge, Yarmouth Road, Norwich, NR7 0DU if the Proprietor no longer holds a Licence issued by the Council which is in force in respect of the vehicle.

3. (1) The proprietor shall permit an Authorised Officer or any constable to inspect the vehicle at all reasonable times.
(2) If the Authorised Officer or constable is not satisfied as to the condition of the
vehicle for use as a Hackney Carriage, the Proprietor shall, after being
notified in writing, present it for inspection at such time and place as is
specified in such notice.

4. Without prejudice to the provisions of Condition 3 above, the Proprietor shall
present the vehicle for inspection and testing at such time and place as specified
in a notice served upon the Proprietor by the Council requiring the Proprietor to
do so.

5. If the Authorised Officer or constable is not satisfied as to the condition of the
vehicle for use as a Hackney Carriage upon completion of the inspection
required by Condition 3(2) or Condition 4 of these Conditions, as the case may
be, the Proprietor shall forthwith upon being required so to do by the Authorised
Officer or constable, cause the Licence Disc and the Licence Plate to be
removed from the vehicle and handed to the Authorised Officer or constable
who shall keep them in his custody until such time as he is satisfied as to the
condition of the vehicle whereupon the Licence Disc and the Licence Plate will
be returned to the Proprietor.

6. (1) At all times the Proprietor shall, during the currency of this Licence, keep in
force a Policy of Insurance complying with the requirements of Part VI of the

(2) On being so required by an Authorised Officer, the Proprietor shall produce
to that Officer for examination the Certificate of Insurance issued by an
insurer in respect of the vehicle for the purposes of Part VI of the Road
Traffic Act 1988. Provided that if the Proprietor fails to produce such
Certificate to that Officer on request, the Proprietor shall within five days of
such request produce it to that Officer, to any other Authorised Officer at the
Licensing Section, Broadland District Council, Thorpe Lodge, Yarmouth
Road, Norwich, NR7 0DU.

7. (1) The Proprietor shall not display or suffer or permit to be displayed on or from
the vehicle any sign or advertisement whatsoever unless the same shall
have been previously approved in writing by an Authorised Officer.

(2) The foregoing provisions of this Condition shall not apply to a sign or notice
displayed on or from the vehicle which is prescribed by or under any
enactment or subsequent conditions.

8. Sub-sections (2) and (5) of Section 233 of the Local Government Act 1972 shall
have effect and are incorporated in these Conditions in relation to any notices
required or authorised by these Conditions to be given or served on the
Proprietor by or on behalf of the Council or by an Authorised Officer.

9. The Proprietor of a Hackney Carriage provided with a taxi-meter not fitted with a
flag or other device bearing the words “FOR HIRE” shall cause the carriage to be
provided with a sign so constructed as to comply with the following requirements,
that is to say:
a) the sign shall bear the words “FOR HIRE” in plain letters at least one and a half inches in height;

b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

10. The Proprietor shall maintain a list of the names and addresses of all persons employed or otherwise used by him for the purposes of driving the vehicle, and shall make such a list available for inspection by the Council on demand and shall on request inform the Council of the contents of such list.

11. The Proprietor shall not assign or in any way part with the benefit of the licence and if he transfers his interest in the vehicle to any other person he shall not less than seven days before such transfer given notice in writing thereof to the Council specifying the name and address of the person to whom the vehicle is to be transferred.

12. *A Hackney Carriage that is mechanically unable to proceed shall not remain on a stand longer than is necessary to call for assistance to remove that Hackney Carriage from that stand.

(*Clauses to be included upon the resolution of the Council to fix stands for taxis, and adopt a scale of fares for the same).

13. The fare charged shall be for the hire of the Hackney Carriage and there shall be no extra charge for luggage.

14. The Hackney Carriage shall be so constructed or adapted as to be capable of carrying a reasonable quantity of luggage.

15. The Hackney Carriage shall display upon the roof a sign which shall bear to the front the words “FOR HIRE” and to the rear the words “DISTRICT OF BROADLAND” together with the carriage licence number. The sign required by this Condition shall be capable of being illuminated internally in such manner that the words “FOR HIRE” and the words “District of Broadland” together with the carriage licence number, are illuminated at all times when the vehicle is plying for hire but not otherwise; and such sign shall be fixed in such manner and position and be of such size as shall be approved by an Authorised Officer. The Proprietor of the Hackney Carriage shall maintain so far as is reasonably practicable such sign in efficient working order at all times.

