

# Hackney carriage and Private Hire Licensing Policy 2022

Version 7 effective from August 2022

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# 1. Introduction

Local Government Reorganisation within Cumbria is proposing a structural change to the existing arrangements of Local Government organisation. The outcome determined by the Secretary of State, is that two unitary authorities are created, one in the east and one in the west. This will be enacted by an act of Parliament in March 2022 via a Structural Change Order.

The new East authority will be formed by the existing authorities of South Lakeland District Council, Barrow Borough Council, Eden District Council and Cumbria County Council. This change is likely to result in a combined approach to the licensing strategy across the revised area.

- 1.0 This statement of licensing policy is written pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on South Lakeland District Council (the “Licensing Authority”) the duty to carry out its licensing function as to hackney carriage and private hire vehicles.
- 1.1 In setting out this policy, the licensing authority shall promote the following objectives:
  - (i) The protection of public health and safety;
  - (ii) A professional and respected hackney carriage and private hire trade;
  - (iii) Access to an efficient and effective public transport service;
  - (iv) The protection of the environment
- 1.2 In promoting the above objectives the licensing authority will embrace the principles of:
  - a) Fairness and reasonableness to the users of taxis and the trade
  - b) Promotion of free trade
  - c) Open consultative decision making
  - d) Adoption of [Statutory Taxi and PH Vehicle Standards \(July 2020\)](#)
- 1.3 In exercising its discretion in carrying out its regulatory functions, the licensing authority shall have regard to this policy document and objectives set out above.
- 1.4 Despite the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the licensing authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.
- 1.5 When carrying out its regulatory function the licensing authority will do so in

accordance with the Corporate Enforcement Policy and will do so in a transparent, accountable, proportionate and consistent way and will target regulatory activities only at cases in which action is needed.

- 1.6 The aim of the licensing process in this context is to work with the hackney carriage and private hire trade in order to promote the above objectives. It is the licensing authority's wish to facilitate well-run and responsible businesses.
- 1.7 Upon implementation of this policy, the licensing authority expects licence holders to comply with its terms immediately, except in regard to certain provisions for which a timescale for compliance has been stated within the relevant section of this policy.
- 1.8 In drawing up this policy, the licensing authority has consulted with the following:
  - Representatives of the hackney carriage and private hire trade
  - Cumbria Constabulary
  - Cumbria County Council (Schools Contract)
  - Cumbria County Council (Highways Authority)
  - Vehicle and Operator Services Agency
  - Disabled Persons Transport Advisory Committee
  - Local businesses and their representatives
  - Town centre management
  - Regional Transport and General Workers Union Representatives
  - South Lakeland District Council Equality and Diversity Officer
  - Town and Parish Councils
- 1.9 Proper weight has been given to the views of all those consulted prior to this policy statement taking effect.

## 2. Arrangement of sections

- 2.1 In order to provide clarity for potential applicants for hackney carriage licences or for existing licence holders, this policy document sets out the licensing authority's expectations, intentions and guiding principles under the following headings:
  - Vehicles (Section 3)
  - Drivers (Section 4)
  - Fares (Section 5)
  - Taxi stands (Section 6)

2.2 In relation to private hire licensing, this document sets out the licensing authority's expectations, intentions and guiding principles under the following headings:

- Operators (Section 7)
- Stretched Limousines and Novelty Vehicles (Section 10)
- Tuk tuk vehicles (Section 11)
- Executive Hire, Chauffeur Services, Airport Travel (Section 12)
- Exempted Vehicles (Section 13)

2.3 The following sections are in relation to both hackney carriage and private hire licensing:

- Offences (Section 14)
- Fees (Section 15)

2.4 Provisions relating to non-motorised hackney carriage vehicles (e.g. horse drawn vehicles, rickshaws and trishaws) are set out separately in this document in section 16.

## 3. Hackney carriage licensing: Vehicles

### 3.1 Licence application

A hackney carriage or private hire vehicle licence shall only be granted to a new vehicle, if it complies with the age limits contained in section 3.5 of this policy.

Anyone making an application for the grant or renewal of a Hackney Carriage Vehicle Licence shall only do so using the council's specified application form.

Every application form shall be accompanied by the following documents:

- (a) Vehicle registration document (V5C) or lease document
- (b) Certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate)
- (c) Current MOT certificate issued no earlier than 28 days before the date of application
- (d) Vehicle inspection report, issued no earlier than 28 days before the date of application
- (e) Current licence fee

The council has to be satisfied that all appropriate requirements have been met before it grants a licence. Consequently, the council shall not accept an application without the documents listed at (a) to (e) above. However, the council may waive the requirements in exceptional circumstances where individuals have been unable to apply on time.

'Exceptional circumstances' includes unforeseen circumstances, for example where the applicant has been unable to apply due to a significant accident or emergency situation.

'Exceptional circumstances' does not include reasonably foreseeable events, such as financial hardship.

On successful application for a licence, the proprietor(s) will be issued with a vehicle licence and licence plate.

The licence and plate shall be issued for a period of one year, subject to successful periodical retesting (see section 3.8).

The licence plate must be displayed in accordance with Appendix A, paragraph 19.

## 3.2 Environmental considerations

The council supports and will encourage the use of low-carbon alternative vehicles, particularly the use of Electric vehicles for Hackney Carriage and Private Hire purposes. We will work actively to support the decarbonisation of the South Lakeland taxi fleet through promoting public incentives and taking part in projects and initiatives to provide infrastructure and support the low-carbon transition.

All new vehicles engines must be a minimum of Euro 6 standard. This is being implemented to ensure that new vehicles on the SLDC fleet are not emitting dangerous levels of emissions and pollution.

These are the following diesel and petrol standards:

- Euro 6 Diesel Emissions Standards (grams per kilometre): 0.50 CO, 0.080 NOx, 0.005 PM
- Euro 6 Petrol Emissions Standards (grams per kilometre): 1.0 CO, 0.060 NOx, 0.005 PM

Appendix A paragraph 17 makes it clear that LPG conversions to vehicles are perfectly acceptable.

Clearly emissions from taxis and private hire vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. This is something which is highlighted in the Code of Good Conduct, and in particular in relation to the responsibilities to residents in Appendix C, paragraph 3.0.

Drivers are reminded that it is an offence to leave the engine running on any motor vehicle that is stationary on a road, other than if it is due to an enforced stoppage of traffic.

### 3.3 Conditions

The licensing authority is empowered to impose such conditions, as it considers reasonably necessary in relation to the grant or renewal of a hackney carriage vehicle licence. The following represent the minimum standards, which are expected. They should be read in conjunction with conditions for both hackney carriage and private hire vehicles set out in Appendix A and those specific to hackney carriage set out in Appendix K and Appendix X.

### 3.4 Limitation of number

The licensing authority has no policy to limit the number of hackney carriages, which may be licensed within South Lakeland District Council area. This does not however imply lack of regulation regarding licenced vehicles and drivers as the licensing authorities quality controls are consistently and rigorously applied to both vehicles and drivers.

### 3.5 Maximum age of vehicle

- 1) All vehicles, other than wheelchair accessible vehicles, must be less than 5 years old when first licensed as a Hackney Carriage or Private Hire vehicle;
- 2) No Hackney Carriage or Private Hire vehicle, other than wheelchair accessible vehicles, will be re-licensed after reaching 10 years old;
- 3) All vehicles that are wheelchair accessible vehicles must be less than 7 years old when first licensed as a Hackney Carriage or Private Hire vehicle;
- 4) No wheelchair accessible Hackney Carriage or Private Hire vehicle will be re-licensed after reaching 14 years old;
- 5) Any vehicle may be licensed or relicensed outside of these age limits, but any such an application must be referred to a Licensing Regulatory Sub-Committee for consideration.

### 3.6 Vehicle size

Vehicles can be licensed to carry up to eight passengers.

### 3.7 Advertising

Detailed provisions on advertising on vehicles are contained in Appendix K.

### 3.8 Vehicle testing

All Hackney Carriages and Private Hire vehicles regardless of type shall be tested:

- (a) Annually for vehicles up to 3 years old
- (b) Every six months for vehicles over 3 years and under 8 years old
- (c) Every four months for vehicles over 8 years old

The age of the vehicle shall be calculated from the date of first registration that is recorded on the vehicle registration document V5C.

The test shall be conducted not more than 28 days before the date upon which;

- a) the first licence application is submitted,
- or;
- b) the next vehicle test falls due

The test shall be conducted at a garage that is approved by the council.

The test shall be conducted in two parts;

- a) MOT test that is appropriate for that type of vehicle, and;
- b) Hackney Carriage/Private Hire Vehicle Inspection.

And a test certificate showing pass or fail shall be issued by the garage for each test.

It is the responsibility of the vehicle proprietor to produce both test certificates, showing they have passed the relevant test to the council:

- (a) when the licence application is submitted
- or;
- (b) before the date upon which the periodical test falls due

Failure to produce the certificates to the council shall result in the immediate suspension of the vehicle licence. Reinstatement of the licence shall only take place when the certificates have been delivered to the council and the council is satisfied that the vehicle meets the criteria to be licensed.

## 3.9 Livery

There is a requirement to display the council logo on vehicles. See Appendix A section 19.

# 4. Hackney carriage and private hire licensing: Drivers

## 4.1 General

The licensing authority shall not grant a licence to drive a hackney carriage or private hire vehicle unless it is satisfied that the applicant is a fit and proper person.



An assessment of Previous Convictions, prior to application, will be carried out with regard to the Statutory & Best Practice Guidance for taxi and PHV licensing authorities, 2020, detailing specific convictions with a recommendation of at least 7 years having elapsed before giving consideration to the grant of a licence.

## 4.2 Conditions

The licensing authority is not permitted to attach conditions to a hackney carriage drivers' licence. However, those drivers who are licensed to drive private hire vehicles shall be subject to all those conditions relevant to private hire drivers (Appendix O). All drivers are expected to comply with the Code of Good Conduct, as set out within Appendix C.

## 4.3 Code of conduct

Hackney carriage drivers are expected to comply with the code of conduct in Appendix C and dress code in Appendix D.

## 4.4 Age, experience and qualification

Every applicant for the grant of a hackney carriage or private hire driving licence shall:

- 1) Be at least 18 years of age
- 2) Show that they are entitled to work in the UK (see 4.5 and 4.6)
- 3) Have held for at least one year and not be disqualified from holding either;
  - (a) A valid UK driving licence (unrestricted) for group B (including B auto) or;
  - (b) An EU driving licence (unrestricted) for motorcars with a Maximum Authorised Mass (MAM) up to 3,500kg with up to 8 passengers seats. The EU driving licence must be registered with DVLA by completing form D9 – Application to Register a Non GB Driving Licence
- 4) Have no more than six penalty points on their driving licence
- 5) Submit a mandate permitting the Licensing authority to make 'online' enquiries with DVLA for information on the driving record of the applicant.
- 6) Completed and passed a council approved driving assessment or equivalent such as PVS, ADI, or any other driving test specifically designed for hackney carriage or private hire driver. The applicant must provide a copy of the certificate.
- 7) Have passed the local knowledge test set by the licensing authority

- 8) Have a satisfactory DVLA Group 2 medical report
- 9) Have a satisfactory Disclosure and Barring Service certificate of criminal convictions and cautions
- 10) Have completed a self-declaration of convictions and cautions
- 11) Have completed disability and child sex exploitation mandatory training.

## 4.5 Authorisations to work in the UK

All applicants shall demonstrate that they are authorised to work in the UK before an application for the grant of a drivers' licence will be considered. The licensing authority will operate its application procedures in line with guidance issued by the UK Border Agency.

The council will work in partnership with the UK Border Agency to ensure all drivers are eligible to work in the UK.

Further information on your eligibility to work in the UK can be obtained from [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk) or [www.workpermit.com](http://www.workpermit.com).

Identification documents may be scanned and forwarded to the Home Office for verification.

## 4.6 Non UK applicants

All non UK applicants for hackney carriage and private hire licensing are required as part of the licensing process to provide the authority with a "Certificate of Good Conduct" or equivalent document from the appropriate Embassy or High Commission of the country/countries in which they have lived. The certificate must be written in English.

EU applicants must register their EU driving licence with the DVLA by completing form D9 – Application to Register a Non GB Driving Licence.

EU applicants must provide at least one document that is listed in List A or List C of Appendix Y as proof that they are entitled to work in the UK. A licence issued under the authority of documents provided from List C will be limited in duration and will expire on the date that the List C documents expire.

All other non UK applicants must provide at least one document that is listed in List B of Appendix Y as proof that they are entitled to work in the UK. They must also hold a UK licence (unrestricted) for at least one year before submitting their application.

## 4.7 Application procedure

An application for a hackney carriage or private hire drivers' licence shall be made on the council's specified application form. The application procedure is set out in Appendix E.

## 4.8 DVLA driver licence check

As part of the Licensing Authority's fit and proper person test, the driving licence information of all applicants will be checked using the government digital enquiry service ([www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)). Details of the applicants DVLA record and National Insurance number will be shared with other government departments (HMRC and DWP) to check identity, as described in the DVLA Privacy Policy - [www.viewdrivingrecord.service.gov.uk/privacypolicy](http://www.viewdrivingrecord.service.gov.uk/privacypolicy)

Applications for the grant of a licence will not be approved until all driving licence entitlement and endorsement data is received by the licensing authority and in accordance with this policy.

A hackney carriage or private hire driving licence may be renewed before the DVLA check can be carried out. However, if the DVLA driver licence record shows that there have been convictions that place the licence outside of this policy, the application will be referred to a Licensing Regulatory Sub-Committee.

The DVLA mandate will be cancelled if the hackney carriage or private hire driving licence is surrendered.

## 4.9 Testing of applicants

The licensing authority shall not grant a licence to drive a hackney carriage or private hire vehicle unless it is satisfied that the applicant is a fit and proper person.

In order to determine such fitness, the applicant shall be required to undertake the following:

Written tests of the applicant's knowledge of:

- (a) Local geography
- (b) The Highway Code
- (c) The hackney carriage and private hire licensing policy, as applicable
- (d) Numeracy
- (e) Disability Awareness and child sex exploitation awareness.
- (f) Legislation Associated with hackney carriage or private hire vehicle driving
- (g) Safeguarding

The procedures in relation to the above are set out in Appendix F.

## 4.10 The consideration of applications

The licensing authority shall consider the application once the appropriate tests have been undertaken, and the application form and supporting documents are complete. The relevant elements of the procedure to consider the merits of the application are set out in Appendix G.

Introduction of the national register of taxi and private hire vehicle driver licence refusals and revocations known as NR3 allow the sharing of information, mitigating the risk of non-disclosure of relevant information by applicants. The Licensing Authority will comply with the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety 2021) and report any refusals/revocations into the national databases.

A licence will be refused to any individual appearing on relevant barred lists.

## 4.11 Disclosure and barring service (DBS)

Before the licensing authority shall consider an application for the grant of a hackney carriage or private hire drivers' licence, every applicant must provide an Enhanced DBS certificate of criminal convictions.

The online Disclosure and Barring Service (DBS) update service allows applicants to keep their DBS certificates up to date and employers to check a DBS certificate. Further information can be obtained from: <https://www.gov.uk/dbs-update-service>

Applicants are required to join the Disclosure and Barring's update service (paid for by the applicant) ensuring the local authority are provided with up to date DBS information as soon as possible.

Considering the Department for Transport and The LGS guidance, it is mandatory for both new applicants and applicants who are renewing an existing licence to join the scheme, nominating the licensing authority enabling checks to be made on DBS status at any time

The DBS scheme reduces the administrative burden on officers and mitigates potential delay on relicensing.

