Hackney Carriage/Private Hire Regulations
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**Hackney Carriage/Private Hire Licensing Regulations**

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1.0 INTRODUCTION AND GENERAL PRINCIPLES

General

1.1 Throughout these Regulations “the Council” means West Somerset Council.

1.2 This document provides details of the policy, regulations and conditions with regard to Hackney Carriage and Private Hire Vehicle, Driver and Operator licences issued in West Somerset.

The policy and regulations have been approved by the Council and will be subject to periodic reviews. The policy takes effect from the 1st March 2012.

Vehicle Plates

1.3 Hackney Carriage Licence Plates – Green logo with White Background.

A Hackney Carriage Vehicle licence permits the holder to operate anywhere in the area administered by West Somerset Council. The vehicles may work from the ranks or be hailed on the street. The holder is also entitled to undertake private hire work without an Operators Licence.

1.4 Private Hire Licence Plates – Green logo with Dark Green Background.

A Private Hire Vehicle licence entitles the holder to work anywhere in the area administered by West Somerset Council, taking pre-arranged bookings only. Private Hire Vehicles may not work from the ranks or be hailed on the street. All Private Hire Vehicles must work under a Private Hire Operators licence.

Driver Licences

1.5 All persons driving a Private Hire or Hackney Carriage Vehicle licensed by West Somerset Council must be in possession of a current Private Hire/Hackney Carriage drivers licence issued by West Somerset Council. The Council’s driver badge allows the holder to work in both capacities as a Private Hire or a Hackney Carriage driver.

Fees and Methods of Payment

1.6 The fees charged in respect of the issue of Hackney Carriage/Private Hire Vehicle, Driver and Operator Licences will be in accordance with the scale of fees set by the Council and may be varied by the Council from time to time, as appropriate. Information on the applicable fee can be obtained from the Licensing Unit or on our website, details of which are below. In the event of an application being refused, the fee is non-returnable.

1.7 Payment must be made in full at the time of application in order for the application to be accepted. Payment may be made by cash, by cheque (made payable to “West Somerset Council”) or by credit/debit card. Please note, an additional charge will be made if paying by credit card.

Licence Timescales

1.8 Licences will be granted for the following timescales:

Vehicle Licences – for a period not exceeding twelve months (expiring on the 30th April or 30th June as appropriate)

Driver Licences – for a period of one or up to three years (expiring on the 30th April or 30th June as appropriate). All drivers licences are renewed from 1st May or 1st July (as
appropriate). Three year licences are issued at fixed three yearly intervals (2012, 2015, 2018 etc), regardless of issue date.

Badges are re-issued annually on receipt of an appropriate police check.

**Private Hire Operator Licences** – for a period of one or up to three years (expiring on 30th April), Three year licences are issued at fixed three yearly intervals (2012, 2015, 2018 etc), regardless of issue date

In all cases, where application is made part way through the licensable period, the licence will be issued to the next expiry date, prior to which an application to renew the licence is required.

1.9 Private Hire Licences commence on the 1st May and Hackney Carriage licences commence on the 1st July. In the case of renewals, all appropriate application forms, including fees and documentation must be received at least 7 days prior to the renewal date.

**Production of Licence(s)**

1.10 The licensee shall, at the request of any authorised Officer of the Council or any Police Constable, produce his licence(s) for inspection either on demand or within a period of five days either at the Council Offices or at the nearest Police Station, whichever is requested.

**Contact Details:**

1.11 The Licensing Unit is based at:

West Somerset Council  
Killick Way  
Williton  
Taunton  
Somerset  
TA4 4QA  
Tel: 01984 635282  
Email: Licensingenvhealth@westsomerset.gov.uk  
Website: www.westsomersetonline.gov.uk

Application may also be made at:

West Somerset Council Customer Contact Centre  
1 Summerland Road  
Minehead  
Somerset  
TA24 5BP  
Tel: 01643 703705

Telephone Payments can be made by telephoning: 01643 703704

1.12 Inspecting Garage:

<table>
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<tr>
<th>R Beaver Garage</th>
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<tbody>
<tr>
<td>Quirke Street</td>
<td>Roughmoor Estate</td>
</tr>
<tr>
<td>Minehead</td>
<td>Williton</td>
</tr>
<tr>
<td>Somerset</td>
<td>Taunton</td>
</tr>
<tr>
<td>TA24 5TZ</td>
<td>Somerset</td>
</tr>
<tr>
<td>Tel: 01643 706892</td>
<td>Tel: 01984 635070</td>
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2.0 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCES

General

2.1 These regulations should be read in conjunction with Appendix ‘A’ which contains the Council’s full Standard Conditions for Hackney Carriage/Private Hire Driver licences.

2.2 Hackney Carriage/Private Hire driver licences are not transferable.

2.3 Any person driving a licensed vehicle must be in possession of a current Hackney Carriage/Private Hire Drivers licence issued by West Somerset Council.