16. Wheelchair accessible hackney carriages must also display an appropriate illuminated roof sign clearly indicating that the vehicle is suitable for the carriage of wheelchairs. Signs will be subject to approval by an Authorised Officer.

17. The Proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the Licence.

18. The Proprietor of a Hackney Carriage shall not convey or cause or permit or suffer to be conveyed in the vehicle a greater number of persons than the
number of persons specified in the licence issued in respect of the vehicle.

19. The Proprietor of a Hackney Carriage who shall knowingly convey or permit to be conveyed in the vehicle, the dead body of any person shall immediately thereafter notify the fact to the Council.

Serving of Notices

20. Sub-sections (2) and (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these conditions in relation to any notices required or authorised by these conditions to be given or served on the proprietor by or on behalf of the Council or by an authorised officer.

Transfer of interest in the vehicle

21. If a proprietor of a licensed Hackney Carriage vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence he must notify the Council within 14 days stating the name and address of the person to whom he has transferred his interest in the vehicle. (Section 49 Local Government (Miscellaneous Provisions) Act 1976).

Transfer of a licence to a new vehicle

22. The proprietor of a licensed Hackney Carriage wishing to replace a licensed vehicle with another vehicle may apply to transfer the licence to the new vehicle. The new vehicle will be required to undertake a Broadland Council vehicle mechanical test. The proprietor will also be required to produce valid MOT, insurance and vehicle registration documents for the vehicle as well as paying the prescribed fee. The vehicle must comply with the above conditions as required for a new vehicle licence.

Transfer of licence following vehicle requiring repairs

23. In the case of a vehicle involved in an accident or sustaining other damage requiring repair, the plate may be temporarily transferred to another vehicle via the process described in the above paragraph. Upon completion of remedial works to the vehicle, the plate may be transferred back. The requisite documents must be provided and the vehicle must complete a further MOT and vehicle mechanical test to establish the safe working condition of the vehicle. Depending on the severity of the damage to the vehicle, an authorised officer may waive the requirement for an MOT and/or vehicle mechanical test. This is at the authorised officer's discretion.

Inspection of Vehicle and Taxi Meter

24. A taxi meter approved to the vehicle may be inspected by an authorised officer of the council or by a Police Officer at all reasonable times.

25. If the officer or constable inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may without prejudice to the taxi meter condition, give written notice to the proprietor to make the Hackney Carriage and/or taxi meter available for further inspection and testing at such
reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or constable is satisfied as to the vehicles fitness or as to the accuracy of the taxi meter.

26. If the officer or constable is not so satisfied within two months of the initial inspection, the Hackney Carriage Licence shall be deemed revoked.

Luggage Space

27. At least 90% of the luggage space provided in the vehicle must be available for passengers’ luggage.

Roof signs

28. Roof signs fitted upon a Hackney Carriage vehicle shall be securely fitted to the vehicle. Roof signs must be of the design and shape as approved by Broadland District Council.

29. The sign shall be capable of being illuminated internally and must be illuminated at all times when the vehicle is plying for hire but not otherwise.

Signs

30. A sign approved by Broadland District Council shall be permanently fixed to and displayed on each rear door of the vehicle.

Vehicle Inspections

31. A vehicle which fails an inspection/safety check during the currency of a licence will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.

32. A Hackney Carriage may be inspected by an authorised officer of the council or a police officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or police officer is so satisfied.

33. If the officer or police officer is not so satisfied within 2 months of the initial inspection the Hackney Carriage vehicle licence shall be revoked.