Existing licence holders will continue to use current arrangements (detailed below), until they submit a renewal application.

The DBS application form can only be obtained from the South Lakeland District Council or Cumbria County Council. The County Council will deal with the application, but the DBS fee shall be paid by the applicant to South Lakeland District Council.

It is the responsibility of the applicant to deliver the original DBS disclosure certificate to the council. Failure to do so will result in the decision to grant the application being delayed.

The DBS disclosure certificate must be less than twelve weeks old from the date of issue, when it is delivered to the council. A further application may be required if the DBS disclosure certificate is more than 12 weeks old when it is delivered to the council.

Non UK applicants will also need to provide further information about their conduct from countries in which they have lived prior to moving to the UK. For more information, see paragraphs 4.5 and 4.6 of this section.

The authority is bound by rules of confidentiality, and will not divulge information obtained to any third party.

## 4.12 Relevance of convictions and cautions

Every applicant is required to declare every conviction and caution (including motoring convictions and fixed penalty notices) they have received when submitting an application for the grant or renewal of a driving licence for a hackney carriage or private hire vehicle. The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 provides for this as an exception to the Rehabilitation of Offenders Act 1974.

Common law police disclosure replaces the Notifiable occupations scheme is appropriate with regard to the sharing of sensitive information where there is a pressing social need.

South Lakeland District Council reserve the right to seek intelligence from all 'approved sources' such as the Police, Social Services, Alcohol and Drug Rehabilitation Units, Probation Services, Child Protection Agency, general practitioners etc.

Special attention will be paid to criminal offences involving dishonesty, violence, drugs, alcohol, criminal damage and sexual offences, together with serious offences connected with the driving of motor vehicles.

In particular, applications will be referred to the Licensing Regulatory Sub-Committee where the applicant's record includes one or more of the following:

- Any terms of imprisonment or custody
- Any convictions for a violent or sexual offence, or dishonesty, which is of a serious nature
- Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving
- More than nine points have been acquired on their DLVA Driving Licence

Whilst the licence is in force, the licensing authority will receive updates from Police and Courts, of new convictions and cautions for licence holders. This will allow the licensing authority to decide whether action is needed to be taken on the continuation of the licence. It is the responsibility of each licence holder to inform the council of any conviction, caution or fixed penalty arising during the currency of the licence. A criminal record check is required on application, and thereafter every three years.

Any applicant refused a hackney carriage or private hire drivers' licence on the grounds that he/she is not a fit and proper person to hold such a licence has the right to appeal to a Magistrates Court. Such appeal must be made within 21 days of being notified of the licensing authority's decision.

Guidance in relation to specific offences, along with a summary of the principals of the Rehabilitation of Offences Act 1974, is given in Appendix H. In general terms, the more recent, serious and relevant to public safety the offence, is the less likely that an application will be granted. Each application will be judged on its individual merits.

### 4.13 Medical examination

Every applicant for a licence to drive a hackney carriage or private hire vehicle must show that they comply with the current DVLA Group 2 standard of medical fitness for professional drivers.

The standard of fitness of the applicant must be reported on the form that is provided by the council. The form must be completed by a GP who has access to the full medical/history of the applicant. The cost of any examination or report associated with this requirement will be paid for by the applicant to the provider of the examination report. The report must not be more than 4 months old when it is presented with the rest of the application paper work.

The standard of fitness report must be completed every three years for persons under the age of 65 and annually for persons aged over 65 years, unless the medical advisor to the licensing authority states that a report is required at a more frequent interval.

The standard of fitness report must be completed on written demand by the licensing authority.

Licence holders must immediately advise the council of any deterioration of their health that may affect their driving capabilities and which may negate their ability to pass a Group 2 medical standard examination. Examples include high blood pressure, angina, diabetes, vision disorder, fainting, blackouts, drug taking or alcoholism. Where there is any doubt as to the medical fitness of the applicant, the council may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the council.

### 4.14 Grant of licences

A successful applicant will be granted a hackney carriage and/or a private hire drivers' licence, as appropriate. The driving licence shall last for three years, or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.

Introduction of an annual basic DBS for vehicle proprietors is required to ensure the fit and proper test is met. This applies to vehicle proprietors who do not hold a private hire or hackney carriage driver's licence.

A licence may be suspended should supporting documentation which accompanied their new/renewal application (section 4.4), become invalid for any reason.

## 4.15 Renewals

Application forms, appropriate fees, and supporting documentation, as set out in Appendix E, must be submitted no earlier than 28 days, and no later than three clear working days before the day upon which it expires.

If a driving licence is not renewed by the expiry date, a new application is to be submitted, as outlined in Appendix E.

In instances where the renewal will be late, the applicant must inform the licensing section in writing, before the expiry date. The application may be deferred for a period of 28 days after the expiry date. The licence shall be valid from the date it is issued to the date upon which the licence would have expired, had the application been submitted on time.

If a licence renewal application is received more than 365 days after the date of expiry, the applicant will need to submit a full application as detailed in Appendix E, this will include the need to show the applicant has passed the 'local knowledge test' and has passed a taxi/private hire driving assessment that is approved by the Council.

Applicants for renewal are required to provide an Enhanced Disclosure and Barring certificate from the Disclosure and Barring Service every three years, joining the update service as item 4.11 accommodates the requirement.

Applicants for renewal must provide a tax check as part of their application. No application will be processed if the applicant fails to submit a valid code.

## 5. Hackney carriage licensing: Fees

### 5.1 Prescribed rates

The driver of a hackney carriage vehicle, whether by agreement or otherwise, shall not charge any fare greater than the rate prescribed by the District Council in the document 'Hackney Carriage Table of Fares'.

### 5.2 Table of fares

The maximum fares prescribed by the licensing authority are set out in the 'Hackney Carriage Table of Fares' document. A table of authorised fares will be provided to each hackney carriage licence holder and must be displayed in each vehicle so that it is easily visible to all hirers.

### 5.3 Review

Hackney carriage tariffs will be reviewed on request and in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

A fare review for Hackney carriage tariffs will be conducted on a 12 month basis or on reasonable request of the Hackney Carriage trade.



## 5.4 Fare tariff criteria

In considering requests to vary a table of fares and in considering any representations received in response to the statutory consultation period of a fare tariff review, the following criteria will be utilised:

- Reasonable and fair to all stakeholders
- Proportionate with the locality
- Benchmarking with other local authorities
- Justified
- Simple, and easily calculated
- Designed with a view to practicality
- In line with published best practice guidance
- Mathematically correct and capable of being entered onto a meter
- Structurally the same for vehicles of different seating capacity
- Designed where possible to avoid either deliberate or accidental over charging

## 5.5 Charging under the maximum

There are no provisions in the relevant legislation or this policy, which prevent the driver of a hackney carriage vehicle from charging less than the fare shown on the meter.

## 5.6 Receipts

A hackney carriage driver must, if required by the passenger, provide him/her with a written receipt for the fare paid.

# 6. Hackney carriage licensing: Taxi stands

## 6.1 Appointed stands

The licensing authority has appointed stands for hackney carriage within the South Lakeland District Council area, both on public and private land. Appointed stands are listed in Appendix L.



## 6.2 Waiting on stands

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare.

## 6.3 Out of district

Hackney carriages that are licensed by South Lakeland District Council are expected to operate only within the district that is covered by the council.

The council will consider revoking the licence of any hackney carriage that regularly operates outside of the district. In this case 'regularly' includes;

- a) working for a taxi company that is not based in the district, or
- b) working for a private hire operator that is not licensed by this council, or;
- c) has come to the attention of the council by way of complaint, or;
- d) Any other information that the hackney carriage is operating outside of the district on a regular basis

On the rare occasion that a hackney carriage operates outside of the district, the following must be borne in mind by the driver and proprietor:

- a) Hackney carriages that are licensed by South Lakeland District Council must not use a taxi stand (taxi rank) in any other district, and;
- b) Hackney carriages that are licensed by South Lakeland District Council must not ply for hire in any other district. Ply for hire means driving around seeking customers and stopping if hailed by a prospective customer

## 7. Private hire licensing: Operators

### 7.1 Requirements for licence

Any person who operates a private hire service must hold a private hire operators' licence.

### 7.2 Conditions

The licensing authority has power to impose such conditions on an operators' licence, as it considers reasonably necessary.

The conditions that are attached to a Private Hire operators' Licence can be found in Appendix Q.

## 7.3 Obligations

A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence, or anybody authorised by that operator. Such a licence permits the operator to make provisions for the invitation or acceptance to bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

## 7.4 Application

Application for the grant of an operator's licence must be:

1. Made on the prescribed form;
2. Provided with proof that the applicant is legally entitled to work in the UK (see section 4.5), and;
3. Accompanied by the appropriate fee.
4. Basic DBS check which is due annually throughout the duration of the licence, applies to proprietors who do not hold a hackney carriage or private hire drivers licence with the authority.

The licensing authority will decide whether the applicant is a fit and proper person to hold an operator's licence. If a licence is granted, it shall remain in force for such period, not being longer than five years, as the district council may specify in the licence.

## 7.5 Address from which an operator may operate

Upon the grant of an operator's licence, the licensing authority will specify the address from which the operator may operate. The operator shall notify the licensing authority in writing of any change of his/her address, (whether this is a home address or the address from which he/she operates) during the period of the licence, within seven days of such change taking place.

## 7.6 Public liability insurance

Operators who operate from premises which are open to the public, must provide proof that there is in force, a policy of public liability insurance for the premises to a limit of at least £5 million.

## 7.7 Bases outside the South Lakeland District Council area

The licenses of the operator, vehicle(s) and driver(s) must be issued by this council.

## 7.8 Parking at an operator's base

The licensing authority would prefer that the drivers of private hire vehicles (not being

hackney carriage vehicles) would, whenever practical, return to their operating bases after completing each hire contact, prior to being despatched on another hiring. For this purpose, the licensing authority would expect a number of parking spaces to be made available at the premises by the operator, so that there is no congestion caused near the premises by vehicles waiting for bookings.

## 8. Private hire licensing: Vehicles

### 8.1 Conditions

The licensing authority is empowered to attach conditions on a private hire vehicle that are considered necessary. All applicants granted a private hire vehicle licence must follow the conditions in appendices A and M.

## 9. Private hire licensing: Novelty vehicles

- 9.1 A 'novelty vehicle' is any vehicle that has been substantially modified. This category includes stretched limousines, fire engines, former military vehicles and any other vehicle that has been substantially modified from the base vehicle. An application for a vehicle of this type shall be referred to the Licensing Regulatory Sub-Committee for a decision. Each case will be considered on its own merits.
- 9.2 Imported novelty vehicles will be required to undergo an Individual Vehicle Inspection (IVI). This inspection is to ensure the vehicle meets the requirements of the European Community Whole Vehicle Type Approval, which is designed to ensure that vehicles meet relevant environmental and safety standards.

Appendix N sets out conditions for novelty vehicles.

## 10. Private hire licensing: Executive hire, chauffeur services, airport travel etc.

### 10.1 Introduction

Some private hire businesses provide what they refer to as 'Executive Hire Cars'. Although clearly private hire vehicles, they are often used by companies, firms and hotels to transport visitors, senior members of staff in a more discreet manner, and are perceived as being more akin to a chauffeur driven vehicle than a private hire vehicle.

Private hire licence plates are a statutory requirement and it is South Lakeland District Council's policy to require signage on private hire vehicles in line with the conditions approved by the Licensing Regulatory Sub-Committee. These measures identify a vehicle as a properly licensed private hire vehicle and avoid confusion with hackney carriages.

However, private hire businesses providing what they refer to as executive hire may wish to apply for exemption from the requirements to display private hire plates and signage because of the nature of their vehicle(s) AND their business. A Licensing Regulatory Sub Committee will determine any such application where this policy cannot be implemented through delegation arrangements.

This document sets out our policy concerning the executive hire exemption referred to above. It is designed to help you to decide whether to make an application for exemption and to guide (but not bind) the Licensing Sub Committee should they need to determine an application.

## 10.2 The type of work which may be deemed executive hire

Examples of the type of work which are considered to be executive hire are as follows:

- Corporate bookings to transport employees and clients on business related journeys
- Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking
- The fact that the hirer pays a higher fee for hiring what may be referred to as an executive hire car (compared to what the hirer may pay for a non-exempt private hire vehicle displaying private hire plates and signage) may be indicative (but not conclusive) that the nature of the business is executive hire and that the exemption may be appropriate.

## 10.3 Types of vehicles which may be granted exemption

The average person may envisage an executive to travel in a prestige vehicle being of materially higher specification than a standard vehicle. Examples of vehicle types perceived to be prestige from the sample of people we asked were [Mercedes, BMW, Audi, Jaguar and Lexus].

The council do not wish to form a prescriptive list of acceptable vehicles because this may be subjective and also require frequent update. Conversely, the council do not wish to restrict the types of vehicles which may be top of the range and therefore deemed to hold prestige status.

Instead, the council set out a range of general criteria that leaves it open to the private hire vehicle trade to put forward vehicles of its own choice which can be shown to meet the criteria. This will enable flexibility if the circumstances merit it.

The following may be indicative (but not conclusive) that a vehicle is an executive hire car and conditions that relate to executive hire therefore apply:

- Engine size of 2000cc or greater
- Each seat is of adequate dimension and permits direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. Vehicle types which are capable of seating more than four passengers will be considered for the exemption but will only be licensed for, in the opinion of the authority, the number of passengers who can travel comfortably. This consideration relates to the level of comfort that the average person may believe an executive hire car should afford
- Evidence to show that the vehicle is a prestige or top of the range as represented by the vehicle manufacture
- Relevant considerations as to whether a vehicle is an executive hire car include but are not limited to cost, reputation, specification, appearance, perception and superior comfort levels
- The vehicle has a minimum specification of air conditioning/climate control, all electric windows, central locking and suitable front and rear headrests for each passenger
- Vehicles will need to fulfil the current age requirements for private hire vehicles

## 10.4 Exemptions to executive hire

Private hire vehicle owners who undertake only executive hiring and wish their vehicles to be exempt from the need to display a licence plate and identifying signage need to apply for exemption which would be granted by way of an exemption certificate.

There is no longer any exemption for a vehicle from licensing where it is used only for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than seven days. The abolition of a previously existing exemption, by the way of The Road Safety Act 2006, Section 53 requires all such vehicles to be licensed as private hire vehicles and drivers of such vehicles must hold a private hire vehicle licence. In general the following vehicles, if they seat up to eight persons will now need a private hire vehicle licence:

- Stretched limousines
- Executive hire
- Chauffeur services
- Airport transfer services
- Hotel cars

- Club & pub transport
- Courtesy services where passengers are driven
- Some hospital car services and school car services – if they are used for both patient transfer and social events

If you are in any doubt as to whether you need a private hire vehicle licence or not, you should contact the licensing team.

Refer to Appendix O for vehicle and driver conditions.

## 11. Private hire licensing: 'Tuk tuk' vehicle

### 11.1 General

These conditions apply exclusively to the 'tuk tuk' vehicle.

A tuk tuk vehicle is also known as an auto rickshaw, three wheeler, samosa, tempo, trishaw, is a three-wheeled cabin cycle for private use as a vehicle for hire. It is a motorised version of the traditional pulled rickshaw or cycle rickshaw.

### 11.2 Application procedure – Driver

An application for a 'tuk tuk' vehicle must include the following:

- (a) A completed application form\*
- (b) Current UK driving licence and DLVA counterpart if available
- (c) Disclosure and Barring Service (DBS) enhanced check application form\* and supporting documentation, proof of joining the update scheme
- (d) Statutory declaration of convictions and cautions\*
- (e) Medical examination form\* to current DVLA Group 2 standard
- (f) Passport style colour photograph (can only be up to three months old)
- (g) Correct fee for the application
- (h) Mandatory disability and child sex exploitation training

\*Items (a), (c), (d) and (e) are only available from the Local Authority.