2.4 An applicant for a drivers licence **MUST** at the time of the application:

   a) have held a full (not provisional) DVLA, European Economic Area (EEA) State or Northern Ireland drivers licence for at least twelve months; The EEA states are:

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<tr>
<th>Austria</th>
<th>Belgium</th>
<th>Bulgaria</th>
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<tr>
<td>Cyprus</td>
<td>Czech Republic</td>
<td>Denmark</td>
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<td>Estonia</td>
<td>Finland</td>
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<td>Germany</td>
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<td>Luxembourg</td>
<td>Malta</td>
<td>Netherlands</td>
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<td>Norway</td>
<td>Poland</td>
<td>Portugal</td>
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<td>Romania</td>
<td>Slovakia</td>
<td>Slovenia</td>
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<tr>
<td>Spain</td>
<td>Sweden</td>
<td>United Kingdom</td>
</tr>
</tbody>
</table>

   b) produce a medical certificate as to his/her fitness to drive:

   i) at the time of application and every three years thereafter;
   ii) from the age of 65 at the beginning of each licensing year;
   iii) following any illness and/or injury, which prevents the driver from working for more than 6 months.

   c) provide an Enhanced CRB disclosure at the time of application and on renewal of the licence. The results of the disclosure to be no less than 3 months old, and;

   provide a conviction check in the form of either a standard CRB check or a Police Subject Access check (data held on PNC) for those years when an Enhanced CRB disclosure is not required.

   d) have a reasonable knowledge as to the location of streets, places of interest, local amenities in the relevant area.

   e) have undertaken and passed the Driving Standards Agency (DSA) training in the safe passage of passengers, or:

   e) where the application relates to a Horse-Drawn Hackney Carriage driver licence, the applicant must provide to the Council a certificate from a suitably qualified person as to his/her competence to drive a horse drawn carriage in traffic conditions. The Road Driving Assessment is required to provide competency in such conditions. Applications for assessment may be made either to the British Driving Society or the Heavy Horse Training Committee;

   f) have undertaken and passed a basic numeracy and literacy test prior to application.
at the time of application and every three years thereafter, provide a signed Driving Entitlement Consent Form authorising the Council to undertake relevant checks on their drivers record with the DVLA.

Non-UK Applicants

2.5 The Licensing Authority requires a 5 year background check for all applicants, if an applicant has lived abroad for any period in the last 5 years, or is from an EU member state or overseas, the applicant shall provide to the Authority a “Certificate of Good Conduct” or equivalent document, authenticated and translated by the appropriate Embassy or High Commission of the Countries in which they were born or lived, or in the case of asylum being granted, a letter from the Home Office. Any costs for providing and translating the document to be borne by the applicant.

The Criminal Records Bureau website (www.crb.gov.uk) provides more information about obtaining certificates of good conduct or similar documents from a number of countries.

2.6 Non-UK applicants shall provide to the Authority proof of their right to work in the UK when applying for a Hackney Carriage/Private Hire Driver Licence. Guidance on the relevant documentation will be provided with the application form.

2.7 Non-UK applicants shall register their non-UK driving licence with the DVLA and provide a GB counterpart to the Licensing Authority on application for a Hackney Carriage/Private Hire Driver Licence or prior to renewal. GB Counterparts can be obtained free of charge from Directgov on submission of form D9 which can be downloaded at: http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@motor/documents/digitalasset/dg_10030243.pdf

2.8 Applicants from outside the EU will be subject to an Immigration Status Check. The results of this check may take some time to be finalised and the applicant may not be permitted to work until it is concluded. The Immigration Status check may be done in advance of the applicant arriving in the UK providing documentation is sent to the Licensing Department at West Somerset Council, Killick Way, Williton, Taunton, Somerset, TA4 4QA.

Medical Certificates

2.9 Medical Certificates must be to DVLA Group 2 standard and must not have been undertaken more than three months prior to application.

2.10 Any change in the physical condition of the licensee, which would impair his/her driving ability must be notified immediately to the Council.

Insulin Diabetes Policy

2.11 The Council permits drivers with insulin related diabetes to be licensed subject to strict criteria and a medical test for C1 vehicle usage. The following criteria need to be met in order that a licence can be granted:

a) no application for a taxi driving licence may be made or, in the case of an existing licensed driver, no licensed vehicle may be driven until their condition has been stable for a period of at least one month;

b) drivers must not have had any hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months;

c) drivers must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. The advice is the use of memory chip meters for such monitoring;
d) drivers must arrange to be examined every 12 months by a hospital consultant who specialises in diabetes. At the examination, the consultant will require sight of their blood glucose records for the last 3 months;

e) drivers must have no other medical condition which would render the driver a danger when driving C1 vehicles or Hackney Carriage/Private Hire vehicles;

f) drivers must sign an undertaking to comply with the directions of the doctor(s) or specialist medical advisor(s) visited at least every six months and treating the diabetes. Any significant change to their condition must be reported immediately to West Somerset Council. Confirmation from the examiner that the driver is fit to work as a licensed driver must be provided to West Somerset Council following the examination.