Alteration of Vehicle

34. During the currency of the Licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council. All vehicles must have four doors with the exception of purpose built vehicles, subject to the approval of the Licensing Authority.
Advertising on outside of vehicle

35. During the currency of the licence advertising will be permitted on licensed vehicles, subject to the following conditions:

a) The proprietor of a Hackney Carriage vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Licensing Authority.

b) Advertising is to be limited to the front door and back door panels of licensed vehicles. Advertising on parts of the vehicle over and above front and back door panels may be permitted but only after prior written approval of the Council has been given. However, no advertising will be permitted to the windows of the vehicle.

c) Proprietors of a Hackney Carriage shall ensure that any advertisements carried on their vehicles are not disfigured or damaged and shall immediately remove any advertisements that are or become damaged or disfigured.

d) All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.

e) No advertisement shall relate to or advertise alcohol, nudity, gambling, smoking materials or be of a political nature.

f) The same advertising must be displayed on the front nearside and offside doors of vehicles.

g) Any advertising may cover both doors.

h) Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.

i) Advertising must not obscure the sign issued by Broadland District Council, which is permanently affixed to the vehicle.

j) No advertising will be permitted on any part of a trailer.

Advertising on inside of vehicle

36. Advertising is permitted on the inside of purpose built hackney vehicles but is limited to the base of the pull down spring seats and shall be subject to the following conditions:

a) Proprietors of Hackney Carriages shall ensure that any advertisements carried on their vehicles are not disfigured or damaged and shall
immediately remove any advertisements that are or become damaged or disfigured.

b) All adverts shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority.

c) No advertisement shall relate to or advertise alcohol, nudity, gambling, smoking materials or be of a political nature. The council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.

Signs which must be displayed

37. The following signs and notices will be displayed on Hackney Carriage vehicles during the currency of the licence:

a) Notices issued from time to time by Broadland District Council for the information of the traveller.

b) *A copy of the approved table of fares displayed in a clearly visible position.

c) A sign stating ‘Seat Belt Regulations – Seat belts must be worn’.

d) The number of passengers and licence number of the vehicle displayed in a clearly visible position.

e) No smoking signage as required by the appropriate legislation.

Signs, Notices, etc

38. During the period of the licence no signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever will be displayed on, in or from the vehicle except as may be required by any statutory provision, including byelaws, or permitted by these conditions.

39. Provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:

a) is displayed in or from the vehicle while it is stationary; and

b) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on his business and in either case, the name of a passenger or passengers to be carried in the vehicle; and

c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named on the sign.
Vehicle Accidents

40. The proprietor of a hackney carriage vehicle must report to the council as soon as possible, and in any case within seventy-two hours, any accident to such hackney carriage vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or the comfort or convenience of passengers. (S50(3) Local Government (Miscellaneous Provisions) Act 1976).

LPG Conversions

41. A Hackney Carriage proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions.

a) That the installation of a LPG tank can be undertaken by an LPG approved installer.

b) That the proprietor produces a certificate of compliance by an approved LPGA installer.

c) That the LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.

d) That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

e) Where a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely placed in a position not obstructing the entire luggage space.

f) The proprietor of the vehicle must notify DVLA Swansea of the change in fuel from petrol to both LPG and petrol.

g) The vehicle must be annually serviced by a person competent in LPG powered vehicles.

Fire Equipment

42. There shall be provided and maintained in a licensed Hackney Carriage the following equipment:

Fire Extinguisher

43. To be carried in such a position as to be readily accessible and available in any emergency. The fire extinguisher should be either a 1kg dry powder or a 1 litre AFFF. Both types should have gauges to show the state of charge and should be manufactured to satisfy relevant BSEN accreditation. It should be ensured that the fire extinguisher is in date. Once the fire extinguisher is life expired it must be replaced immediately.
Unattended Taxis

44. “No licensed Hackney Carriage may be left on a taxi rank designated by section 65 Local Government (Miscellaneous Provisions) Act 1976 or an Order made under the Road Traffic Regulation Act 1984 without a licensed driver in attendance to take care of it.

Change of Address

45. A licence holder on changing address shall notify the Council of such change within 7 days.

Television

46. If televisions/DVDs/screens/digital media are fitted to vehicles they must comply with the requirements of the Road Vehicle (Construction and Use) Regulations.

Citizen Band Radios

47. No citizen band radios may be fitted in any Hackney Carriage during the currency of the licence.

Radio Scanning Devices

48. No radio scanning devices of whatsoever type or sort may be fitted to, carried in or used in or in the vicinity of any Hackney Carriage during the currency of the licence.