The testing arrangements as outlined in Section 4.8 and 4.9 will apply with the exception of the test in relation to local geography, which will be exempted due to the nature of tuk tuk operation typically being localised.

A licence to drive a 'tuk tuk' will not be granted to a person who is under the age of 18 years.

Specific conditions relating to 'tuk tuk' vehicle can be found in Appendix W.

## 12. Private hire licensing: Exempt vehicles

### 12.1 Introduction

There are a range of vehicles that could fall within the definition of a private hire vehicle. In deciding what is and what is not a private hire vehicle, South Lakeland District Council will take a balanced view of the facts of any one case, taking into account any relevant case law and the 'Department for Transport Private Hire Vehicle Licensing – A Note For Guidance from the DFT'.

The following vehicles are exempted from the private hire vehicle licensing regime.

### 12.2 Funeral vehicles

No licence is required for a vehicle being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business for a funeral director for the purpose of funerals.

### 12.3 Wedding vehicles

A vehicle does not need to be licensed while it is being used in connection with a wedding. Where a person "providing a wedding service" claims an exemption, he/she is required to obtain a written certificate for the exemption from the licensing authority. Such written certificate will restrict the vehicle and driver use to wedding contracts.

### 12.4 Volunteer drivers

Volunteer drivers are unlikely to need to obtain a private hire vehicle licence if they do not receive payment of the use of their time and vehicle, other than the reimbursement of reasonable expenses.

### 12.5 Child minders

Child minders transporting children in their care to school are unlikely to need a licence, unless there is a specific requirement in their contract with the family for the provision of transport in return for the payment provided.

### 12.6 Ambulances/vehicles operating as formal patient transport services

Drivers operating these types of vehicles are unlikely to need a licence provided they carry patients who have been assessed as having a medical need for transporting, are subject to the laws of patient confidentiality and driver training and background checks have been carried out under the Patient Transport Service Scheme.

If you are in any doubt as to whether you need a private hire vehicle licence or not, you should



contact the licensing team.

## 13. Hackney carriage and private hire licensing: Hearings and enforcement measures

### 13.1 Aim of intervention

The licensing authority will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference. The licensing authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 1.

The authority will regulate the trade in accordance with the regulators code published by the Better Regulation Delivery Office and with principles set out in the Corporate Enforcement Policy. The general principles of proportionality, consistency, transparency and targeting of regulatory activities only at cases in which action is needed.

### 13.2 Range of powers

The licensing authority seeks to operate as far as possible a graduated enforcement approach.

The licensing authority may take any of the steps below, upon receipt of evidence that an offence has been committed in relation to a hackney carriage vehicle/drivers' licence or private hire driver/vehicle licence. A breach of a condition of the hackney carriage and private hire licensing policy amounts to an offence in this context.

- Suspension of a licence
- Revocation of a licence
- Refusal to renew a licence
- Issuing of warnings
- Imposition of further conditions
- Prosecution
- Referral to an enhanced drivers course

### 13.3 Hearings

Any driver or vehicle found in breach of this policy, or found convicted of offences listed in Appendices H and J will be referred to a Licensing Regulatory Sub-Committee of the licensing authority. The function of the appropriate Licensing Regulatory Sub-Committee is detailed in Appendix I.



## 13.4 Suspensions

### Vehicles

Hackney carriage and private hire vehicles shall be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle conditions is essential, and will be enforced by periodic random vehicle inspections by the licensing authority.

Where it is found that any hackney carriage is not being properly maintained, a defect(s) notice will be served on the proprietor setting out the defect(s), and where public safety is at risk, the further use of the vehicle is suspended until the defect(s) have been remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and has been passed as fit for use as a hackney carriage.

### Vehicle suspension for any reasonable cause

Where an annual vehicle licensing inspection is not provided by a proprietor following requests by the licensing team vehicles are likely to be suspended until a test is provided.

Where there is considerable damage to a vehicle which despite not affecting public safety, seriously affects the appearance of a vehicle, a suspension is likely until the satisfactory works are completed.

### Drivers

The licensing authority may exercise its discretion to suspend the operation of a driver's licence once all the evidence has been collected and considered. The decision to suspend may be taken only after a hearing before the appropriate Licensing Regulatory Sub-Committee.

## 13.5 Revocations

An authorised officer may revoke, with immediate effect, a driver's licence if deemed necessary in the interests of public safety. Where a licence holder has been referred to the appropriate Licensing Regulatory Sub-Committee because he/she has been convicted of a serious criminal offence (e.g. those highlighted in section 4) the Licensing Regulatory Sub-Committee may order the revocation of the licence.

When a driver is unable to produce a current enhanced DBS or current medical or fails their medical after an examination from the Licensing Authority's appointed doctor, suspension or revocation may follow with immediate effect.

## 13.6 Refusal to renew

As an alternative to revocation, the Licensing Regulatory Sub-Committee may decide that

the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence will not be renewed.

## 13.7 Prosecution

The licensing authority will usually prosecute licence holders for relevant offences in the following circumstances:

- Where the allegation is of a serious or repeated offence
- Where prosecution is in the public interest

## 14. Hackney carriage and private hire licensing: Offences

### 14.1 Offences

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

- The Town Police Clauses Act 1847
- The Local Government (Miscellaneous Provisions ) Act 1976
- The Transport Act 1980
- The Disability Discrimination Act 1995 (as amended)
- The Equality Act 2010
- South Lakeland District Council byelaws
- The Hackney Carriage and Private Hire Licensing Policy

The relevant offences are set out in Appendix J.

## 15. Hackney carriage and private hire licensing: Fees

### 15.1 Fee structure

The fees payable for the grant and renewal of hackney carriage and private hire licences are set out within 'South Lakeland District Council List of Fees' document. Notice of the current scale of fees will be supplied to all applicants at the time of the application.

### 15.2 Payments

Fees for licences must be made payable to South Lakeland District Council.

## 15.3 Payment refunds

### Hackney carriage and private hire drivers

South Lakeland District Council will on request refund the fees for applications (with the exception of DBS and DBS administrative fees) for hackney carriage and private hire drivers licences where no licence is granted. However where a licence is granted, fees will not be refunded (e.g. on surrender prior to the expiry date).

### Hackney carriage and private hire vehicles

Where a private hire or hackney carriage vehicle has been granted a licence, fees will not be refunded.

### Private hire operators

South Lakeland District Council will on request refund the fees for applications for private hire operators' licences where no licence has been granted. However fees will not be refunded after a licence has been granted.

## 16. Non-motorised hackney carriages: Horse drawn carriages

The grant of a licence to a drive a horse drawn carriage as a hackney carriage shall entitle the holder to drive a hackney carriage of the type specified on the licence (i.e. horse drawn carriage). It shall not entitle the holder to drive any other type of hackney carriage or private hire vehicle.

A licence to drive a horse drawn carriage as a hackney carriage will last for one year from the date of issue.

### 16.1 Application procedure: driver

An application for a non-motorised hackney carriage driver's licence must include the following:

- (a) A completed application form\*
- (b) Current UK driving licence and DVLA counterpart
- (c) Disclosure and Barring Service (DBS) enhanced check application form\* and supporting documentation, proof of joining the update scheme
- (d) Statutory declaration of convictions and cautions\*
- (e) Medical examination form\* to current DVLA Group 2 standard
- (f) Passport style colour photograph (can only be up to 3 months old)

(g) Correct fee for the application

\*Items (a), (c), (d), and (e) are only available from the Local Authority.

The testing arrangements as outlined in Section 4.8 and 4.9 will apply with the exception of the test in relation to local geography, which will be exempted due to the nature of non-motorised operation typically being localised.

A licence to drive a non-motorised hackney carriage will not be granted to a person who is under the age of 18 years of age.

The driver of a horse drawn carriage must produce evidence to the authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) Level 3 Road Driving Safety Qualification for Pairs and Singles is required. For grooms the standard is BDS Level 2 Unit Certificate for the Harness Horse Groom. The council will consider alternative qualifications that are not to the equivalent standard. Any expense involved in producing such a certificate shall be met by the applicant or licence holder.

An application to renew a non-motorised hackney carriage driving licence may be submitted no earlier than 20 clear working days and no later than three clear working days before the day upon which it expires. A 'clear working day' is any day except Saturday, Sunday, Bank Holiday or the day upon which the licence expires.

## 16.2 Application procedure: proprietor

Non-motorised vehicles can only be issued with hackney carriage licences, and cannot be licenced for private hire due to the fact that a private hire vehicle is defined as a 'motor vehicle'. Before a non-motorised hackney carriage licence is granted, the authority must be satisfied that the vehicle is fit for purpose. In ascertaining whether the vehicle is fit, the proprietor will need to produce evidence of the following:

- (a) The roadworthiness of the carriage (via a certificate issued by an inspector approved by the council)
- (b) The serviceability of the ancillary equipment (via a certificate issued by an inspector approved by the council)
- (c) The fitness and appropriateness of the horse to be used (via a certificate issued by a veterinary surgeon approved by the council)
- (d) Horse passports for the horse to be used
- (e) An insurance policy appropriate for public hire and covering third party liability both in respect of physical injury or death in respect of damage to personal belongings. A minimum sum of £5 million is required

## 16.3 Carriage specification

The basic requirements for a carriage are:

- Must be drawn by one or more horses
- Have two or four wheels
- A compartment for the passengers to be carried in
- Capable of carrying a minimum of four and up to six passengers (dependent upon construction)
- In the opinion of the council appointed Inspector, safe for the use as a hackney carriage vehicle on the road.

## 16.4 Signage

Every carriage must display a plate to the rear which indicates a licence number and licence expiry date.

## 16.5 Conditions

Conditions relating to horse drawn carriages can be found in Appendix R.

## 16.6 Tariffs

The tariff for a non-motorised hackney carriage shall be reviewed at the same time as the tariff is reviewed for a motorised hackney carriage.

Each non-motorised hackney carriage shall display a copy of the current tariff table in such a position that it can be read by a customer.

# 17. Non-motorised hackney carriages: Pedicab hackney carriages

## 17.1 General

These conditions apply exclusively to pedicabs.

A pedicab hackney carriage vehicle licence will only be issued on an annual basis. All applications received which fall outside of this policy will be referred to Licensing Regulatory Sub-Committee for determination and any additional costs incurred to be borne by the applicant.

## 17.2 Drivers of pedicabs

The pedicabs must be operated by a competent cyclist, holding a full valid DVLA driving licence for at least one year, and who has been trained to cycle the specified route. Drivers must be the holder of a current pedicab hackney carriage driver's licence which has been issued by South Lakeland District Council.

All drivers will undergo an enhanced Disclosure and Barring Service check and statutory declaration as required by this council. The policy on relevance of convictions will be used to assess whether an applicant is a fit and proper person to hold a hackney carriage drivers licence with this Authority.

Drivers will be required to meet DVLA group 2 medical standards.

## 17.3 Pedicab tariff

The tariff for a non-motorised hackney carriage shall be reviewed at the same time as the tariff is reviewed for a motorised hackney carriage.

Each non-motorised hackney carriage shall display a copy of the current tariff table in such a position that it can be read by a customer.

## 17.4 Seat belts

Separate seat belts shall be fitted to all seats in all licensed vehicles. They shall be readily accessible for use by all passengers and shall be maintained in good condition and a useable state of repair at all times.

The driver of a pedicab shall ensure that passengers are offered the safety/lap belt before commencing a journey. If the passenger is a child they must use the belt provided. All children under 11 years of age to be accompanied by an adult and all children must occupy a seat.

## 17.5 Alterations

No alterations to any equipment, dimensions or other specifications shall be undertaken without the prior consent of any authorised officer of the licensing authority.

For the avoidance of doubt alterations includes both additions to and the removal of any existing equipment in, or on, licensed vehicles.

## 17.6 Licence plates and badges

For all licensed vehicles the licence plate must be securely fixed to the rear of the pedicab. The internal hackney disc will be displayed within the seated area of the pedicab; however side plates are not required.

The licence plate/disc shall remain the property of the council and shall be returned to the

South Lakeland District Council's licensing section, if the proprietor no longer holds a licence issued by the council, which is in force in respect of the vehicle (whether by reason of expiry or revocation). After the expiry date on any hackney carriage or private hire licence, that licence is no longer valid and any badge or vehicle plate must be returned to the council immediately. All licence plates must be returned before a new plate is issued.

The loss of, damage to or illegibility of a plate or badge shall be reported to the council as soon as the loss, damage, or illegibility becomes known and a duplicate will be issued at the expense of the licence holder. The vehicle shall not be used for hire until the plate or badge has been replaced.

The holder of this licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed vehicle (hiring or leasing the vehicle). If at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence they must immediately surrender and return the vehicle licence and the licence plates to the council. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.

All applications received after the date of expiry will be treated as a grant and not a renewal, and the appropriate conditions and fees for a grant will then apply.

## 17.7 Advertising

Position and content of advertising must be inspected and written authorisation received from the licensing section before any advertising is placed on the vehicle.

The advertisements will be assessed against the following criteria:

- Non sexual
- Non discriminatory
- Not to cause public offence
- Not misleading
- Location does not distract from council vehicle signs
- Not to obscure vision of the driver

## 17.8 Vehicle damage/accidents

The proprietor of the vehicle shall report to the licensing section as soon as reasonably practicable, and in any case within seventy two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of the licensing authority or inspected by them, and written consent is received to continue to use the vehicle, the vehicle must not be used.

Accidents involving personal injury to passengers must be notified to the Police and



Licensing section as soon as possible but in any case within forty eight hours.

## 17.9 Insurance

Every pedicab shall be covered by an insurance policy for public hire and covering third party liability in respect of physical injury or death, or damage to personal belongings. A minimum sum of £5 million cover is required.

On the expiry of the Insurance, a cover note or Certificate of Insurance renewing cover must be produced to the licensing section prior to or on the day of expiry of the previous certificate. Photocopies of the original or electronic copies are acceptable.

The licence holder shall notify the council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.

## 17.10 Notifications

The proprietor of a licence shall produce details of the drivers permitted to drive by him to the licensing authority.

The proprietor shall notify the council of any change in the list of drivers within seven days of the change.

The licence holder shall, within seven days notify the council in writing of any change of address and produce the vehicle licence to the licensing section so that the new address may be endorsed there.

## 17.11 Pedicab safety, inspections and legislation

A pedicab hackney carriage vehicle licence will only be issued on an annual basis.

A proprietor of a pedicab will ensure that the vehicle testing standards adopted by the council are completed prior to the grant or renewal of a pedicab vehicle licence.

A pedicab vehicle will be subjected to an annual service, which must be conducted by a cycle dealership who is members of the Association of Cycle Traders. The examiner must be qualified to the Cytech level 3 standard.

On completion of the annual service the proprietor of the pedicab must forward the council's test sheet (Appendix U) to the licensing authority signed and stamped by the examiner/dealership. The form should indicate whether the vehicle meets the required standards.

All costs in respect of the vehicle test will be borne by the proprietor of the vehicle.

Should a pedicab fail to pass an inspection, the pedicab examiner must inform the licensing authority immediately upon which an authorized officer of the council will notify the proprietor that the licence has been suspended in writing.



An authorised officer, an officer nominated by the council or any police constable shall have the power at all reasonable times to inspect and test any vehicle licensed by the council for the purpose of ascertaining its fitness.

The licence holder shall ensure that all pedicabs are maintained regularly and kept in a safe condition. A basic check must be carried out before each occasion it is used. The licence holder shall retain records of all maintenance work carried out on each pedicab.