The driver shall pay for any expenses incurred in satisfying these criteria.

**CRB/Subject Access Search – Disclosures**

2.13 CRB disclosures will be required at Enhanced level. The checks to be undertaken on initial application and on renewal, or on the specific request of the licensing authority. A Subject Access Search must be provided to the Authority on those years where an Enhanced CRB is not required.

Any information obtained from the checks will be held in the strictest confidence only for as long as the application process takes.

**The Rehabilitation Of Offenders Act, 1974**

2.14 Under the Rehabilitation Act 1974, ex-offenders do not have to disclose their criminal convictions when applying for most – but not all – jobs if their convictions have become ‘spent’. Jobs where criminal convictions have to be disclosed are called ‘exempted posts’; for exempted posts convictions are never spent and must be disclosed. Hackney Carriage/Private Hire driver licensing is classed an exempted post and all previous convictions must be declared.

Under Section 47 of the Road Traffic Act 1991, the Authority is empowered to check with the Police the existence and content of any criminal record held in the name of an applicant.

Any such information received will be kept in strict confidence whilst the licensing process takes its course and will be retained no longer than necessary.

In making a decision regarding previous convictions, the Licensing Authority will consider the rehabilitation periods specified in the Act, as set out below and shall have regard to the Council’s Criminal Convictions Policy as detailed at appendix ‘B’.

Please note it is from the date of conviction that the time commences for the purposes of the Rehabilitation of Offenders Act.

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Rehabilitation Period</th>
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<tbody>
<tr>
<td>Two and a half years (30 months) imprisonment and over whether sentence was suspended or not</td>
<td>Never spent</td>
</tr>
<tr>
<td>Six months imprisonment and over but under 30 months whether the sentence was suspended or not</td>
<td>10 years</td>
</tr>
<tr>
<td>Under six months imprisonment / youth custody whether sentence was suspended or not</td>
<td>7 years</td>
</tr>
<tr>
<td>A fine or Community Service Order</td>
<td>5 years</td>
</tr>
</tbody>
</table>
Conditional Discharge, Bound Over or Probation Order. Also includes Fit Person, Supervision and Care Orders 1 year or period of probation service, whichever is longer

Absolute Discharge 6 months

Disqualification, disability or prohibition Period of sentence unless a long period as above (e.g. disqualification) and a fine – 5 years

For applicants aged under 17 when they were convicted, the fixed rehabilitation periods for imprisonment and a fine are halved

For convictions which can only be passed on young offenders, they remain fixed and cannot be halved

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<thead>
<tr>
<th>Sentence</th>
<th>Rehabilitation Period</th>
</tr>
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<tr>
<td>Borstal</td>
<td>7 years</td>
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<tr>
<td>6 months – 2 years detention in a place determined by the Secretary of State</td>
<td>5 years</td>
</tr>
<tr>
<td>Six months detention and less as above</td>
<td>3 years</td>
</tr>
<tr>
<td>Detention Centre Orders</td>
<td>3 years</td>
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</table>

In all cases:

1. Each case will be determined on its own merits
2. The overriding consideration will always be the protection of public safety
3. A person with a current conviction for serious crime need not necessarily be permanently barred from obtaining a licence, but would be expected to remain free from conviction for three to five years before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

**Notification of Convictions**

2.15 In the event of a licensee being convicted of an offence (including a motoring offence) during the application period or after obtaining a Hackney Carriage/Private Hire driver licence, the licensee must report the fact, with full details of the offence and the sentence imposed, to the Council within 3 days of the date of conviction.

**Fit & Proper Person**

2.16 Where there is any doubt as to whether the applicant is a ‘fit and proper person’ the application must be referred to the Licensing Panel for determination. The applicant has the right to attend the meeting and address Committee Members to present his/her case and will receive prior notification of the date of the hearing.

2.17 Any applicant refused a drivers licence on these grounds has the right to appeal to the Magistrates Court within 21 days of notification of refusal under the Local Government (Miscellaneous Provisions) Act, 1976.

2.18 If an application has been refused, a period of at least twelve months must normally elapse before a new application will be considered.

**Horse Drawn Hackney Carriages**

2.19 Where a Horse Drawn Hackney Carriage driver licence is issued, that licence shall relate only to Horse Drawn Hackney Carriages and no other type of licensed vehicle.
2.20 A licence to drive a Horse Drawn Hackney Carriage will not be granted to a person who is under 18 years of age.