CCTV Cameras

49. Hackney Carriage proprietors may, subject to the written approval of the Council and in compliance with any separate CCTV policy, install and use a visible Closed Circuit TV surveillance camera in their vehicles for the purposes of personal safety and as a deterrent only. The legislation relating to the provision of CCTV in licensed vehicles is currently under review. These conditions are therefore subject to change following the introduction of any relevant legislation.

50. If an approved camera is fitted a sign must be displayed inside the vehicle, visible to passengers, stating ‘Closed Circuit TV surveillance in operation’. Similar signs shall be displayed outside the vehicle to warn prospective customers of the possible use of the surveillance camera.

Roof and Boot Racks

51. No roof or boot racks or boxes may be fitted to Licensed Hackney Carriages during the currency of the licence except with the express permission of the Licensing Authority. Requests should be made in writing.

Deposit of Drivers Licence

52. Where the proprietor of a Hackney Carriage employs any other person to drive the vehicle he shall, before that person commences to drive the vehicle, cause the
driver to deliver to him a copy of his Hackney Carriage Drivers Licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle which he operates.

Copy of Conditions

53. The driver of a Hackney Carriage vehicle shall carry with him/her a copy of these conditions and shall make them available for inspection by the hirer or any other passenger on request.

Trailers

54. Nothing in this section precludes the towing of a trailer or caravan solely for personal use. A trailer or caravan used for such purpose is not required to comply with the following conditions.

55. A licensed Hackney Carriage vehicle will be permitted to tow a trailer subject to the following conditions:-

a) The proprietor presents the trailer for a compliance inspection at an approved MOT testing station prior to its first use and again at each inspection of any vehicle on which the trailer is authorised to be used. If found to be satisfactory a permission will be allowed for one year. The trailer shall also be submitted for further inspections as the Council may require.

b) Trailers will not be permitted on vehicles where one of the access/egress routes for the vehicle is via the rear of the vehicle.

c) The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.

d) The trailer must comply with all aspects of current legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.

e) The trailer must be purpose built and manufactured for the purpose for which it was intended.

f) The trailer must be maintained in a satisfactory condition and comply with all current road traffic legislation requirements.

g) The tow bar and fitting should be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.

h) No advertising will be permitted on any part of the trailer.

i) The trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use for hire and reward.

j) The trailer must be of a design that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps.
k) The trailer must be hard bodied and be fitted with securely fastening covers, which can be hard top or canvas tarpaulin type, to prevent the ingress of liquid on to any luggage being carried. The trailer shall be covered at all times whilst in transit.

l) The trailer must be plated by the manufacturer specifying the maximum load to be carried.

m) There must be current insurance which must be produced to an officer on request to prove the vehicle is insured to tow a trailer and that there is adequate cover for the carriage of luggage and/or goods.

n) Suitable insurance cover for the trailer must be held by the Proprietor. A copy of the certificate must be produced to an officer on request.

o) Any defect or damage of any kind occurring on the trailer must be reported to the Council within 72 hours.

p) A trailer is not permitted on a Hackney Carriage rank.

q) When the approved trailer is used with the licensed vehicle, a Broadland District Council licence plate should be affixed to the rear of the trailer and made clearly visible.

r) The kerbside weight of the trailer when fully laden should not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.

s) It is the proprietor’s responsibility to ensure that the trailer towed by his vehicle complies with the legislation and licensing conditions.

t) It is the proprietor’s responsibility to ensure the driver towing the trailer holds the appropriate category DVLA licence.

**Penalties**

56. The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine. In addition such action may lead to the suspension or revocation of an existing licence or the failure to renew such a licence.

Part II of the Act provides that these conditions must be adhered to.

(*Clauses to be included upon the resolution of the Council to fix stands for taxis, and adopt a scale of fares for the same).
Section 8

Private Hire Operator

Private Hire Vehicle Operator Policy

1. A Private Hire Operator Licence shall be valid for a period of five years.

2. The applicant for the grant of a new licence or renewal of an existing licence will be required to provide a basic disclosure certificate to aid in establishing if an applicant is a suitable person to hold an operator's licence. This is because a Private Hire Operator will be in possession of information on members of the publics' whereabouts and will be dealing with the public face to face and/or over the telephone, possibly coming into contact with vulnerable people. If the applicant is a company a basic disclosure certificate should be obtained for the director and company secretary (if applicable). If the applicant is a partnership all partners shall provide a basic disclosure certificate. The applicant is required to complete necessary forms for this purpose. Basic disclosures will generally be valid for three years.