# Appendix A: Hackney carriage and private hire vehicle: vehicle conditions

## 1.0 General

- 1.1 This appendix sets out those conditions applicable for both Private Hire and Hackney Carriages. For specific additional conditions for hackney carriage please see Appendix K, and for private hire vehicles please see Appendix M.
- 1.2 The following vehicle conditions are made in addition to the requirements of the road traffic legislation, which relates to all motor vehicles. It is also recommended that vehicles with Euro NCAP star ratings of four or more should be considered when purchasing a vehicle.
- 1.3 Vehicle age limits: see section 3.5 of the policy
- 1.4 Left hand drive vehicles shall not be licensed without the express consent of the Licensing Regulatory Sub-Committee.
- 1.5 No 'Q' plated vehicles will be considered for licensing.
- 1.6 Any vehicle that has been classified as a category 'A', 'B' or 'S' on the V5 will not be licensed for Hackney Carriage or Private Hire use. An application for a vehicle which has been classified as category 'N' should be accompanied with evidence that it has been repaired professionally.

## 2.0 Door

- 2.1 All vehicles shall have at least three passenger doors in addition to the driver's door.
- 2.2 All doors shall be capable of being opened from the inside and outside.
- 2.3 Vehicles with a third row of seats must be constructed in such a way that the occupants of the third row of seats do not have to climb over any other part of the vehicle to gain access or egress e.g. by the provision of a folding seat or a gangway on the second row.

## 3.0 Interior dimensions

- 3.1 Height inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- 3.2 Knee space: there must be sufficient space between the front and back seats to

safely accommodate the driver and passengers in reasonable comfort. The specification below is recommended.

## 4.0 Seats

- 4.1 Seating for each passenger must be not less than 400mm (16") with a minimum width, measured between the arm rests, or any other point that is protruding into passenger seating area, of 1220mm (48").
- 4.2 The minimum width between the back of the driver's seat and the front of the rear seating, measured when the driver's seat is fully pushed back, must be not less than 180mm (7").
- 4.3 The height, as measured between the rear seat and the height to the roof lining in a vertical plane, must be not less than 860mm (34").
- 4.4 No child under the age of ten years shall be carried in the front of the 61616 vehicle.

## 5.0 Seat belts

- 5.1 The following classes of people are exempt from wearing seat belts or other restraints:
  - (i) Driver of a hackney carriage while it is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire, or
  - (ii) Driver of a private hire vehicle while it is being used to carry a passenger for hire;
  - (iii) Child up to three years old may travel unrestrained in the rear only if a suitable child seat is not available
  - (iv) person with medical exemption letter
- 5.2 All other classes of people MUST wear a seat belt.

## 6.0 Passenger capability

- 6.1 The carrying capacity of saloon and estate type vehicle will be at the discretion of the licensing authority having regard to manufacturer's specifications and compliance with dimensions referred to previously.
- 6.2 The number of persons licensed to be carried shall be exhibited outside the vehicle on the vehicle licence plate. This number of passengers carried must not exceed that number recorded on the vehicle's plate. For these purposes children (of any age) are counted as one person.

## 7.0 Fire extinguishers

- 7.1 It must be securely fixed to the vehicle. It must be either an ABC General Purpose Powder extinguisher or an AFFF Foam extinguisher and conform to BSEN3. The extinguisher should only be used to assist in the evacuation of the vehicle.
- 7.2 All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8, by a registered competent company. The date of test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number.

## 8.0 First aid kit

- 8.1 There shall be provided in such position as to be readily available at all times when the vehicle is used for hire, a suitable first aid kit containing appropriate dressings and appliances for immediate use in an emergency. The kit carried is to ensure compliance with The Health and Safety (First Aid) Regulations 1981 which requires employers to provide a first aid kit to enable employees to receive first aid if they become injured at work and self-employed persons to provide first aid to themselves whilst at work. Only those persons who hold a current recognised first aid certificate should use the kit on any person other than themselves and your attention is drawn to issues of liability if untrained persons administer first aid.

## 9.0 Ventilation

- 9.1 Rear passenger windows must be capable of being opened by passengers.

## 10.0 Luggage

- 10.1 All vehicles shall be capable of carrying 25 kg of luggage per passenger. A trailer may be used if necessary. See section 15 for further guidance on the use of trailers.
- 10.2 Exits must not be obstructed by luggage.
- 10.3 All luggage must be secured when carried in the vehicle.

## 11.0 Maintenance

- 11.1 Licensed vehicles must be kept in a safe, tidy and clean condition at all times.
- 11.2 Vehicles may be inspected and tested at any time. A notice may be issued for minor defects to be repaired. A prohibition notice shall be issued if the defects are likely to

compromise public safety, or have already been subject of a defect notice and the defect(s) have not been addressed to a satisfactory standard. A notice shall be issued to both the driver and proprietor.

## 12.0 Accident reporting and inspection following accidents

- 12.1 If any licenced vehicle is involved in an accident when used in connection with business, the accident must be reported to the licensing authority as soon as reasonably practicable or within 72 hours. Accident reports may be made by telephone.
- 12.2 Where, following an accident or damage to a licensed vehicle and it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected by either the licensing officer or an authorised MOT inspector (at the owner's or operator's expense) to determine its fitness for continued use. A licensing officer may suspend the use of a licensed vehicle until it is repaired.
- 12.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
- (i) The damage to, or defect in, the vehicle has been reported;
  - (ii) Application is made in the usual way for a change of vehicle (albeit temporarily);
  - (iii) The replacement vehicle meets the licensing criteria, as in this Appendix, and is suitable to be used for hire purposes;
  - (iv) The hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator
- 12.4 The Licensing Authority must be informed of any vehicle which has been written off by the insurance company. VIC markers were discontinued in October 2015.

## 13.0 Modifications

- 13.1 No material alterations or change in the specification, design, seating capacity, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly gaining the approval of the licensing team in writing, at any time while the licence is in force.
- 13.2 Secondary 'privacy' tinting is not permitted on any window.

- 13.3 The swept area of the windscreen shall be kept clear of all obstructions at all times. This means that mobile 'phones, navigation systems, stickers and the like, shall not intrude into the area of the windscreen that is swept by the windscreen wipers.

## 14.0 Dealing with disabilities

- 14.1 Assistance dogs must be carried when required, except where the driver has obtained a medical exemption from so doing.
- 14.2 In relation to wheelchair access, there is no current requirement for hackney carriages to be adapted for the purpose. Where, however, a hackney carriage may be utilised for wheelchair access, the following conditions shall apply:
- (i) A space for a wheelchair shall always be available in every wheelchair accessible hackney carriage e.g. a hackney carriage that is licensed to carry 8 passengers shall have not more than 7 fitted passenger seats and a space for a wheelchair.
  - (ii) Access to and egress from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
  - (iii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any exit.
  - (iv) A suitable restraint must be available for the occupant of a wheelchair.
  - (v) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
  - (vi) Ramps and lifts must be securely stored in the vehicle before it moves off.
- 14.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must be used and tested in accordance with the manufacturer's instructions.
- 14.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

## 15.0 Trailers

- 15.1 The use of trailers is permitted, but only as additional luggage space and not as a substitute for not meeting the requirements of paragraph 10 of this Appendix.
- 15.2 The proprietor shall present the trailer for inspection by a Licensing Officer prior to its use and again at each inspection of the vehicle on which the trailer is to be towed.

- 15.3 The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.
- 15.4 The trailer shall be in good condition and be no more than ten years old.
- 15.5 No advertising shall be permitted on the trailer.
- 15.6 The trailer shall be weather proof.
- 15.7 When a trailer is used with the vehicle an additional licence plate for the trailer will be required. This will be displayed on the back of the trailer.
- 15.8 The tow bar must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.
- 15.9 The vehicle must be insured to tow a trailer, and proof of this cover must be supplied.
- 15.10 A charge shall be made for the inspection of the trailer, and such charge being payable by the proprietor of the vehicle.
- 15.11 Every trailer must be equipped with a braking system.

## 16.0 Security measures

- 16.1 CCTV cameras may be fitted to hackney carriage and private hire vehicles.
- 16.2 Where CCTV is installed in a vehicle a sign must be displayed in a prominent position in the vehicle so that passengers are made aware of the presence of the camera.
- 16.3 All CCTV systems in hackney carriages and private hire vehicles should comply with guidance provided by the licensing team, which is available at: <https://www.southlakeland.gov.uk/business-and-trade/licensing-and-permits/taxi-licences/>

## 17.0 Vehicles Powered by Liquefied Petroleum Gas (LPG)/ Liquefied Natural Gas (LNG)

- 17.1 An applicant for a licence involving a vehicle that has been converted to run on LPG or LNG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and on that the vehicle is therefore considered safe. Such certification shall form part of

the vehicle licence renewal application.

- 17.2 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 stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

## 18.0 Insurance and M.O.T test

- 18.1 The proprietor of a hackney carriage or private hire vehicle shall produce to the District Council at their licensing office a new M.O.T test certificate, certificate of insurance or covering note within seven days of the expiry of the current M.O.T test certificate, certificate of insurance or covering note.
- 18.2 The proprietor of a hackney carriage vehicle shall notify the licensing team in writing within seven days of any change of insurance.

## 19.0 Licence plates

- 19.1 Every hackney carriage/private hire vehicle that is used on a road shall display;
- (a) A licence plate;
  - (b) A roof sign; (hackney carriage only)
  - (c) Two door signs;
  - (d) An identity disc, and;
  - (e) A table of fares (hackney carriage only)
- 19.2 The licence plate shall be firmly fixed to the rear of the vehicle, adjacent to, but not obscuring the rear registration plate. The licence plate shall include the registration number and seating capacity of the vehicle and the number and expiry date of the licence. It shall be positioned in such a way that both the registration plate and licence plate can be read from the same position. It shall be kept legible at all times.
- 19.3 The interior licence plate must be displayed on the windscreen on the left hand side, without obstructing the view of the driver.
- 19.4 The licence plate is the property of the council, to whom it shall be returned within seven days if the licence is suspended, revoked or not renewed for any reason. However, it shall be returned to the proprietor if the licence is reinstated.
- 19.5 The roof sign shall be firmly affixed to the roof of the vehicle and shall display the words 'taxi' or 'hackney carriage'. It may also display the operating name of a



Company, proprietor or business and telephone number. The roof sign shall be illuminated when plying for hire and shall be extinguished once the taximeter is set to the "hired" or "stopped" mode. It shall stay extinguished until the completion of the journey, when the taximeter is reset to "for hire" mode. No other switch or device for the lighting or extinguishing of the roof sign shall be permitted (hackney carriage only).

19.6 The door signs shall be displayed on the front doors of the vehicle. The signs will bear the serial number of the licence for the vehicle.

19.7 The current table of fares shall be exhibited inside the vehicle in a position that is clearly visible to passengers.

## 20.0 Replacement of licensed vehicle

20.1 Any licensed vehicle suffering major accident damage or requiring mechanical repair may be replaced by a hire vehicle, provided:

- (i) The accident damage has been reported in accordance with the requirements of these conditions or the defect to the licensed vehicle has been similarly reported.
- (ii) Application is made in the normal form for a change of vehicle (albeit temporary).
- (iii) The replacement vehicle is properly taxed, insured, and MOT tested to the requirements of the normal licensed vehicle.
- (iv) The replacement vehicle is of a suitable type to be used for hire purposes.

## 21.0 Inspections

21.1 The hackney carriage and any taximeter fitted to the vehicle may be inspected by an authorised officer of the council or police constable at any reasonable time. If the officer or constable is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, she/he may give written notice to the proprietor to make the hackney carriage or taximeter available for further inspection and testing, at such reasonable time and place as may be required. The vehicle licence may be suspended until the officer or constable is satisfied as to the vehicle's fitness or as to the accuracy of the taximeter. If the officer or constable is not so satisfied within two months from the initial inspection, the hackney Carriage licence shall be deemed to be revoked.

21.2 Notwithstanding the provisions of condition 21.1 above, the proprietor shall present the vehicle for inspection on receipt of a written request by an authorised officer of the council. The number of inspections shall not exceed three in any period of twelve months and any applicable fee for inspection shall be paid on presentation of the vehicle.

- 21.3 If at any time the council requires the vehicle to be tested at the address where it is kept, the proprietor shall provide the council with such facilities as are reasonably necessary to do so.

## 22.0 Spare tyres and wheels

Every vehicle shall be equipped with a spare tyre or an equivalent, such as a space saver tyre or repair kit, which is to be used in emergencies only.

## 23.0 Advertising

- 23.1 One sign advertising the proprietor's/operator's business details may be displayed on both rear doors of the vehicle. The sign shall not exceed 61cm x 31cm. A hackney carriage or private hire licensed to carry eight passengers may display one sign on both sides of the vehicle (i.e. not restricted to the rear doors). These signs shall not exceed 91cm x 31cm.
- 23.2 In addition to information regarding the proprietor's/operators' own business, signs displayed on the rear doors/sides of hackney carriage or private hire may also include advertising relating to another organisation or business. However the predominant feature of the sign must be advertising of the proprietor's own business and any further advertising relating to any other business must be incidental to that.
- 23.3 Signs displayed on the rear doors/sides of hackney carriage or private hire vehicles may include details of fare scales charged by the proprietor/operator.
- 23.4 In addition to the above arrangements:
- (i) a hackney carriage licensed to carry eight passengers may also display one sign advertising the proprietor's business name and telephone number etc. on the rear tailgate of the vehicle. Such a sign shall not exceed 122cm x 31cm, or;
  - (ii) a private hire vehicle licensed to carry fewer than eight passengers may also display one sign advertising the operator's business name and telephone number etc. on the rear tailgate of the vehicle. Such a sign shall not exceed 46cm x 31cm or 91cm x 15cm or;
  - (iii) a private hire vehicle licensed to carry eight passengers may also display one sign advertising the operator's business name and telephone number etc. on the rear tailgate of the vehicle. Such a sign shall not exceed 122cm x 31cm.
- 23.5 As an alternative to the above, the proprietor may, if so desired display advertising wholly relating to a non-taxi business subject to the following conditions:

The advertisement shall not contain the following:

- (i) Political, ethnic, religious, sexual or controversial texts;
- (ii) Escort agencies, gaming establishments or massage parlours;
- (iii) Nude or semi-nude figures;
- (iv) Tobacco or alcohol;
- (v) Material likely to offend public taste (including material depicting bodily functions and genitalia and the use of obscene or distasteful language);
- (vi) Material which seeks to advertise more than one company/service or product;
- (vii) Any advertisement to be placed at a reasonable distance, so not to obscure or distract from the South Lakeland District hackney carriage sign.

## 24.0 Transfer of licences of change of details

- 24.1 Each licence is assigned to a specific vehicle. The licence shall not be transferred to a new vehicle, until the new vehicle has been inspected, tested and approved by the council. A fee will be charged for this.
- 24.2 The ownership of a licence may only be transferred to another person or persons with the written consent of the council. A fee will be charged for such a transfer.
- 24.3 The council shall be informed immediately in writing of any changes to the name and address of the licence holder or any of the details of the vehicle to which the licence has been issued.
- 24.4 If any of the particulars supplied in the proprietor's application change during the currency of the licence, details of the change(s) must be notified in writing to the licensing section immediately.

## 25.0 General

- 25.1 The council may alter any of these conditions as it sees fit, and will notify the proprietor of any changes to the conditions. The changes will come into effect as soon as the proprietor has been notified of them.
- 25.2 Any notice which the council has to serve under this licence or under any of the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 or the Local Byelaws shall be deemed to have been properly served if sent by post to or left at the last known address of the holder of this Licence
- 25.3 This licence will remain current for a period of one year unless it is suspended or revoked under any statutory or other provision.