Suspension and Revocation of Drivers’ Licences

2.21 A District Council may suspend, revoke or refuse to renew a drivers licence if, since the grant of the licence s/he has been convicted of an offence involving dishonesty, indecency or violence; or an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or any other reasonable causes.

2.22 The District Council shall give notice of the grounds on which they have suspended, revoked or refused to renew a licence to the driver within 14 days and shall demand the return of the driver’s badge issued upon the grant of the licence.

2.23 Any applicant who has had his licence revoked, suspended or refused at renewal on these grounds has the right to appeal to the Magistrates Court within 21 days of notification of refusal under the Local Government (Miscellaneous Provisions) Act, 1976.

DRIVER - APPLICATION PROCESS

Applicants should first read the policy and conditions relating to Hackney Carriage/Private Hire Drivers to ensure they understand the Councils requirements for Drivers.

New

Applicants should make an appointment to attend the Council Offices to undertake a suitability test prior to making an application for a Hackney Carriage/Private Hire Driver Licence. If they pass the suitability test, they may then apply for a licence.

An application for a Hackney Carriage/Private Hire Driver must be accompanied by:

- Fully completed driver form
- Relevant fee
- Completed CRB disclosure form
- Relevant documentation in respect of the CRB disclosure
- DVLA driver licence (both paper and card sections)
- 2 colour passport size photographs taken against a white background. No headgear should be worn or glasses, other than prescription glasses.
- DVLA Driving Entitlement Consent Form

It is recommended that the applicant then makes an appointment at the Council offices for the application to be checked.

CRB checks can take some time to be returned to the Council. While an application is being processed, and following receipt of the CRB check, the applicant should:

- Arrange to undertake a medical examination to DVLA Group 2 standard by a doctor with access to relevant medical records. The medical form contains advice for the applicant and the Doctor as to the process, including which sections of the form need to be completed. This form must be returned to the Licensing Unit when fully completed and signed. If the applicant is diabetic, proof of compliance with the Insulin Diabetes Policy must be provided.

- Arrange to take a driving assessment with the Driving Standards Agency (DSA). This must be arranged directly with the DSA. When the applicant passes the assessment, the pass certificate should be returned to the Licensing Unit;
or, if applying for a Horse Drawn Hackney Licence:

- Arrange to take the Road Driving Assessment Test with either the British Driving Society or the Heavy Horse Training Committee;

Once the CRB disclosure, medical and driving assessments are received, the Licensing Officer will examine the documents. The application will then be assessed against the criteria above. The application cannot be processed until such time as all documentation has been received.

**Renewal**

Applications for renewal of driver licence should be accompanied by:

- Fully completed driver form
- Relevant fee
- Completed CRB disclosure form (if applicable)
- Relevant documentation in respect of the CRB disclosure (if applicable)
- DVLA driver licence (both paper and card sections)
- 2 colour passport size photographs taken against a white background. No headgear should be worn or glasses, other than prescription glasses.
- DVLA Driving Entitlement Consent Form (if applicable)
- Medical form & where applicable, proof of compliance with diabetes policy (if applicable)

Enhanced CRB disclosures and medicals are required every three years, on renewal of licence - you will be notified if any additional medical is required.

**Loss of Licence/Badge**

Where a driver has lost his driver licence and/or badge, the loss should be reported to the local police (obtaining a crime number) and licensing authority within 72 hours of the loss.

Where a driver badge is lost, stolen or damaged, a replacement badge/licence may be provided on payment of the relevant fee.
3.0 VEHICLES

General

3.1 The licensing authority is empowered to impose such conditions as it considers reasonably necessary in relation to the grant or renewal of Hackney Carriage and Private Hire vehicles. This policy should be read in conjunction with the regulations/conditions for licensed vehicles at appendix ‘C’.

3.2 In 2006, in response to Government Policy in relation to the Disability Discrimination Act, 1995, West Somerset Council removed the restriction on the number of Hackney Carriages that could operate in West Somerset. From that time, new Hackney Carriage plates could be issued to wheelchair accessible vehicles.

3.3 Until such time as there is clear direction from Government, and to ensure the number of wheelchair accessible Hackney Carriage vehicles does not significantly decrease in West Somerset, the number of saloon vehicles (the term saloon includes estates and hatchbacks), will be set at a maximum of 28. The remaining fleet will consist of wheelchair accessible vehicles, which will be unlimited in number.

3.4 Any change to Council policy in this regard, or any Council resolution to adopt a new Government policy in this regard will have a rolling lead-in period of five years, to ensure any changes can be planned into vehicle replacement strategies. This period may be reduced where required by any future mandatory Government legislation and is not within the control of the District Council.

3.5 The requirement for new plates to be issued to wheelchair accessible vehicles does not apply to Private Hire Vehicles.

3.6 If you wish to operate your own Private Hire Vehicle, you will need to obtain a Private Hire Operator licence to make provision for private hire bookings. A Private Hire Vehicle licence will not be issued without a Private Hire Operator licence.