If a Private Hire Driver Licence issued by Broadland District Council is held, an additional basic disclosure certificate will not be necessary.

If an applicant has not been resident in the UK for the last 5 years a certificate of good conduct from the appropriate overseas embassy(ies) may be acceptable in place of a basic level disclosure.

3. The applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a licence.

4. An Operator must ensure that all vehicles operated and drivers working for them are licensed by Broadland District Council.

5. An Operator must ensure that Public Liability insurance is held for the Private Hire Operating business to a minimum value of £5,000,000.

6. An Operator must keep records of bookings and produce these to an authorised officer or police officer on request. The content of these will be as prescribed by the Council. Operators are encouraged to retain information such as accessibility requirements of particular passengers wherever possible to assist with future bookings.

7. The Operator licence must be produced on request of an authorised officer or police officer.

8. An Operator cannot make an additional charge for the carriage of an assistance dog.
Alcohol Sales

9. Alcohol sales made in relation to limousine/Private Hire operations will require the Operator base to be licensed under the Licensing Act 2003. A personal licence holder will also need to be named as Designated Premises Supervisor on the relevant premises licence.
Section 9

Private Hire Vehicle Operator Conditions

1. These conditions are pursuant to the Local Government (Miscellaneous Provisions) Act 1976. In these Conditions "The Council" means Broadland District Council and "Authorised Officer" means any officer of the Council authorised in writing for the purposes of these conditions.

   a) An Operator shall record details of every private hire booking (including all contract bookings) made by him/her. The following information shall be recorded in an easily retrievable method (e.g. computer database or page numbered log) before the commencement of each journey, and shall include the following:

   i) the date and time of each booking;
   ii) how the booking was received, e.g. telephone, personal call or email;
   iii) the time of pick-up;
   iv) where journey was from and to;
   v) the name and address of the hirer;
   vi) the Private Hire licence plate number of the vehicle allocated the booking;
   vii) the name of the driver allocated the booking.

   b) The records shall be kept for a period of three years, or such longer period as is required by an Authorised Officer of the Council.

   c) The records shall be produced, on request, to any Police Officer or Authorised Officer of the Council.

2. a) An Operator shall maintain at his premises details of all vehicles operated by him, which shall include the following:

   i) the Private Hire licence plate number;
   ii) the vehicle registration number;
   iii) the name and address of the proprietor of the vehicle;
   iv) the name(s) and address(es) of the driver(s) of the vehicle(s);
   v) the badge number(s) of the driver(s).

   b) The above records shall be produced on request to any Authorised Officer of the Council or Police Officer.
3. No operator shall invite or accept a Private Hire Vehicle booking or control or arrange a journey to be undertaken by a Private Hire Vehicle without first making available the charge for the hire of the vehicle to the person making the booking. The charge may be notified in writing or verbally.

4. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times. This includes the following:

   a) Ensure that when a Private Hire Vehicle has been hired to attend at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually at the appointed time and place.

   b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides to which the public has access, whether for the purpose of booking or waiting.

   c) Ensure that any waiting area provided by the operator has adequate seating facilities.

   d) Ensure that any telephone facilities and communication equipment provided are maintained in a sound condition and that any defects are repaired promptly.

   e) The operator shall not permit any person who is drunk, or is behaving in a disorderly manner to remain upon the premises in respect of which the operator licence is in force.

5. An Operator shall undertake to ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their driver licence and/or Private Hire Vehicle licence.

6. Bookings by and for disabled people accompanied by assistance dogs:

   The Equality Act 2010 makes it an offence for a private hire operator to fail or refuse to take a booking for a Private Hire Vehicle;

   a) if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and

   b) the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.

   This will not apply in the case of an owner operator who has obtained a medical exemption certificate from the Council under the provisions of the Equality Act 2010 and the associated guidance from the Department for Transport. This certificate may only be issued following a medical examination and the provision of appropriate evidence by a medical practitioner.