Appendix B: Vehicle inspection checklist



# Vehicle Inspection Form

## Hackney Carriage and Private Hire Inspection Form

Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

**IMPORTANT: Read Standards of Inspection Overleaf**

<b>Chassis No:</b>	<b>Inspection Form Reference:</b>		<b>Class of Inspection:</b> <input type="checkbox"/> Hackney Carriage <input type="checkbox"/> Private Hire
<b>Vehicle Registration:</b>	<b>Make and Model:</b>	<b>Year of Manufacture:</b>	
<b>Plate No:</b>	<b>Mileage:</b>	<b>Colour:</b>	

Item Tested	Pass (✓)	Fail (x)	Reasons for Failure
<b>Lighting Equipment</b>			
Front and rear lamps			
Headlamps			
Headlamps aim			
Stop lamps (see over for additional stop lamps)			
Rear reflectors			
Direction indicators			
<b>Steering and suspension</b>			
Steering control			
Steering mechanism/system			
Power steering			
Transmission			
Wheel bearings			
Front suspension			
Rear suspension			
Shock absorbers			
<b>Brakes</b>			
Controls/ABS warning system			
Condition of service brake system			
Condition of parking brake system			
Service brake performance			
Parking brake performance			
<b>Tyres and wheels</b>			
Tyre type			
Tyre condition (including spare)			
Road wheels			
<b>Seat belts</b>			
Mountings			
Conditions			
<b>General</b>			
Driver's view of the road, mirrors			
Horn			
Exhaust system			
Fuel system			
Exhaust emissions			
Vehicle structure			
Body interior			
Luggage space			
Fire extinguisher and first aid kit			
Meter – test and seal			
Licence plates/discs/door stickers			
Roof sign and For Hire sign			
Body exterior			
Doors			
Seats			
Electrical wiring and equipment			
Speedo			
Oil and water leaks			
Ancillary equipment			

I hereby certify that the above vehicle has been inspected to the standards overleaf and has/has not* been found to be roadworthy to be used as a hackney carriage/private hire vehicle* at the time of inspection. *delete as appropriate  <b>Signed</b> _____ <b>Name (in capitals)</b> _____	<b>(Tester/Inspector)</b> <b>Date</b> _____	<b>Garage Name and Address</b>  <b>VTS (Vehicle Testing Station)</b> <b>Number:</b> _____  <b>Authorised Examiner Number:</b> _____
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**WARNING: IN MY OPINION, THE VEHICLE IS DANGEROUS TO DRIVE BECAUSE OF THE FOLLOWING DEFECT:**

Please contact [licensing@southlakeland.gov.uk](mailto:licensing@southlakeland.gov.uk)

## Standards of Inspection

All Hackney Carriage and Private Hire Vehicles must be maintained to **no less** than the standards set out in the DVSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2.

Failure to meet such standards would constitute an automatic fail of the Hackney Carriage and Private Hire Vehicle's inspection.

**In addition**, the inspection should be failed if any of the reasons below apply:

Lighting Equipment	
Front and rear lamps	Lights inoperable or of insufficient intensity.
Headlamps	Incorrect bulbs fitted.
Headlamps aim	Lamps not properly aligned.
Stop lamps	Lamp flickers when tapped lightly by hand.
Rear reflectors	<b>Additional stop lamps fitted and connected must be tested. Where extra lamps are fitted and there is doubt as to whether they are connected, the benefit of this doubt should be given to the presenter</b>
Direction indicators	
Steering and suspension	
Steering control	Inoperable, worn or faulty steering or suspension. Jagged edges on steering wheel rim.
Steering mechanism/system	
Power steering	
Transmission	
Heel bearings	
Front suspension	
Rear suspension	
Shock absorbers	
Brakes	
Controls/ABS warning system	Any of the systems do not operate effectively and/or safely.
Condition of service brake system	
Condition of parking brake system	
Service brake performance	
Parking brake performance	
Tyres and wheels	
Tyre type	Damaged, worn, substandard or otherwise illegal tyres.
Tyre condition (including spare)	Failure to provide a suitable jack and/or wheel brace.
Road wheels	A spare wheel not provided and secured contrary to manufacturers' spec.
Seat belts	
Mountings	Damaged, worn or incorrectly operating seatbelts.
Conditions	Insufficient seatbelts.
General	
Driver's view of the road, mirrors	Loose, damaged, missing or defective mirrors.
Horn	Defective horn.
Exhaust system	Missing, insecure or inadequate heat shield.
Fuel system	Leaks, excessive wear, damaged or insecure pipes, missing filler cap.
Exhaust emissions	Excessive smoke emission.
Vehicle structure	Excessive corrosion or damage, poor repair/paint match or sharp edges.
Body interior	Excessive wear, corrosion, damage, staining or sharp edges.
Luggage space	Under 0.5 cubic metres luggage space. No separation from passenger seating area.
Fire extinguisher and first aid kit	Fire extinguisher/First Aid Kit is missing, out of date or in a poor/contaminated condition.
Meter – test and seal	Meter not linked to roof sign, not sealed.
Licence plates/discs/door stickers	Damaged/illegible/insecure plate. Licence plate details do not match registration details.
Roof and For Hire sign (HC only)	Insecure sign, inconsistent/insufficient illumination, excessive damage to wiring.
Body exterior	Excessive corrosion or damage, poor repair/paint match or sharp edges.
Doors	Defective locks, windows, door lights, damaged/missing door seals
Seats	Insecure seats or excessive dirt, stains, holes or tears.
Electrical wiring and equipment	Evidence of overheating. Heavily contaminated with oil.
Speedo	Speedometer inoperative or defective.
Oil and water leaks	Evidence of oil or water leaks including sun roof/windows.
Ancillary equipment	Defective wheelchair restraint, ramps, lift etc where provided.

## Appendix C: Code of Good Conduct for licensed drivers

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

### 1.0 Responsibility to the trade

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

- (a) Complying with this Code of Good Conduct
- (b) Complying with all the conditions of their licence and the councils hackney carriage and private hire licensing policy
- (c) Behaving in a civil, orderly and responsible manner at all times

### 2.0 Responsibility to clients

Licence holders shall:

- (i) Maintain their vehicles in a safe and satisfactory condition at all times
- (ii) Keep their vehicles clean and suitable for hire to the public at all times
- (iii) Attend punctually when undertaking pre-booked hiring
- (iv) Assist, where necessary, passengers into and out of vehicles
- (v) Offer passengers reasonable assistance with luggage
- (vi) Not without reasonable cause unnecessarily prolong in distance or in time a journey
- (vii) Not eat or drink whilst a vehicle is in motion or at any time when it is hired
- (viii) In car entertainment systems shall not be used without the express permission of the hirer

### 3.0 Responsibility to residents

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

- (a) Not sound the vehicle's horn illegally
- (b) In car entertainment systems shall not be used to the annoyance of any person
- (c) Take whatever additional action is necessary to avoid disturbance to residents





- (d) At taxi ranks and other places drivers shall adhere the byelaws contained in Appendix V
- (e) At private hire offices a licence holder shall:
  - (i) Not undertake servicing or repairs of vehicles
  - (ii) Not allow music emitted from the vehicle to cause disturbance to residents of the neighbourhood
  - (iii) Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business

## 4.0 General

Drivers shall:

- (i) Pay attention to personal hygiene and dress so as to present a professional image to the public
- (ii) Be polite, helpful and fair to passengers
- (iii) Ensure smoking does not take place in the vehicle at any time
- (iv) Carry their drivers badge at all times in a plainly visible position
- (v) Not act as a hackney carriage or private hire driver without the consent of the proprietor of the vehicle
- (vi) Not consume alcohol before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle
- (vii) Not drive while having misused legal or illegal drugs

**Please note:**

**Any amount of alcohol or drugs can affect a driver's judgement. The council will take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.**

## 5.0 Notifications

- 5.1 Upon ceasing employment as a licensed driver, the licence-holder must notify the licensing team in writing, within seven days, and surrender the licence and badge issued by the council together with the plate when appropriate.
- 5.2 The driver must notify the licensing team in writing within seven days of any change of address.



- 5.3 The driver must notify the licensing team in writing, within a period of seven days, of any conviction or caution for an offence, any antisocial behaviour orders or criminal behaviour order, driving disqualification, for any period or any receipt of a fixed penalty, imposed on him/her whilst the licence is in force.

## 6.0 Lost property

- 6.1 Immediately after the termination of every hiring, drivers must carry out a search of their vehicle for property that may have inadvertently been left.
- 6.2 If any property accidentally left in a hackney carriage or private hire vehicle by any passenger, is found or handed to the driver, the driver shall leave it in the same condition in which it was found.
- 6.3 Drivers should notify the Licensing Authority of any found property as soon as is reasonably practicable and in any event within 48 hours. The driver will have fulfilled this obligation by reporting the found property;
- a. In person to the Licensing Office on Lowther Street, Kendal, or;
  - b. By telephone to 01539 793405 (voicemail out of hours), or;
  - c. By sending an email with a description and/or photograph of the property to:  
[taxis@southlakeland.gov.uk](mailto:taxis@southlakeland.gov.uk)

## 7.0 Carriage of Animals

- 7.1 A driver must carry assistance dogs when necessary unless the driver is in possession of a medical exemption certificate.
- 7.2 A driver must not carry any animal in the vehicle unless the animal belongs to the hirer.
- 7.3 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
- 7.4 Any licensed driver with a medical condition, which may be exacerbated by dogs, may apply for exemptions from this condition. A certificate of exemption is supplied on production of suitable medical evidence.

## 8.0 Safeguarding

On occasions, drivers may become aware of, or have suspicions that, their passengers may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of



becoming a victim. In addition, drivers themselves may be accused of misconduct or inappropriate behaviour through their actions or conversation.

Therefore, South Lakeland District Council is proposing to introduce this **Code of Conduct** which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

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

It should be noted that the code does not override any obligations that are 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:**

- Safety and wellbeing of passengers must be paramount
- 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 site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites



### **Drivers should never:**

- Become over friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism
- 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 your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's office
- Engage with passengers 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 your vehicle
- Swear, make personal/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 your mobile phone or any other electronic device

### **Safeguarding:**

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

If a driver is working under a Cumbria County Council contract then their documents and guidance procedures should be followed alongside any training received by the driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation:



### **Action to be taken if you have concerns:**

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on **999 or 112**
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent matter, please call South Lakeland District Council Licensing Team on 01539 733 333
- If you would prefer to speak to the police on a non-urgent matter then call them on **101** and follow the directions for Cumbria Constabulary

## **Appendix D: Dress code for licensed drivers**

South Lakeland District Council is committed to encouraging the professional image of the hackney carriage and private hire trade, and considers that drivers of licenced vehicles are vocational drivers. The council considers, therefore, that all drivers should conform to a minimum standard of dress, as set out below, in order to raise the profile of the trade.

The licensing authority does not impose such standards by the way of conditions to any licence. It is expected, however, that such standards shall be maintained at all times.

### **Acceptable standards or dress**

#### **1) Tops**

Shirts, blouses, t-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.

Shirts or blouses can be worn with or without a tie.

#### **2) Trousers/shorts/skirts**

Shorts should be tailored.

It is recommended that female drivers do not wear short skirts for personal safety reasons.

#### **3) Footwear**

Footwear should fit around the heel of the foot.

Safety shoes with protected toe-caps are recommended.

Footwear with pronounced heels is not recommended.



## Unacceptable standards of dress

The following are unacceptable:

- Clothing or footwear which is unclean or damaged
- Clothing printed with words, logos or graphics, which might offend
- Studs or sharp-edged clothing
- Beach-type footwear (e.g. flip-flops)

## Appendix E: Hackney carriage and private hire drivers' licences: application procedure

- 1.0 An application for a hackney carriage drivers' licences or private hire drivers' licence may be made at any time of the year. Applications are to be made on the prescribed application form.
- 2.0 Applicants must have held a full driving licence for a period of at least one year and passed those qualifications listed in Section 4.4. The driving licence must be valid for the duration of the Hackney Carriage/Private Hire licence which they have applied for. The Licensing Authority may suspend the licence of any driver found to have an invalid DVLA issued driving license.
- 3.0 Applicants are required to comply with those testing procedures outlined in Appendix F.
- 4.0 In support of completed application form, the applicant must provide the following, prior to the application being processed:
  - (i) A signed DVLA disclosure mandate; (non UK applicants must register their non UK licence with the DVLA: see section 4.4 of this policy)
  - (ii) Enhanced DBS application form, which shall be obtained through the licensing authority; (non UK applicants must also provide a "Certificate of Good Conduct": see section 4.6 of this policy)
  - (iii) The specified fee
  - (iv) A medical report form (see section 4.13 of this policy)

- (v) A passport sized photograph taken in the last three months
- (vi) All applicants must provide evidence of their right to work in the UK
- (vii) Local knowledge test certificate
- (viii) A driving assessment certificate that has been approved by the council
- (ix) Mandatory disability and child sex exploitation new or refresher training
- (x) A HMRC Tax check code

**Failure to provide the above will result in the application not being processed.**

## Appendix F: Testing of applicants

### 1.0 Introduction

Applicant for hackney carriage and private hire drivers' licences will be required to undergo written tests as part of the process of satisfying the council that they are suitable persons to hold such a licence. In addition, the council needs to be satisfied as to the medical fitness of applicants seeking a licence.

### 2.0 Local Geography

Applicants will be tested on their knowledge of South Lakeland District Council geography, by recording the shortest routes between locations in the area. Private hire drivers are not required to undertake and pass a test with respect of local geography because journeys taken will always be pre-booked.

### 3.0 Highway Code

Applicants will be asked to answer a number of questions as to driving skill, road information and etiquette as set out in the Highway Code.

### 4.0 District Council Policy

Applicants will be tested on their knowledge and understanding of the hackney carriage and private hire licensing policy document.

### 5.0 Numeracy

Applicants will be tested on their ability to carry out elementary mental arithmetic, as encountered in calculating the change to be paid to a potential customer who overpays a fare.



## 6.0 Disability awareness

All applicants will be tested on their knowledge of the carriage of assistance animals and interaction with disabled customers.

## 7.0 Safeguarding

Applicants will be tested on their understanding and awareness of safeguarding. Mandatory safeguarding training will be undertaken by all drivers.

## 8.0 General

Questions covering vehicle maintenance, seat belts, smoking.

A maximum number of three attempts has been imposed for which applicants (for the grant of a hackney carriage/private hire drivers' licence) are able to undertake the council's tests (numeracy, highway code, local geography and council Policy), after which there will be a minimum period of six months before any new testing may take place. Applicants will not be considered to be fit and proper to hold a licence unless or until they have achieved the requisite pass rate 75% in the test. If any safeguarding questions are failed, irrespective of overall pass rate, the test result will be a fail.

## Appendix G: The consideration of applications

- 1.0 Upon receipt of a completed application form, a licensing officer will consider the application, unless there are details which are missing from the application form, or the supporting documents are incomplete. Where the application is incomplete, it will not be considered until all of the missing details or documents are supplied.
- 2.0 Where the application fails to meet the requirements of this policy it will be referred to the Sub-Committee of the Licensing Regulatory Committee. The applicant will be advised of the date, time and venue of the Licensing Regulatory Sub-Committee meeting.
- 3.0 At the Licensing Regulatory Sub-Committee meeting, the council members present will receive a report from the licensing officer and will then hear representations from the applicant and may ask any questions of the applicant before deciding upon whether a licence should be granted. The applicant will be told of the outcome immediately and this will be confirmed in writing within seven days.