3.7 Appendix ‘C’ details the Council’s specification, regulations and conditions applicable to Hackney Carriage/Private Hire Vehicles.

Testing Of Vehicles

3.8 A valid MOT certificate is required for Hackney Carriage and Private Hire vehicles one year old or over.

3.9 All vehicles are required to undergo a vehicle plating test at the Councils nominated inspecting garage when first presented for licensing and thereafter:

For vehicles between the age of 1 to 5 years at 12 monthly intervals
For vehicles over 5 years old at 6 monthly intervals

This test is in addition to the annual MOT test.

Limousines & Prestige Vehicles

3.10 Limousines and certain Prestige Vehicles will be registered as Private Hire Vehicles. Each case will be determined on its own merits and in each case, the Licensing Officer will decide if a vehicle can be considered a ‘prestige’ vehicle or whether it should be presented to a Licensing Panel for consideration. If an application is refused by the Licensing Officer, the applicant has the right to appeal the decision to a Licensing Panel.
3.11 In the case of stretch limousines, provided all other requirements are met, the condition restricting right hand drive vehicles will not apply. Stretch Limousines will be subject to additional conditions as detailed in Appendix ‘C’.

**Horse Drawn Hackney Carriages**

3.12 Before a Horse Drawn Hackney Carriage vehicle licence is granted, the authority must be satisfied that the carriage 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(s) to be used (via a certificate issued by a Veterinary Surgeon approved by the Council);
d) Horse passports for those horses to be used;
e) an insurance policy appropriate for public hire and covering third party liability both in respect of physical injury or death and in respect of damage to personal belongings.

3.13 Tariffs for Horse Drawn Hackney Carriages shall be the subject of written agreement between the licence holders and the Council.

**Certain Estate Car Types of Vehicles**

3.14 Vehicles fitted with a third row of seats with no direct access other than via the row of seats in front will not be licensed as Hackney Carriage or Private Hire Vehicles. The Council considers that passengers not familiar with such vehicles would not be able to achieve easy escape from the rear row of seats in an emergency situation. In case of doubt, proprietors are advised to contact the Licensing Unit before purchasing a vehicle.

**Insurance**

3.15 Unless a Hackney Carriage/Private Hire vehicle is insured in relation to the use of the vehicle with a Policy of Insurance covering passenger and third party liability and otherwise complying with the requirements of Part VI of the Road Traffic Act 1972 or any amendment or statutory re-enactment thereof, a Hackney Carriage/Private Hire Vehicle Licence will not be granted.

3.16 The insurance certificate must be presented to the Authority for inspection with the licence application. A cover note will be accepted subject to the applicant producing the certificate of insurance before the expiry of the cover note. The original documentation must be provided to the Licensing Authority, photocopies are not acceptable.

3.17 All drivers shown on the insurance certificate must be Council licensed drivers as only a licensed driver can drive a licensed vehicle. Once the vehicle is licensed, national legislation provides that only a licensed driver is legally permitted to drive the vehicle. This applies even if a non-licensed person wishes to drive the car for ‘social or domestic’ purposes. Any non-licensed person found driving a licensed vehicle at any time could face prosecution as well as potentially invalidating the vehicle insurance.

3.18 In the event of the Insurance Policy lapsing/having to be renewed/varied in the course of the year, the new certificate/renewal receipt must be produced to the Authority for inspection.
Ownership of Hackney Carriage/Private Hire Plates

3.19 West Somerset Council is, and will remain the owner of any Hackney Carriage or Private Hire Vehicle plate. No proprietor may offer for sale such a plate unless the sale is for the licensed vehicle (in which case an application for Transfer of Interest must be made – see 3.23 below) – the plate in isolation may not be sold under any circumstances.

Change of Vehicle

3.20 Where a licence holder wishes to change a licensed vehicle during the life of the current vehicle licence, they may do so by applying for a new vehicle licence.

3.21 Hackney Carriage Vehicles may only be changed on a like for like basis. Where a licence has been issued to a wheelchair accessible vehicle, any replacement vehicle must be a wheelchair accessible vehicle to the Council’s specification, where a licence has been issued to a saloon vehicle, the replacement may be a saloon vehicle.

3.22 Where a licensed vehicle is sold to a third party for private use, then the Licensing Unit must be informed immediately following the sale. The licence plate must be returned to the Licensing Unit within two working days.

Transfer of Interest

3.23 Where a licensed vehicle is sold to a new proprietor for continued use as a licensed vehicle, the seller of the vehicle must notify the Council in writing specifying the name and address to whom the sale or transfer is made, within 14 days.