   It is also an offence for the operator to make any additional charge as a result of the need to carry an assistance dog.
Change of Address

7. The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

Change of Proprietor

8. The operator shall notify the Council in writing of any change of operator details. This includes, in the case of a partnership, any changes to the partners involved, or in the case of a limited company, a change to any of the principle stake-holders in the company.

Convictions

9. The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

Penalties

10. The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. In addition such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence.

Part II of the Act provides that these conditions should be adhered to.
Appendix A

Map of Area Covered by Broadland District Council

Location of the Broadland district within Norfolk and the British Isles

Broadland Parishes
Appendix B

Penalty Points System

The penalty points which can be imposed on the drivers of Private Hire Vehicles and Hackney Carriages, proprietors of Vehicles and Operators of Private Hire Vehicles are shown below. This system is designed as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need to resort straight to suspension/revocation or prosecution. The intention is to encourage all drivers to apply high standards during day to day driving activities, in particular to comply with the requirements of the licensing conditions.

If an individual concerned accrues a total of 9 points within a 3 year period then he/she will automatically be referred to Committee to show just cause why their licence should continue. Individuals may also be brought before the Committee at the discretion of the authorised officer.

<table>
<thead>
<tr>
<th>Infringement – Driver</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failing to wear a Private Hire Driver or Hackney Carriage Driver badge on their person where it is clearly visible at all times when under hire or available for hire (Private Hire Vehicle Driver Condition 13)</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to notify the Licensing team, in writing within 7 days, of any points or convictions being imposed (Private Hire Vehicle and Hackney Carriage Drivers Policy, para 5)</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to notify the Licensing team, in writing, of a change of address within 7 days (Private Hire Vehicle Driver Condition 10 and Hackney Carriage Condition 45)</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failure to carry the licensing conditions (The Blue Book) whilst driving a licensed vehicle (Private Hire Vehicle Driver Condition 9 and Hackney Carriage Condition 53)</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to notify the Licensing Office in writing, of being involved in an accident within 72 hours of the accident occurring subject to paragraph 13 of the Private Hire Vehicle conditions and paragraph 40 of the Hackney Carriage conditions.</td>
<td>6 Points</td>
</tr>
<tr>
<td>Failing to deal with lost property in the correct manner (Private Hire Vehicle Driver Conditions 28 and 29 and Hackney Carriage Byelaw 17)</td>
<td>3 Points</td>
</tr>
<tr>
<td>Leaving a vehicle unattended on the rank (Hackney Carriage Condition 44)</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failure to attend the Council Offices when directed by an authorised officer without reasonable excuse.</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to attend at appointed time and place without sufficient cause (Private Hire Vehicle Driver Condition 20 and Hackney Carriage Byelaw 10)</td>
<td>3 Points</td>
</tr>
<tr>
<td>Demanding more than agreed fare (Private Hire Vehicle Driver Condition 35 and Hackney Carriage Byelaw 14)</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failure to notify the Licensing Office of any change in medical fitness to drive (Private Hire Vehicle Driver Condition 19 and Private Hire Vehicle and Hackney Carriage Drivers Policy, para 2)</td>
<td>6 Points</td>
</tr>
<tr>
<td>Infringement – Proprietor of Vehicle</td>
<td>Penalty</td>
</tr>
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<td>-------------------------------------</td>
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<tr>
<td>Failing to notify the Licensing team, in writing, of a change of address within 7 days <em>(Private Hire Vehicle Condition 29 and Hackney Carriage Condition 45)</em></td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to notify the Licensing Office in writing, of being involved in an accident within 72 hours of the accident occurring subject to paragraph 13 of the Private Hire Vehicle conditions and paragraph 40 of the Hackney Carriage conditions.</td>
<td>6 Points</td>
</tr>
<tr>
<td>Failing to deal with lost property in the correct manner <em>(Private Hire Vehicle Driver Conditions 28 and 29 and Hackney Carriage Byelaw 17)</em></td>
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<tr>
<td>Failing to attend at appointed time and place without sufficient cause <em>(Private Hire Vehicle Driver Condition 20 and Hackney Carriage Byelaw 10)</em></td>
<td>3 Points</td>
</tr>
<tr>
<td>Demanding more than agreed fare <em>(Private Hire Vehicle Driver Condition 35 and Hackney Carriage Byelaw 14)</em></td>
<td>3 Points</td>
</tr>
<tr>
<td>Failure to produce a valid insurance certificate/cover note within 7 days of request <em>(Private Hire Vehicle Condition 6 and Hackney Carriage Condition 6)</em></td>
<td>3 Points</td>
</tr>
<tr>
<td>Not having an appropriate Fire Extinguisher in the vehicle that is readily accessible to the driver <em>(Private Hire Vehicle Condition 8 and Hackney Carriage Byelaw 3(h))</em></td>
<td>3 Points</td>
</tr>
<tr>
<td>Failure to display any Plates, Signs or Notices required by Broadland Council <em>(Private Hire Vehicle Condition 10 and Hackney Carriage Condition 37)</em></td>
<td>3 Points</td>
</tr>
<tr>
<td>Leaving a vehicle unattended on the rank <em>(Hackney Carriage Condition 44)</em></td>
<td>3 Points</td>
</tr>
<tr>
<td>The issue of an Unfit vehicle notice for any reason other than for an accident <em>(Private Hire Vehicle and Hackney Carriage Policy, para 25)</em></td>
<td>3 Points</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Infringement – Operator</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failing to notify the Licensing team, in writing within 7 days, of any convictions being imposed <em>(Private Hire Vehicle Operator Condition 9)</em></td>
<td>6 Points</td>
</tr>
<tr>
<td>Failing to notify the Licensing team, in writing, of a change of address within 7 days <em>(Private Hire Vehicle Operator Condition 7)</em></td>
<td>3 Points</td>
</tr>
<tr>
<td>Failure to attend the Council Offices when directed by an authorised officer.</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failure to produce a valid insurance certificate/cover note within 7 days of request <em>(Private Hire Vehicle Operator Policy, para 5)</em></td>
<td>3 Points</td>
</tr>
<tr>
<td>Private Hire Operator failing to maintain their records in the correct format <em>(Private Hire Vehicle Operator Condition 1)</em></td>
<td>3 Points</td>
</tr>
</tbody>
</table>
Appendix C