## Drivers

- 4.0 If satisfied, from the information available that the applicant is a fit and proper person to hold a hackney carriage and private hire driver's licence, the Officer has delegated power to grant the application.



- 5.0 Successful applicants will be notified in writing, and issued, with the appropriate licence. Those who are granted a drivers' licence will be issued with the drivers' badge, which will remain the property of the council and must be surrendered when the licence is suspended, revoked or has expired.
- 6.0 Unsuccessful applicants will be informed of their right to appeal against the decision to the magistrates' court within 21 days of being informed of the refusal of the application.

## Vehicle

- 7.0 Unsuccessful applicants will be informed of their right to appeal against the decision to the magistrates' court within 21 days of being informed of the refusal of the application.

## Appendix H: The relevance of convictions

The following guidelines are used to determine the relevance of the criminal convictions in relation to applications for hackney carriage and private hire drivers' licences. In so stating, this licensing authority has taken account the guidelines set out in Statutory Taxi & Private Hire Vehicles Standards as appropriate for its needs.

### General policy

Formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

All convictions shall be considered on merit, having regard to paragraph 4.11 of Section 4 and will be weighed against the need to protect the public.

A person with current convictions for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free from conviction for a minimum of 7 years according to the circumstances before an application is entertained. Such discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be protection of the public.

The following examples afford a general guide to the action to be taken where convictions are admitted.

### 1.0 Minor traffic offences

- 1.1 Isolated convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc., should not normally prevent a person from being granted a licence.
- 1.2 If an applicant has accumulated excessive points i.e. more than three points, at any



one time the application will be reviewed by the principal officer. A decision will be made whether the application needs to be heard by the Licensing Regulatory Subcommittee.

- 1.3 Convictions relating to minor driving offences committed when the applicant was driving a hackney carriage or private hire vehicle will be considered in a more serious light.

## 2.0 Major traffic offences

- 2.1 More than one conviction for driving without due care and attention or similar offence etc., within the last two years will usually merit refusal and normally no further application will be entertained until a period of at least three years free from convictions has elapsed.
- 2.2 A conviction for more serious motoring offences such as causing death by dangerous, careless driving or manslaughter will be treated more seriously and a longer period free of conviction (normally a period of between seven and ten years) will be required before an application is entertained.
- 2.3 If an applicant has been disqualified from driving, a period of at least 12 months (after the restoration of the driving licence) should normally be required before an application is entertained.
- 2.4 A conviction committed when the applicant was driving a hackney carriage or private hire vehicle whilst engaged on licensed activities will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.
- 2.5 Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed whichever is later.

## 3.0 Drunkenness and drugs

### 3.1 With a motor vehicle

- 3.1.1 A serious view will be taken of convictions of driving or being in charge of a vehicle under the influence of drink or drugs. A conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence. A period of seven years (after restoration of the driving licence) would normally be required before a licence application is entertained.
- 3.1.2 If there is any suggestion that the applicant is an alcoholic or has a drug problem, a medical examination with a doctor nominated by the council will be arranged (the costs of which will be borne by the applicant) before an application is entertained. If



the applicant is found to be an alcoholic or a drug addict, normally a period of between seven to ten years will need to elapse after completion of treatment before a further licence application is entertained.

- 3.1.3 Convictions for offences relating to alcohol or drug abuse commissioned when the applicant was driving a Hackney Carriage or Private Hire will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.
- 3.1.4 In this instance confirmation may be sought from a doctor nominated by the council that the rehabilitation programme has been effective.

### 3.2 Not in a motor vehicle

- 3.2.1 An isolated conviction for drunkenness or drugs need not debar an applicant from gaining a licence, although further consideration of the application should be required having regard to the circumstances of the offence. However, a number of convictions would usually merit refusal and normally no further application will be entertained until a period of at least seven years free from convictions has elapsed.

## 4.0 Indecency offences

- 4.1 As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for sexual offences will not be granted a licence.
- 4.2 Applications will be refused in cases where the applicant remains on the Sex Offenders Register.

## 5.0 Violence and abusive behaviour

- 5.1 As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violent or abusive offences. This category includes public order offences and criminal damage.
- 5.2 At least ten years free of such convictions will normally be necessary before an application is entertained and even then a strict warning as to future conduct will be given.
- 5.3 A conviction for an offence relating to violence committed when the applicant was driving a hackney carriage or private hire vehicle will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.

- 5.4 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
- 5.5 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## 6.0 Dishonesty

- 6.1 Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Foreign visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver.
- 6.2 For these reasons a serious view will be taken of any conviction involving dishonesty. A license will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
- 6.3 A conviction for an offence relating to dishonesty committed when the applicant was driving a hackney carriage or private hire vehicle will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.
- 6.4 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, this is not an exhaustive list.
- 6.5 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## 7.0 Offences under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and any Hackney Byelaws (Taxi Legislation)

- 7.1 Offences under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and any Hackney Carriage Byelaws (Taxi Legislation).
- 7.2 One of the main purposes of the licensing regime set out in the taxi legislation is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire, when deciding if a person is a fit and proper person to hold a licence.
- 7.3 In particular, an application will normally be refused where an applicant has more than one conviction for an offence under the taxi legislation in the seven years preceding the date of the application.
- 7.4 A conviction for an offence relating to the taxi legislation committed while licensed as a hackney carriage or private hire driver, proprietor or operator will be considered in a more serious light and a revocation of the appropriate licences may be instigated.

## Principles of the Rehabilitation of Offenders Act 1974

- (1) Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes can be disregarded completely.
- (2) The possibility of rehabilitation and the length of time before rehabilitation occurs depend on the sentence imposed, and not the offence committed.
- (3) Where a person is sentenced to imprisonment for a period exceeding 30 months, the conviction can never become spent.
- (4) Despite the above, the principles of the Act do not apply to applications for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a "Regulated Occupation" in relation to which questions may be asked to the suitability of individuals to be granted a licence.
- (5) Although the act does not prevent judicial authorities (inclusive of the licensing authority) from taking spent convictions into account; such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a fit and proper person to hold a licence.
- (6) The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.
- (7) The rehabilitation periods to which reference is most commonly made are set out below. For detailed commentary on the periods of rehabilitation applicable to all sentencing options, reference will need to be made to specialist text book on the act.



<b>Sentence</b>	<b>Rehabilitation Period</b>
A custodial sentence of more than 30 months and up to, or consisting of, 48 months	The end of the period of 7 years beginning with the day on which the sentence (including any licence period) is completed.
A custodial sentence of more than 6 months and up to, or consisting of, 30 months	The end of the period of 48 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of 6 months or less	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed
Removal from Her Majesty's service	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed
A sentence of service detention	The end of the period of 12 months beginning with the day in which the sentence is completed.
A fine	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed
A compensation order	The date on which the payment is made in full
A community or youth rehabilitation order	The end of the period of 12 months beginning with the day provided for by or under the order as the last day on which the order is to have effect
A relevant order	The day provided for by or under the order as the last day on which the order is to have effect

# Appendix I: Hearings

## Introduction

Meetings of Licensing Regulatory Sub-Committee will be convened, as and when necessary, to consider appropriate disciplinary measures involving proprietors, operators and drivers, wherever they have been convicted of offences before the courts, where the offence or offences are imprisonable, endorsable, or specifically relate to the use of a hackney carriage or private hire vehicle, or where action has been taken as a result of breaches of policy, conditions imposed under a licence, byelaws or legislation. The purpose of such meetings shall be for the Licensing Regulatory Sub-Committee to consider which, if any, of the options available should be implemented.

## The options available

The Licensing Regulatory Sub-Committee, after the details of the referral have been outlined, and the licence holder has been given the opportunity to address the hearing, may order one of the following:

- Suspension of the licence
- Revocation of the licence
- A refusal to renew the licence
- The imposition of further conditions
- Referral to enhanced drivers' course
- No further action to be taken

The Licensing Regulatory Sub-Committee may also recommend that the licensing officer considers prosecution of licence holders, in circumstances where there are persistent or serious breaches of conditions, which have not been dealt with otherwise.

Where a licence holder appears before a Licensing Regulatory Sub-Committee having been convicted of an offence in a category referred to in Appendix H, the sub-committee will adopt an approach similar to the one which it would adopt in relation to a new applicant as regard the offence or offences recorded.

# Appendix J: Offences for hackney carriage and private hire vehicles and drivers

## Introduction

Two statutes principally create offences relating to Hackney Carriage and Private Hire Vehicles:

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

The offences are set out below.

In relation to the maximum penalties specified, the levels of fine are currently as follows:

## Town Polices Clauses Act 1847

Section	Offence	Maximum Penalty
40	Giving false information on application for HC proprietor's licence	Level 1
44	Failure to notify change of address of HC proprietor	Level 1
45	Plying for hire without HC proprietor's licence	Level 4
47	Driving a HC without a HC drivers licence	Level 3
47	Lending or parting with a HC drivers licence	Level 3
48	Failure by HC proprietor to hold HC drivers licence	Level 1
48	Failure by HC proprietor to produce a HC drivers licence	Level 1
52	Failure to display HC plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and one month's imprisonment until the excess is refunded
56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after the deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying other person than the hirer without consent	Level 1
60	Driving HC without proprietor's consent	Level 1
60	Person allowing another to drive HC without proprietors consent	Level 1
61	Drunken driving of HC	Level 1
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1
62	Driver leaving HC unattended	Level 1
64	HC driver obstructing other HC's	Level 1



## Local Government (Miscellaneous Provision) Act 1976

Section	Offence	Maximum Penalty
49	Failure to notify the transfer of a HC proprietor's licence	Level 3 (by virtue of S76)
50(1)	Failure to present a HC for inspection, as required	Level 3 (by virtue of S76)
50(2)	Failure to inform the Licensing Authority where the HC is stored, if requested	Level 3 (by virtue of S76)
50(3)	Failure to report an accident to the Licensing Authority	Level 3 (by virtue of S76)
50(4)	Failure to produce the HC proprietor's licence and insurance certificate	Level 3 (by virtue of S76)
53(3)	Failure to produce the HC drivers' licence	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a HC drivers' licence	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence	Level 3 (plus daily fine of £10)
61(2)	Failure to surrender a drivers' licence after suspension, revocation or refusal to renew	Level 3 (by virtue of S76)
64	Permitting any vehicle other than a HC to wait on a HC stand	Level 3 (by virtue of S76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3 (by virtue of S76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of S76)
69	Unnecessarily prolonged a journey	Level 3 (by virtue of S76)
71	Interfering with a taxi meter	Level 3 (by virtue of S76)
73(1)(a)	Obstructing an Authorised Officer or Constable	Level 3 (by virtue of S76)
73(1)(b)	Failure to comply with a requirement of an Authorised Officer or Constable	Level 3 (by virtue of S76)
73(1)(c)	Failure to give information or assistance to an Authorised Officer or Constable	Level 3 (by virtue of S76)
46(1)(a)	Using an unlicensed PH vehicle	Level 3 (by virtue of S76)
46(1)(b)	Driving a PH vehicle without a PH drivers' licence	Level 3 (by virtue of S76)
46(1)c	Proprietor of a PH vehicle using an unlicensed driver	Level 3 (by virtue of S76)
46(1)d	Operating of PH vehicle without a PH operators' licence	Level 3 (by virtue of S76)

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	Level 3 (by virtue of S76)
46(1)(e)	Operating a vehicle as a PH when the driver is not licensed as a PH driver	Level 3 (by virtue of S76)
48(6)	Failure to display a PH vehicle plate	Level 3 (by virtue of S76)
49	Failure to notify transfer of a PH vehicle licence	Level 3 (by virtue of S76)
50(1)	Failure to present PH vehicle for an inspection, as required	Level 3 (by virtue of S76)
50(2)	Failure to inform the Licensing Authority where the PH vehicle is stored, if requested	Level 3 (by virtue of S76)
50(3)	Failure to report an accident to the Licensing Authority	Level 3 (by virtue of S76)
50(4)	Failure to produce a PH vehicle licence and an insurance certificate	Level 3 (by virtue of S76)
53(3)	Failure to produce a PH driver's licence	Level 3 (by virtue of S76)
54(2)	Failure to wear a PH driver's badge	Level 3 (by virtue of S76)
56(2)	Failure by a PH operator to keep records of bookings	Level 3 (by virtue of S76)
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him	Level 3 (by virtue of S76)
56(4)	Failure to produce a PH operators' licence on request	Level 3 (by virtue of S76)
57	Making false statement or withholding information to obtain a PH driver or operator's licence	Level 3 (by virtue of S76)
58(2)	Failure to return plate after notice given following expiry, revocation or suspension of a PH vehicle licence	Level 3 plus daily fine of £10
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renewal	Level 3 (by virtue of S76)
67	Charging more than the meter fare when the HC used as a PH vehicle	Level 3 (by virtue of S76)
69	Unnecessarily prolonging a journey	Level 3 (by virtue of S76)
71	Interfering with a taximeter	Level 3 (by virtue of S76)
73(1)(a)	Obstruction of an Authorised Officer or Constable	Level 3 (by virtue of S76)
73(1)(b)	Failure to comply with a requirement of an Authorised Officer or Constable	Level 3 (by virtue of S76)
73(1)(c)	Failure to give information or assistance to an Authorised Officer or Constable	Level 3 (by virtue of S76)

## Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(a)	Driving a PH vehicle with a roof sign, which contravenes s64(1)	Level 3
64(2)(b)	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64(1)	Level 3

## Disability Discrimination Act 1995 (as amended)

Section	Offence	Maximum Penalty
36	Driver of HC refusing to carry a passenger in a wheelchair (unless exempted to do so)	Level 3
37	Driver of HC refusing to carry an assistance dog (guide/hearing dog) (unless exempted to do so) or making an additional charge for a dog	Level 3
37A	PH Vehicle Operator refusing to accept a booking for a private hire vehicle for a disable person or for a person with an assistance dog (unless exempted to do so)	Level 3
37A	PH Vehicle Driver refusing to accept a booking for a private hire vehicle for a disable person or for a person with an assistance dog (unless exempted to do so)	Level 3

## Appendix K: Hackney Carriages vehicle conditions

- 1.0 Please note that general vehicle conditions for hackney carriage and private hire vehicles are found within Appendix A. The following conditions are solely for hackney carriages. Those conditions solely for private hire vehicles are found within Appendix M.

### 2.0 Meters

- 2.1 The proprietor of a hackney carriage shall not use, cause, or permit the use of a vehicle as a hackney carriage until it has been fitted with a taximeter and authorisation has been given by the council to use the vehicle as a hackney carriage.
- 2.2 The proprietor shall ensure that the taximeter is located in the vehicle in a position where it can be clearly and readily seen by the hirer of that vehicle. It shall be sufficiently illuminated for this purpose. The taximeter shall be maintained in a sound, mechanical condition at all times.
- 2.3 The proprietor shall immediately inform an authorised officer of the council if the taximeter seal is broken or damaged and shall also notify an authorised officer if the



taximeter becomes faulty in operation and obtain authorisation to continue to use the vehicle.

- 2.4 A taximeter shall not be replaced without notifying the council of the details of the taximeter specification, together with the date of installation, which shall be given, in writing, to the council within seven days of the date of installation.
- 2.5 The proprietor of the vehicle shall at any reasonable time, on the request of an authorized officer of the council, make the said vehicle available for the taximeter to be tested, inspected and (if needs be) sealed by an authorised officer of the council.