3.24 Transfers of Interest can only be made for the same plate on the same vehicle. A request to transfer the plate to a new/different vehicle would constitute a change of vehicle (see 3.20 above)

Inspection of Vehicles

3.25 Any authorised officer of the Council is empowered to inspect and test, for the purpose of ascertaining its fitness, any vehicle licensed by the Council. If s/he is not satisfied as to the fitness of a vehicle s/he may give notice in writing of the defects to the proprietor and require the vehicle to be made available for a further inspection. A licence may be suspended or revoked where an authorised officer is not satisfied as to the condition of a vehicle.

CCTV in Vehicles

3.26 Individuals or proprietors are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, subject to prior notification to the Licensing Authority. Guidance on CCTV in vehicles is attached at appendix ‘E’.

Trailers

3.27 Trailers may be used on licensed vehicles for use on pre-arranged journeys only where passenger’s luggage cannot be safely accommodated within the vehicle. Trailers may not be used whilst plying for hire or operating from any Hackney Rank.

3.28 Where an applicant wishes to use a trailer for passengers luggage, the conditions at 6.42 apply.
VEHICLE - APPLICATION PROCESS

New

Applicants should first read the conditions and regulations contained in this policy document to ensure they understand the Councils requirements for vehicles.

The application process for both Hackney Carriage and Private Hire vehicles is the same.

The applicant must first:

- Check the vehicle against the Councils specification contained in this policy.
- Present any new vehicle at the Council offices for checking for suitability.

If applicants are in any doubt as to whether a prospective vehicle is suitable, they should contact the Licensing Team for advice. The Licensing Officer will give an opinion as to whether the vehicle complies. If they consider the vehicle is not suitable you still have the right to apply, and to appeal the refusal to a Licensing Panel.

If the vehicle is suitable the Licensing Officer will fax an acceptance document to the inspecting garage, you should then:

- Book a plating test (vehicle inspection) with the Councils inspecting garage. Hackney Carriage meters must be installed and calibrated prior to the inspection.

When the vehicle has passed its plating test, the inspecting garage will fax a copy of the pass certificate to the Council Offices. You should then:

- Fully complete the application form. If the vehicle is owned by more than one person all owners will need to sign as part owners.
- Submit the form to the Licensing Unit at the Council offices by recorded delivery or in person, being sure to include:
  a) valid certificate of appropriate insurance
  b) valid MOT certificate (if the vehicle is one year old or over it must have an MOT)
  c) the vehicle registration document
  d) the relevant fee
  e) where appropriate, proof of calibration of meter.

All documentation must be original documents, photocopies are not acceptable.

Any documentation submitted will be returned to you in person at the offices, or by recorded delivery.

Renewal

The process for renewal of a Hackney Carriage/Private Hire vehicle is the same as above, however, there is no requirement to present the vehicle at the Council offices for checking.

Horse Drawn Hackney Carriage Vehicles:

Applications for new or renewal licences for Horse Drawn Hackney Carriages must be accompanied by:

a) Certificate of Fitness and Safety for the carriage, fittings and equipment. The carriage must be examined by or on behalf of the British Driving Society.
b) Veterinary Certificate issued by a current member of the Royal College of Veterinary Surgeons and British Veterinary Association confirming that the horse(s) is/are suitable for use.
c) Valid certificate of appropriate insurance
d) relevant fee.
e) proposed route(s) and tariff.

Transfer of Interest

Applications for Transfer of Interest must be accompanied by:

- Fully Completed form (Signed by both new and former proprietor)
- Relevant fee
- Original vehicle licence
- Vehicle registration document showing new proprietor (or slip)
- Valid insurance for the new proprietor

Change of Vehicle

Where it is necessary to change a vehicle either at the end or part way through the licensed period, the application process is the same as for a new vehicle.

Replacement Plate/Licence

Where a vehicle licence and/or plate has been lost, stolen or damaged, the proprietor must notify the police (obtaining a crime reference number) and the local authority immediately.

A replacement licence/plate will be issued on payment of the relevant fee and crime reference number.
4.0 PRIVATE HIRE OPERATORS

General

4.1 These regulations should be read in conjunction with Appendix ‘G’ which contains the Council’s full Standard Conditions for Private Hire Operator licences.

Requirement for Operator Licence

4.2 All hirings for a Private Hire Vehicle must be made through a Private Hire Operator.

4.3 Any person who operates a Private Hire service (other than a Hackney Carriage Proprietor who permits hackney carriages to be used for private hire) must apply to the local Licensing Authority for a Private Hire Operators Licence.

4.4 Private Hire Operator licences are not transferable. Where a person wishes to take over a Private Hire business, that person must have or must apply for a Private Hire Operator licence in their own right.

Conditions/Regulations

4.5 The Licensing Authority has power to impose such conditions on an operators licence as it considers reasonably necessary.

4.6 All applicants for a Private Hire Operator licence must submit a CRB/Subject Access Search disclosure on application for a licence and every three years thereafter.

Obligations

4.7 A Private Hire Operator Licence permits the operator to make provision for the invitation or acceptance of 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 licence.