Convictions Policy

Policy as to the relevance of convictions and cautions in relation to the consideration of whether a person is ‘fit and proper’ to hold a Hackney Carriage or private hire driver licence

1. Each case shall be decided on its own merits having regard to this policy, the provisions of Rehabilitation of Offenders Acts and amendments and the protection of the public. Hackney Carriage and Private Hire drivers are expected to be persons of trust and therefore the principal considerations of any case will be whether the property or well being of the public may be at risk.

2. Sentences imposed by the Courts reflect the seriousness of an offence and/or a person’s past history; for that reason the Council regards a crime as a ‘serious crime’ where indicated in this Policy as: -

Any offence where the term of sentence passed on conviction is a sentence which is excluded from the Rehabilitation of Offenders Act 1974 by virtue of section 5 of that Act. That is:

a) A sentence of imprisonment for life;

b) A sentence of imprisonment, youth custody, detention in a young offender institution or corrective training for a term exceeding 48 months.

c) A sentence of preventative detention.

d) A sentence of detention during Her Majesty’s Pleasure or for life under section 90 or 91 or the Powers of Criminal Courts (Sentencing) Act 2000, 205(2) or (3) of the Criminal Procedure (Scotland) Act 1975, or a sentence of detention for a term exceeding 30 months passed under section 91 of the said Act of 2000 (young offenders convicted of grave crimes) or under section 206 of the said Act of 1975 (detention of children convicted on indictment) or a corresponding Court-martial punishment; and

e) A sentence of custody for life.

A conviction for a “serious crime” shall not permanently bar an applicant from obtaining a licence but he/she is expected to have remained free of conviction for any criminal offence, other than minor traffic offences, for three to five years from the end of a served sentence for a “serious crime”. The circumstances of the offence, the sentence imposed by the Court or the fact an offence is an isolated one, may be sufficient in part in allowing discretion when considering the issue of a licence but the overall protection of the public must remain the paramount issue.

Where a person has been sentenced to over 48 months imprisonment at any one time the Council regards a sentence of this length as indicating that the offence was very serious. It is unlikely that a licence will be granted or maintained. It must be for a Court to decide the outcome if an applicant with such a history wishes to pursue an appeal against refusal of a licence.
In relation to persons whose name appears on the Sex Offenders Register a licence application or a current licence would be referred to the Committee for further consideration. Each application will be considered on its merits. It would be for a person aggrieved by a decision of the Council to pursue an appeal to the magistrates' court.