### 3.0 Use the hackney carriage vehicle on pre-booked journeys

- 3.1 The hackney carriage may be used for pre-booking arrangements provided that:
- (a) The rate charged for the use of the vehicle in this way does not exceed the current table of fares for hackney carriages;
  - (b) Provided that the fare or charge is only calculated from the point where the hirer begins his journey; and
  - (c) The taximeter shall be in the 'hired' position during the transport of any pre-booked fare(s)

## Appendix L: Taxi stands

### Windermere

Location	Hours of Operation	Car Provision
Main Road, Windermere	6pm to 8am	4 Car Provision
Ellerthwaite Square	24hrs	2 Car Provision
Windermere Railway Station	24hrs	Contract only
Bowness (opposite Royalty)	24hrs	1 Car Provision
Church Street, Bowness	10pm to 6am	6 Car Provision
Bowness Promenade	24hrs	4 Car Provision

## Ambleside

Location	Hours of Operation	Car Provision
North Road	N/A	4 Car Provision
Market Square	N/A	3 Car Provision
King Street	N/A	3 Car Provision
Waterhead (opposite Lake Cruises)	N/A	1 Car Provision

## Kendal

Location	Hours of Operation	Car Provision
Highgate Shakespeare	24hrs	2 Car Provision
Highgate (outside Boyes)	6pm to 8am	4 Car Provision
Stramongate (outside Giannis)	24hrs	1 Car Provision
Stricklandgate (outside Greggs)	24hrs	3 Car Provision
Bus stop opposite McDonald's	24hrs	3 Car Provision
Bus Station (Blackhall road)	N/A	2 Car Provision
Oxenholme Railway Station	24hrs	Contract only

## Ulverston

Location	Hours of Operation	Car Provision
Cross Street	24hrs	2 Car Provision
Market Place	Mon, Tues, Wed, Fri Sat, Sun 10am to 6am Thurs and Fri 8pm to 6am	3 Car Provision

## Appendix M: Private hire licensing private hire vehicle conditions

1.0 For general conditions with regard private hire vehicles please see Appendix A.

### 2.0 Meters

2.1 A private hire vehicle may be fitted with a fare meter.

2.2 The private hire operator shall make their own agreement with the hirer as to the fare for a particular journey.



2.3 If a meter is fitted, it shall be positioned and illuminated so that the face is plainly visible at all times to the person being conveyed.

2.4 If a meter is fitted, it shall be tested and approved by the council.

### 3.0 Vehicle marking

3.1 Roof signs shall not be fitted to any Private hire vehicles.

### 4.0 Advertising

4.1 See Appendix A, paragraph 23.0.

4.2 The word “hackney carriage” or variation of this word must not be used.

### 5.0 Vehicles plying for hire

See Appendix P for further details.

## Appendix N: Private hire licensing novelty vehicles

### 1.0 Definition

1.1 For the purpose of this policy, a novelty vehicle is defined as:

“A motor vehicle that has been substantially altered from its original condition, or is imported from outside of the EU, or is a vehicle that was not originally constructed as a passenger carrying vehicle”

### 2.0 Conditions

2.1 Unless specifically stated otherwise below the requirements this Appendix shall apply.

2.2 The conditions below are additional requirements specifically for novelty vehicles licensed as private hire vehicles.

2.3 Bearing factors of public safety in mind, the council will only consider licensing novelty vehicles as private hire vehicles where:

- A valid IVI (Individual Vehicle Inspection) certificate, issued by DVSA, is provided for the vehicle



- Every passenger carrying seat and the driver's seat must be provided with a seat belt
- Not more than eight passenger seats shall be used
- Passenger(s) under the age of 14 years must be accompanied by an adult who is not the driver and is over 18 years of age
- Passengers must remain seated while the vehicle is in motion
- Passengers must not be carried in the front seat(s) of the vehicle
- Alcohol shall not be supplied in the vehicle
- The provision of regulated entertainment in the vehicle must be made in accordance with the Licensing Act 2003

(\*DVSA – Driver Vehicle Standards Agency – formerly VOSA and DSA)

## Appendix O: Private hire licensing executive hire

The following conditions will be attached to the licence:

- On application a business plan will be submitted by the applicant outlining the intentions of the applicant in respect of any executive car hire business. The business plan will provide a description of the type of work to be undertaken with details of any contracts agreed. The number of vehicles deemed to be for executive hire use together with vehicle specification will also be submitted with the business plan on application
- Only vehicles which are used solely for executive hire may be granted exemption. The vehicle will need to be used 100% for executive hirings.
- Vehicles which are granted exemption from the need to display any recognisable licensed signage, may not undertake any 'normal' (non-executive hire) private hire work where the absence of identification features might cause problems
- The granting of an exemption will mean that the vehicle and driver are exempt from the requirement to display identifying signage on the vehicle and the driver will not have to wear his driver's badge
- All other private hire conditions will apply to both the vehicle and the driver whilst he is undertaking executive hire

- Private hire Vehicles which are granted executive hire exemption will be subject to the application of six additional conditions as detailed below
- An exemption certificate will be granted to those vehicles where through delegated arrangements or where the Licensing Sub Committee is satisfied that the criteria for exemption are met
- The external licence plate must be affixed inside the boot-lid
- The Internal licence plate must be affixed inside the glove-box
- When the booking is made, the operator must provide the hirer with the registration number of the vehicle and the name of the driver
- Any time that the vehicle is found to be used outside of the permissions granted for the exemption from displaying plates, will result in the permanent removal of the exemption for the vehicle
- Saloon and hatchback vehicles to be licensed for four passengers only plus the driver
- Male drivers are required to wear a suit or jacket and trousers plus a shirt and tie at all times. Female drivers must follow an equivalent dress code but will not be required to wear a tie. This dress code must be followed at all times the vehicle is being used to undertake a booking. Jackets may be removed for the comfort of the driver or where weather conditions require it
- The driver shall at all times when hired have his drivers badge available to identify himself to the hirer

## Appendix P: Private hire licensing drivers' conditions

The holder of a private hire vehicle drivers' licence shall observe and perform all the following terms and conditions which shall be attached to and form part of his/her private hire vehicle drivers' licence.

- 1 This licence is personal to the licensee named herein and the licensee may not in any circumstances assign it or in any way part with the benefit thereof to any other person.
- 2 The licensee shall at all times when acting as a driver of a private hire vehicle wear the driver's badge issued by the council in such a position and manner as to be plainly and distinctly visible.



- 3 The drivers' badge issued by the council remains the property of the council and shall be returned to the council within seven days of the date of the suspension or revocation of or refusal or failure to renew this licence.
- 4 A fee will be payable on the replacement of lost drivers badges (see Licensing Fees and Charges list).
- 5 The licensee shall not, whilst driving or in charge of a vehicle licensed for private hire:
  - (a) Stand on any place provided as a stand for hackney carriage vehicles;
  - (b) Change to hackney stand or ply for hire or solicit any person to hire or to be carried for hire or reward on any road or in any public place or in any place readily accessible and visible from a road;
  - (c) Cause or procure any person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle or offer that vehicle for immediate hire while the licensee or that vehicle is on a road or other public place
  - (d) Accept an offer for the hire of the vehicle whilst the licensee or that vehicle is on a road or other public place except where such offer is first communicated to the licensee by a telephone or by wireless telegraphy apparatus fitted to that vehicle
- 6 The licensee shall not permit or cause or offer to be carried in any vehicle licensed for private hire a greater number of persons than that specified in the licence for that vehicle.
- 7 The licensee, if he is not the operator of the vehicle, shall report to the operator of any vehicle licensed for private hire as soon as practicable, and in any case within 24 hours of its occurrence, details of any accident in which such vehicle is involved.
- 8 The driver of a private hire vehicle which has been hired to be in attendance at an appropriate time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at the appointed time and place.
- 9 The licensee shall, when requested by the hirer, convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in removing to and from the entrance of any house or other place where he collects or sets down his passengers.

- 10 The driver is required to carry a guide, hearing or other assistance dog belonging to a passenger, free of charge, unless the driver has been granted exemption by the council on medical grounds, and the notice of exemption is displayed in the vehicle.
- 11 At the end of each hiring and before the commencement of the next hiring, the driver shall search the vehicle for any property that may have been accidentally left by the last hirer. The driver should notify the vehicle operator and the Licensing Authority of any found property as soon as is reasonably practicable and in any event within 48 hours. The driver will have fulfilled this obligation by reporting the found property:
- a) To the licensed private hire operator and;
  - b) To the Licensing Authority;
    - (i) in person to the Licensing Office on Lowther Street, Kendal, or;
    - (ii) by telephone to 01539 793405 (voicemail out of hours), or;
    - (iii) by sending an email with a description and/or photograph of the property to: [licensing@southlakeland.gov.uk](mailto:licensing@southlakeland.gov.uk).
- 12 The driver shall immediately inform the council of any illness or worsening of any health condition likely to cause him/her to be a source of danger to the public when driving.
- 13 The licensee shall, at the request of any authorised officer or any police constable produce for inspection his drivers' licence either or before the expiration of five days beginning with the day following the date of the request:
- (a) In the case of a request of an authorised officer of the council at the offices
  - (b) In the case of a request of a police constable at any police station within the council's area which is nominated by the driver when the request is made
- 14 This licence may be suspended, revoked or not renewed by the council:
- (a) If the licensee commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - (b) If the licensee has been convicted of an offence involving dishonesty, indecency or violence;
  - (c) If the licensee becomes disqualified from driving under any of the Road Traffic Acts in which case the licence shall be automatically revoked.
  - (d) On any other reasonable grounds.



- 15 If any of the particulars supplied in the driver's application change during the currency of the licence, details of the change(s) must be notified in writing to the licensing group immediately.
- 16 The council may at any time add to, delete or alter any of the foregoing conditions and upon notice thereof having been served upon the licensee such additions, deletions or alterations shall, as from the date of such service, be deemed to be incorporated herein.
- 17 Any notice required to be served by the council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by it by prepaid post to, or left at, the last known address of the holder of the licence.
- 18 The driving licence shall be in force for three years, unless it is suspended or revoked, or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.

## Appendix Q: Private hire licensing operators' licence conditions

The operator of a private hire vehicle shall observe and perform all the following terms and conditions which shall be attached to and form part of his private hire vehicle operators' licence:

- 1 Every contract for the hire of a private hire vehicle shall be deemed to be made with the Operator who accepted the booking even if he himself does not provide the vehicle
- 2 The licence is personal to the person(s) named in it who may not assign it or part with its benefit to any other person(s).
- 3 The licensee shall keep at all times at the premises from which he operates, a permanent book or register, which shall clearly show by daily entry, particulars of every booking of a private hire vehicle invited or accepted by him. Whether by accepting the same from the hirer or by undertaking it at the request of another operator. Such particulars shall be entered before the commencement of each journey and shall show in respect of that journey:
  - (a) the name of the passenger;
  - (b) the time of the request;
  - (c) the pick-up point;



- (d) the destination;
  - (e) the name of the driver;
  - (f) the driver's licence number;
  - (g) the vehicle registration number of the vehicle;
  - (h) the name of any individual that responded to the booking request;
  - (i) the name of any individual that dispatched the vehicle.
- 4 The Licensee shall keep at all times at the premises from which he operates, a permanent register which shall set out in respect of each private hire vehicle operated by him:
- (a) The make, model, colour and registration number;
  - (b) The year of its manufacture and the date of its first registration
  - (c) The number of passengers which that vehicle is authorised to carry;
  - (d) The number and date of the current private hire vehicle licence
  - (e) The name and address of the proprietor of the vehicle;
- 5 This licence and any book, register or record required to be kept under the terms of this Licence shall be produced on request to any authorised officer of the District Council and to any police constable for inspection.
- 6 The operator shall produce his/her operators' licence on request to any authorised officer of the council or to any police constable
- 7 The council shall have power to suspend, revoke or refuse to renew any operators' licence for any reasonable cause including:
- (a) Any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - (b) Any conduct on the part of the operator which appears to the council to render him unfit to hold an operators' licence;
  - (c) Where there has been a material change in circumstances of the operator on the basis of which the licence was granted;
  - (d) Any other reasonable cause

- 8 The operator must notify the council in writing immediately of any change in the particulars contained in the application.
- 9 The operator shall disclose in writing to the licensing section within seven days, details of any conviction or police caution imposed on him/her.
- 10 The council may alter any of the conditions attached to the operators' licence as it seems fit and will serve notice on the operator of these alterations. The alterations will come into effect as soon as the operator has been notified of them.
- 11 Any notice which the council has to serve under the Local Government (Miscellaneous Provisions) Act 1976 in respect of this licence will be considered to have been correctly served if sent by prepaid post to, or left at, the last known address of the operator.
- 12 The operator's licence shall be in force for five years, unless it is suspended or revoked, or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.
- 13 The operator is required to keep and maintain a register of all staff that will take bookings or dispatch vehicles, including evidencing staff are basic DBS checked.

## Appendix R: Non-motorised vehicles: horse drawn carriages: driver and vehicle conditions

All horse drawn hackney carriage licence will be issued subject to the following conditions:

- 1 Non-motorised hackney carriages are exempted from requirement contained in Appendix K, Section 2.0 and 3.0.
- 2 The driver shall comply with the competency standard specified in 15.1 and 15.2 of this policy.
- 3 The driver shall comply with the standards detailed in Appendices C and D of this policy.
- 4 Those persons granted a licence to solely drive a non-motorised hackney carriage are issued a joint hackney carriage and private hire drivers' licence, a specified condition of which is that the driver may only drive a non-motorised vehicle (i.e. a horse drawn carriage) and no other type of licensed vehicle. The licence holder shall be responsible for the safe handling and proper care of the horses employed in the operation of the licensed vehicle.
- 5 The licence holder shall be responsible, when in charge of the vehicle, for the collection and satisfactory hygienic disposal of horse excrement, as soon as reasonably practicable after the horse excrement has been deposited.
- 6 Any change in the physical condition of the horse must be notified in writing to the





licensing team.

- 7 The licence holder shall not while standing, plying or driving for hire, drive or allow to be driven, or harness or allow to be harnessed to the carriage any animal in such condition so as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk or injury.
- 8 The licence holder shall ensure that every part of the harness of the horse or horses is kept in order, so that the horse or horses are properly and securely attached to the carriage and under control.
- 9 Licence holders shall examine the horse harness and carriage carefully at the start of each day's work and assure themselves that everything is in good condition and in proper order.
- 10 Licence holders shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or receptacle suspended for the head of such horse, or from the centre pole of the carriage, or with food from the hand of the person feeding the horse.
- 11 Drivers of horse drawn carriages must produce evidence to the authority that they are competent to drive horses in harness. Certificate to British Driving Society (BDS) level 3 Road Driving Safety Qualification for Pairs and Singles is required. For grooms the standard is BDS Level 2 Unit Certificates for the Harness Horse Groom. The council will consider alternative qualifications that are of equivalent standard. Any expense involved in producing each certificate shall be met by the applicant or licence holder.
- 12 No horse shall be harnessed to, or used in connection with the licensed vehicle unless, within the preceding twelve months, an approved Royal College Veterinary Surgeon has examined the horse and issued a certificate of fitness. Horse passports and veterinary certificates for those horses to be used must be provided on application for a licence, and for any additional horses certificates shall be delivered to the licensing authority immediately.
- 13 No horse shall be in harness for more than seven hours in any one-day and if in harness for seven consecutive hours, shall during that period have a break of not less than one hour and shall be fed and watered.
- 14 A horse which in any one day is harnessed to, or used in connection with a licensed hackney carriage shall not be used at any time during that day for any other purpose.
- 15 Veterinary papers relating to the horse in harness should be available for inspection on request by an authorised officer.



16 The proprietor shall at all times comply with the requirements of Department of Transport's Code of Practice for Horse Drawn Vehicles.

17 No horse under six years of age, mare in foal or within three months of foaling shall be used for the purpose of a hackney carriage.