4.8 Private Hire Operators must record details of all bookings as detailed within the conditions appended at Appendix ‘G’.

4.9 The operator of a private hire vehicle shall make his/her own agreement with the hirer as to the fare for a particular journey when booking the fare.

Address From Which an Operator may Operate

4.10 Upon grant of an operators licence, the Licensing Authority shall specify the address from which the operator may operate. The operator must notify the Licensing Authority in writing of any change of address (whether this is a home address or the address from which s/he operates) during the period of the licence, within 7 days of such change taking place.

Planning Permissions/Landlords Consent

4.11 An applicant for a Private Hire Operator licence must ensure that all necessary planning permissions or other consents are in place prior to making an application. If planning consent is not required, a letter of confirmation should be obtained from the relevant planning authority and submitted with the application for an Operator Licence.

Public Liability Insurance/Health and Safety

4.12 Operators who operate from premises which are open to the public and to which the public have access are required to provide proof of public liability insurance for the premises.
4.13 Operators who operate from premises which are open to the public and to which the public have access are required to ensure all Health and Safety and Regulatory Fire issues are addressed.

PRIVATE HIRE OPERATOR - APPLICATION PROCESS

New

Applicants should first read the conditions and regulations at Appendix ‘G’ contained in this policy document to ensure they understand the Councils requirements for Private Hire Operators.

Applications must be accompanied by:

- The fully completed application form
- Fully completed CRB form or results of a Subject Access Search less than 3 months old
- Copy of the planning permission or confirmation from the relevant Planning Authority that planning permission is not required.
- Relevant fee
- List of all current drivers.

Renewal

- The fully completed application form
- Fully completed CRB form or results of a Subject Access Search less than 3 months old (if applicable)
- Relevant fee.
- List of all current drivers.

CRB disclosures/Subject Access Searches are required every three years, on renewal of licence.
APPENDIX ‘A’

5.0 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER REGULATIONS & CONDITIONS

5.1 Hackney Carriage/Private Hire driver licences are not transferable and shall at all times remain the property of the Council.

5.2 Applications for grant or renewal of Hackney Carriage/Private Hire driver licences shall be made in accordance with the Councils policy.

5.3 Applications for a drivers licence must be accompanied by all relevant documentation and fees, at initial application and at suitable intervals, as detailed in the Councils policy.

Change in Application Details

5.4 The licence holder shall notify the Council of any change of particulars (i.e. address, employer, name) in writing within 14 days.

5.5 Any change in the physical condition of the licence holder, which would impair his/her driving ability must be notified immediately to the Council.

Convictions and Cautions

5.6 In the event of a licensed driver being convicted or cautioned for any offence (including a motoring offence) during the term of the licence, the driver shall report the fact, with full details of the offence and the sentence imposed, to the Council within 7 days of the date of conviction or caution.

Conduct

5.7 When driving a vehicle designed or adapted to permit the carriage of wheelchair bound passengers, the driver must not refuse wheelchair passengers –

a) unless s/he has a proven medical condition supported by a medical certificate from her/his doctor which precludes them from carrying wheelchair bound passengers.

b) without reasonable excuse e.g. the wheelchair is not of a type or design suitable to be safely carried in the vehicle.

5.8 A driver of a Hackney Carriage/Private Hire vehicle, when acting in accordance with the licence granted to him/her shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for this purpose.

5.9 A Hackney Carriage/Private Hire driver shall:

a) Wear clean and tidy attire and shall not dress in a manner likely to embarrass or offend passengers. The wearing of vests or singlets is prohibited.

b) Shorts may be worn if properly tailored and of sufficient length when the driver is seated so as not to offend against decency.

c) For female drivers, acceptability will include skirts or dress of sufficient length when the driver is seated so as not to offend against decency.

d) Maintain a high standard of personal hygiene.

e) Be able to speak English.
f) Not use a mobile phone whilst the vehicle is moving, with the exception of a hands free device.

g) Refrain from eating or drinking whilst carrying passengers.

h) Not smoke, or allow passengers to smoke in the vehicle at any time.

g) Not wear headgear that partially or completely conceals the face or the identity of the licensed driver e.g. baseball caps.

5.10 The driver of a Hackney Carriage/Private Hire vehicle shall behave in a civil and orderly manner, and shall take all reasonable precautions to ensure the safety of persons travelling in or getting in and out of the vehicle.

5.11 The driver of a Hackney Carriage/Private Hire vehicle who has agreed or has been hired to be with the vehicle at a specified time and place shall attend the appointment punctually unless delayed or prevented by some sufficient cause.

5.12 The driver of a Hackney Carriage/Private Hire vehicle when hired to a particular destination shall, subject to any directions given by the hirer, go to that destination by the shortest available route.