If an existing licence holder is convicted of any offence and is sentenced to any term of imprisonment, whether suspended or not, or their name is placed on the Sex Offenders Register, then (unless indicated otherwise below) their licence will be immediately reviewed.

Specific types of offences

a) Minor Traffic Offences

An applicant whose ordinary driving licence is endorsed with a minor traffic offence, e.g. obstruction, waiting in a restricted street, speeding, etc., shall not be prevented from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's ordinary driving licence then a Hackney Carriage or private hire licence may be granted after its restoration (subject to statutory requirements) but a warning may be issued as to future conduct.

If a driver accrues a number of points within a short period of time they may be brought before the Council’s Regulatory Committee for further consideration of their Private Hire licence. Each case will be considered on its own merits.

b) Major Traffic Offences

An applicant, who has an isolated conviction for reckless driving or driving without due care and attention, etc., will normally be warned as to future driving and advice on the standard expected of Hackney Carriage and Private Hire drivers. More than one conviction for this type of offence within the last three years will merit refusal and no further application shall be considered until a period of one to three years free from a conviction of a similar nature has elapsed.

In relation to existing licence holders any conviction for a major traffic offence shall cause their “fit and proper” status to be reviewed by the Regulatory Committee.

c) Drunkenness with motor vehicle

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. An applicant who has an isolated conviction may not necessarily be debarred from holding a licence but strict warnings may be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant’s fitness to hold a licence.

At least three years shall elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that
the applicant is an alcoholic, a medical examination shall be arranged by the Council before the application is entertained. If an applicant is found to be an alcoholic, a period of five years shall elapse after treatment is complete before a further licence application is considered.

In relation to existing licence holders any conviction for drunkenness in a motor vehicle shall cause their “fit and proper” status to be reviewed by the Regulatory Committee.

d) **Drunkenness not in motor vehicle**

An isolated conviction for drunkenness may not debar an applicant or an existing licence holder from obtaining/continuing to hold a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating medical examination [see (c) above]. A warning may be given and/or their “fit and proper” status may be reviewed by the Regulatory Committee or an Authorised Officer as appropriate.

e) **Drugs**

An applicant with a conviction for any offence where drugs have been used, supplied or stolen shall be required to show a period of at least three years free of conviction from the end of a served sentence before an application is entertained, or five years after detoxification treatment has been successfully completed if he/she has been confirmed as an addict.

The fact that a person has a Caution for such an offence shall indicate that although it is to be taken into consideration when deciding the fitness of an applicant for a licence, it alone should not debar the issue of a licence.

In relation to existing licence holders any conviction related to drugs shall cause their “fit and proper” status to be reviewed by the Regulatory Committee.

f) **Violence**

As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, a firm line shall be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application is entertained and even then a strict warning will be administered.

g) **Further Offences of Indecency**

An applicant who has convictions or cautions for offences of Indecent Exposure or any other sexual offences under the Sexual Offences Act 2003 not previously detailed above, shall not be automatically debarred. Each application must be considered on its merits. If the conviction relates to an offence against children then the offence shall be considered as if it were a “serious crime”.

In relation to existing licence holders any conviction relating to further offences of indecency shall cause their “fit and proper” status to be reviewed by the Regulatory Committee.
h) **All Other Crimes**

An applicant who has convictions for criminal offences, where sentences of less than those previously detailed are imposed, or where they have received (regardless of what sentence is imposed) a suspended sentence, fine, absolute or conditional discharge, Community Service Order, Probation Order, Restraining Order, disqualification of driving licence or imposition of penalty points or any Binding Over Order or the acceptance of a Simple or Conditional Caution but a significant period of time has elapsed since conviction, will have their application treated on its own merits.

In relation to existing licence holders any conviction relating to other offences shall cause their “fit and proper” status to be reviewed by the Regulatory Committee.
Appendix D

Taxi Meters

<table>
<thead>
<tr>
<th>Meter Make</th>
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<td>Wayfarer</td>
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<tr>
<td>Digitax</td>
<td>F2 (was 806)</td>
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