## Licences and Livery

18 A horse drawn hackney carriage licence shall be valid for 12 months from the date of issue.

19 The hackney carriage licence, licence plate and internal hackney disc shall be issued upon the grant of a licence.

20 The licence plate must be securely fixed to the rear of the horse drawn carriage. It must be fixed in such a position that it is clearly visible to road users.

21 The licence plate/disc shall remain the property of the council.

22 The licence plate shall be returned to the licensing authority when the licence:

- (i) expires, or;
- (ii) is suspended, or;
- (iii) is revoked

23 The licence plate must be returned to the licensing authority before a new licence plate is issued.

24 An expired licence cannot be renewed. An application for the grant of a new licence must be submitted.

25 The internal hackney disc shall be displayed within the seated area of the carriage.

27 Every lost, damaged or illegible licence plate or badge shall be reported to the Council immediately. A duplicate licence plate or badge will be issued at the expense of the licence holder. The vehicle shall not be used for hire until the licence plate or badge has been replaced.

28 The licence holder shall not transfer or intend to transfer any interest in the licenced vehicle (hiring or leasing the vehicle). If the proprietor does not wish to retain the vehicle licence they must immediately surrender and return the vehicle licence and the licence plates to the council. This condition shall not preclude the transfer of any interest in the licenced vehicle as part of the transfer/sale of the business to a new owner.

29 An application for renewal cannot be made after a licence has expired. In this instance a full application must be made.



## Appendix S: Non-motorised vehicles – horse drawn carriages: inspection forms



### Veterinary Inspection of Horse Involved in Horse Drawn carriage Operation

Approved Veterinary Surgeon's Name: .....

Address:

.....  
.....  
.....  
.....

#### Description of Horse:

Freeze Mark/Microchip number	
Name	
Colour	
Height	
Breed or Type	
Sex	
Age	
Photographs required showing side view and front view of horse	



Markings Head	
Limbs: Lower Fore	
Limbs: Right Fore	
Limbs: Lower Hind	
Limbs: Right Hind	
Body	
Acquired Marks	

At the request of .....  
(Owner's Name)

I have inspected the horse described overleaf and it appears to be in good health and physically fit. The horse is, in my opinion, suitable to pull a horse drawn hackney carriage.

Any other comments:

.....  
.....  
.....  
.....  
.....  
.....  
.....

**Time and date of inspection:**

.....

**Signed:** .....

**Official stamp**

*Note: Horse drawn hackney carriages vary in size and weight. These vehicles, depending on their size, can be licensed to carry up to eight adult passengers in addition to the driver and groom. They can be used in varying weather conditions during the day and night. The Department of the Environment, Transport and Regions Code of Practice recommends that any horse which is used for the carriage of passengers should be at least six years old and therefore this recommendation has been encompassed as part of the Licensing Authority's policy.*



## Horse Drawn Hackney Carriage – Inspection of Carriage and Ancillary Equipment

### Report Guidance

Please select your assessment of the condition of the item that is being assessed using the 5 point scale where;

- 1 is fail**
- 2 is poor condition
- 3 is average condition
- 4 is good condition
- 5 is exceptional condition**

**If a score of 1 or 5 is awarded**, the reason for the score must be explained in detail in the 'Reason' column. You may continue the 'Reason' explanation on the back of the sheet if necessary. Please cross-reference the item number if you do.

NB: '>' means more than;  
'<' means less than;  
OE means Original Equipment.

Proprietor's Name							
Address							
Plate number (if							
Interior	Guidance	1	2	3	4	5	Reason
Front wheel	Check each wheel for general wear, tear or damage. (wheels may be wooden or metal, and may have solid rubber tyres or metal tyres – pneumatic tyres are not normally suitable for commercial work Check there is no excessive amount of play. Check for any cracks around felloes, hub cap, spokes, wheel nuts are secure. Tyres are solid and secure in channel and joint.						
Front Axle	Check for signs of general wear, tear and damage. Check for cracks, rust and damage; check lubrication, washer and seals.						
Shafts (where used)	May be wooden or metal. Securely fixed to the vehicle; no signs of cracks, wear, tear or damage throughout length; not warped, able to be raised and lowered easily (for putting to/taking out); breeching dees securely fitted and correctly placed for intended horse; tug stops secularly fitted and correctly placed for intended horse; correct length for intended horse; correct height from the ground for intended horse; shafts must						



	be strong enough for intended use.						
Suspension	Check for cracks, wear, tear or damage, signs of corrosion and collapse; check U bolts for wear, tear or damage, looseness or missing components. Stripped or worn thread on nuts, leatherwork and tension brackets on C springs – check for wear, tear or damage. Damper unit (where fitted) – securely fitted, corrosion, fluid leakage.						
Canopy	Hoods and folding Check for moveable safety – no risk of public trapping hands, items of clothing etc. No sharp edges, secure, no wear, tear or damage						
Steps	(mounting/dismounting steps for Driver, Groom(s) and passengers) check for signs of general wear, tear or damage. Secure to the body of the vehicle; will support weight of adult; not slipper; passenger steps must be suitable to allow ease of mounting/dismounting by adults, children and the elderly.						
Seats	(Drivers' seat; Passenger seats) check for signs of general wear, tear or damage. Securely fixed to the vehicle; not slippery; passenger seats must be wide and high enough to accommodate adults and children; where seat cushions are used, provision should be made to ensure these do not blow off the vehicle when it is empty.						
Doors/Latches	Securely fixed to the vehicle; no sharp or rough areas to damage hands; must be suitable for adults, children and the elderly.						
Rear wheel	Check each wheel for general wear, tear or damage. (wheels may be wooden or metal, and may have solid rubber tyres or metal tyres – pneumatic tyres are not normally suitable for commercial work Check there is no excessive amount of play. Check for any cracks around felloes, hub cap, spokes, wheel nuts are secure. Tyres are solid and secure in channel and joint.						
Rear Axle	Check for signs of general wear, tear and damage. Check for cracks, rust and damage; check lubrication, washer and seals.						
Brakes	(Where fitted – brakes are not compulsory on horse drawn vehicles) check for signs of general wear, tear or						



	<p>damage. In working order; excessive play or wear to linkage. <b>Traditional</b> – worn, damaged or insecure blocks. <b>Modern/hydraulic</b> – low fluid level, fluid leakage, worn pads.</p>							
Harness and ancillary equipment	<p>All parts of the harness and must have been washed , clean of any dirt, grease, sweat etc., and saddle-soap or other suitable dressing applied as appropriate. No rust on any metal part and not verdigrise (encrusted green deposit) on brass fittings. No signs of wear tear or damage. No cracks, splits or stretching in leather (especially around holes), broken, worn or frayed stitching, and signs of damage or wear to metal parts. Each item of harness should be checked over on both sides.</p>							
General Condition	<p>Overall check. <b>Woodwork</b> – check for damage, cracks, splits, rot, looseness, missing screws/nails/other fixings <b>Metal work</b> – check for damage, rust, cracks, splits, missing screws/bolts/other fixings, check welds for signs of fatigue or cracks.</p>							

- (i) I certify that for the reasons shown above carriage has FAILED to comply with statutory requirements\*/DETER Code of Practice for Horse Drawn Vehicles\*/South Lakeland District Council's Hackney Carriage and Private Hire Licensing Policy\*

Signed ..... Name.....  
Date.....

Position and Organisation .....

- (ii) I certify that the above carriage has met with statutory requirements, the DETER Code of Practice for Horse Drawn Vehicles and South Lakeland District Councils Hackney Carriage and Private Hire Licensing Policy

Signed ..... Name..... Date.....

Position and Organisation .....

\*delete as appropriate

## Appendix T: Non-motorised vehicles: pedicabs driver and vehicle conditions

### General conditions

1. Safety helmets must be made available to all passengers at all times
2. The pedicab must be fitted with an audible warning system
3. The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number specified on the licence issued to that particular vehicle.
4. All vehicle proprietors must maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles and authorised officers of the council.
5. The proprietor or driver of such vehicle licensed by the council shall furnish the authorised officers, such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
6. The proprietor or driver of a vehicle licensed by the council shall provide assistance necessary for carrying out the functions of the appropriate legislation to an authorised officer and any person accompanying the authorised officer.
7. The authorised officer will show their authorisation if required.
8. The council's pedicab test sheet is attached to Appendix U.



## Appendix U: Non-motorised vehicles – pedicabs: inspection forms

### Pedicabs

**Testing standard – appearance / safety / comfort / compliance with licence conditions**

Six monthly safety / service to be completed by authorised cycle dealership to BS 6102 standard:

<b>Cycle Dealership: -</b>			<b>ACT M/ship number -</b>	
Make:	Model:	Year of Manufacture:	PlateNo.HCV [Renewals Only]	
Test Date:	Time:	Examiner	Cytech level 3: - <b>Y/N</b>	
Name & Address of Proprietor: Telephone No:				
Result of Test: <b>*PASS</b>			<b>*FAIL</b>	
<b>In the event of failure, please indicate reasons.</b>				

PASS/FAIL  
(√) (x)

1	Seat Belts	All seat belts must be securely fitted to the frame and be operational. Separate seat belts must be available for each passenger.	
2	Vehicle framework	The frame must not have any cracks or show signs of excessive corrosion. It shall be free from damage.	
3	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.	
4	Road Test	The vehicle must be capable of manoeuvring safely and 'handles' correctly without any undue drift or pull etc	
5	Other	Any item, defect or fault which in the opinion of the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.	

#### Additional checks to be completed on behalf of of South Lakeland District Council

1	External Bodywork	The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fittings shall be intact and free from any damage, stains or corrosion of any kind.	
2	Seats and Upholstery	All seats, upholstery, trim must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges, which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean.	
3	Floor	The floor must be sound. If furnished with rubber mats they must be in a clean and undamaged condition. The floor coverings must not be so worn as to cause danger to passengers.	
4	Hood	The hood shall be intact, clean and free from holes, tears, stains or any other damage.	
5	Warning system	The pedicab must be fitted with an efficient audible warning system (bell or horn).	
6	General	Any item, defect or fault which in the opinion of the tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.	
7	Internal Plate Sticker *	The internal plate sticker shall be displayed in such a position as to be easily seen by the passengers. (*Renewal only)	
8	Exterior Plate*	The external identification plate issued by the Council shall be securely fixed to the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used. (*Renewal only)	
9	Pass	Fail	Accredited cycle shop stamp  Signature of examiner

Immediately upon completion of the vehicle inspection, a copy of the report should be faxed to SLDC's Licensing Office (01539 740300). The original copy of this form should be forwarded by post to the Licensing Group, South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4DQ.



# Appendix V: Byelaws for hackney carriages licensed in South Lakeland

## 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 South Lakeland District Council with respect to hackney carriages in South Lakeland.

### Interpretation

1. Throughout these byelaws “the council” means South Lakeland District Council and “the district” means South Lakeland.

**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 any taximeter with which the carriage is provided to be 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 redelivery 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 a police station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it; 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 police station in the district, 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.





## Repeal of Byelaws

19. The byelaws relating to hackney carriages which were made by South Lakeland District Council on the 17 day of August 1979 and which were confirmed by Alan Winstanley, Secretary and Legal Services Officer of South Lakeland District Council on the 8 day of October, 1979 are hereby repealed.

## Appendix W: Private hire licensing: 'Tuk tuk conditions

### Conditions specific to the licensing of the 'Tuk tuk'

1. The vehicle be required to satisfy the issue of Department of Transport National Type Approval Certificate (Single Vehicle Approval);
2. All rear facing seats to be fitted with seat belts; such installation to be carried out prior to the issue of Single Vehicle Approval;
3. The vehicle be limited to travel at speeds not more than 30 miles per hour;
4. No more than four passengers be carried in the rear of the vehicle at any one time;
5. Children under eleven years of age not be permitted to travel in the vehicle unless accompanied by an adult

## Appendix X: Intended use and licensing of hackney carriages

### 1.0 Reasons for Policy

- 1.1 The Licensing Authority wishes to ensure that applications for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgment, and the declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008].

### 2.0 Applications for the grant of a new hackney carriage licence

- 2.1 Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the administrative area of South Lakeland District Council under the terms of the licence for which application is being made.



- 2.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of South Lakeland District Council will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its individual merits.
- 2.3 Even where the applicant intends to ply for hire to a material extent in the administrative area of South Lakeland Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

### 3.0 Applications for the renewal of a hackney carriage licence

- 3.1 Applicants for renewals of licences will be required to inform the council whether they have a bona fide intention to ply for hire within the administrative area of South Lakeland Council under the terms of the licence for which application is being made.
- 3.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of South Lakeland District Council will not be granted a hackney carriage licence authorising them to do so. Section 60 of Local Government Miscellaneous Provisions Act 1976 gives the council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.
- 3.3 Even where the applicant intends to ply for hire to a material extent in the administrative area of South Lakeland Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

### 4.0 Transfer of ownership: when a licensed vehicle is transferred from one person to another

- 4.1 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his interest to another must, within 14 days of the transfer, give written notice to the council of the name and address of the transferee of the hackney carriage. The council has no power to refuse to register the new proprietor: see *R v Weymouth Borough Council, exp Teletax (Weymouth) Ltd* [1947] KB 583.
- 4.2 Provided requisite notice has been given in accordance with section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.





- 4.3 The transferee of a licensed hackney carriage will be asked to inform the council whether he has a bona fide intention to use the vehicle to ply for hire within the administrative area of South Lakeland District Council. In addition, where the transferee resides outside the administrative area of South Lakeland District Council, the transferee will be required to keep records of all pickups on the South Lakeland District Council approved record sheets and these records shall be made available for inspection upon request. Transferees should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation.

Where there is a failure to provide the requested information or to keep the records, the council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73

- 4.4 Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the administrative area of South Lakeland District Council under the terms of the licence in respect of the vehicle being transferred.
- 4.5 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the administrative area of South Lakeland District Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of South Lakeland District Council there will be a presumption that his licence will be revoked. Each case will be decided on its merits.
- 4.6 The council is required to register the name of the new proprietor of a vehicle. It seems to the council also to open up an obvious route to circumvent the decision of the High Court referred to in paragraph 1.0 above, unless precautionary steps are taken. The paragraphs in this section are intended to put the council in a position to respond responsibly to the transfer of a South Lakeland hackney carriage into the name of someone who operates outside the administrative area of South Lakeland District Council or remotely from it.
- 4.7 Unless there has been a change in the proprietor's intentions with regard to plying for hire within the administrative area of South Lakeland Council, there should be no reason why he should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within the administrative area of South Lakeland Council,



and who on application to replace that vehicle with another discloses that he no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

## 5.0 Change of vehicle: when a proprietor replaces a licensed vehicle

- 5.1 Applicants seeking the grant of hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the administrative area of South Lakeland District Council will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent in the administrative area of South Lakeland, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

## 6.0 Revocation of licence

- 6.1 Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the administrative area of South Lakeland District Council but is subsequently found not to be plying for hire to a material extent in the administrative area of South Lakeland District Council and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be revoked.

## 7.0 Exceptional circumstances

- 7.1 Each application will be decided on its merits. However the presumptions that intended use is to ply for hire to a material extent within the administrative area of South Lakeland Council will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

## Appendix Y

### List A

List of acceptable documents for right to a licence:

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland
4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer. An example of an Immigration Status Document may be found [here](#)
8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer

10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer

## List B

### Immigration restrictions on the right to a licence in the UK

A licence may be issued (subject to statutory limitations) up to the expiry date of the permission to work in the UK. The applicant's immigration status will need to be checked each time they make an application to renew or extend their licence.

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

## List C

### Other documents

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.
2. A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