5.13 The driver of a Hackney Carriage/Private Hire vehicle when requested by any person hiring or seeking to hire the vehicle shall:

a) convey a reasonable quantity of luggage;
b) afford reasonable assistance in loading and unloading;
c) afford reasonable assistance in carrying the luggage to or from the entrance of any building, station or place at which he may take up or set down such person.
d) afford all reasonable assistance to wheelchair bound, disabled and elderly persons.

The driver shall not be obliged to carry any noxious, odorous, foul, offensive or dangerous substance.

5.14 No luggage shall be conveyed on the exterior of the vehicle.

**Condition of Vehicle**

5.15 On commencement of work, the driver of a Hackney Carriage/Private Hire vehicle shall:

a) ensure that the vehicle licence plate is in good order and is not damaged in any way and can be easily and clearly seen when the vehicle is in use.
b) ensure that the vehicle lights are fully operative, tyres are within the legal limits, the vehicle is clean and tidy and that the necessary tools, spare wheel, first aid kit and fire extinguisher are readily available for use.
c) ensure that the vehicle is in a clean and tidy condition both internally and externally.

**Ranks**

5.16 The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:

a) proceed with reasonable speed to one of the stands fixed by the Regulations in that behalf;
b) 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 on the stand so as to face in the same direction;
c) remain in the carriageway so that, 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.

**Taximeter Operation**

5.17 The driver of a vehicle fitted with a taximeter shall bring the meter into operation as soon as the vehicle is hired until termination of the hiring. The vehicle shall be deemed to be hired when the passenger is seated safely inside the vehicle. Where the vehicle is in attendance at the pick-up point at the correct time and is requested to wait, or proceed to another destination, the vehicle shall be deemed to be hired from that point.

5.18 The taximeter shall be kept illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and at any other time at the specific request of the hirer.

5.19 The driver of a hackney carriage/private hire vehicle fitted with a taximeter shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

5.20 The driver of a hackney carriage/private hire vehicle shall not tamper with, or permit any person, other than an authorised Officer of the Council or an authorised taximeter dealer, to make any alterations to the taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto and shall comply with the Taximeter (EEC Requirements) Regulations 1997.

5.21 At all times when the vehicle is in use the driver shall ensure a current fare card showing the fares which may be lawfully charged is correctly displayed.

**Private Hire Fares**

5.22 The driver shall not demand from the hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator and shall adhere to the operators tariff at all times, unless specifically instructed by the operator to the contrary.

5.23 Where the vehicle is fitted with a taximeter, the driver shall not demand from the hirer a fare in excess of the fare shown on the face of the taximeter.

**Number of Passengers**

5.24 A driver of a Hackney Carriage/Private Hire vehicle shall not allow more people to be conveyed than is specified on the licence plate. For these purposes, children (of any age) are counted as one person.

**Records**

5.25 The driver of a private hire vehicle shall keep a current record, which shall contain the following information:

a) the name of hirer  
b) time of pick-up  
c) pick-up point  
d) destination  
e) fare charged  

5.26 The driver of a private hire vehicle shall produce these records to an authorised Officer of the Council on request.
Plying for Hire – Private Hire

5.27 The driver shall not, at any time whilst driving or in charge of a vehicle licensed for private hire:

a) station his/her vehicle for hire, or ply for hire, or solicit any person to hire or to be carried for hire and reward, on any road, or in any public place readily accessible and visible from a road;

b) accept hirings unless communicated to the driver by or on behalf of the licensed private hire operator for that vehicle by use of telephone or by a two-way radio system fitted to that vehicle. At no time can a hiring be accepted other than a pre-arranged booking.

c) station his/her vehicle on or near a hackney carriage rank.

Accidents

5.28 The driver shall report to the proprietor of any hackney carriage/private hire vehicle details of any accident in which such vehicle is involved within 24 hours of its occurrence.

Lost Property

5.29 The driver of a Hackney Carriage/Private Hire vehicle shall immediately after every hiring, or as soon as practicable afterwards, carefully search the vehicle for any property which may have been accidentally left therein. On finding any forgotten property, the driver shall take it to the nearest Police Station within 48 hours.

5.30 The licensee shall ensure that any 2-way radio or wireless set fitted to the vehicle is not operated so as to cause annoyance by reason of its loud, continuous or repeated use.

Badges

5.31 The licensee shall at all times when acting as the driver of a Hackney Carriage/Private Hire vehicle wear the official badge issued by the Council so that it is plainly and distinctly visible (subject to any specific exemption granted by the Council).

5.32 On surrender, revocation or suspension of the licence, the official drivers badge and licence MUST be returned to the Council within 7 days of request.

Seat Belts

5.33 The driver shall point out to passengers that seat belts shall be worn as per current legislation regarding the use of seatbelts. It is the driver’s responsibility to ensure that unaccompanied children under 14 years of age are suitably secured.

Guide Dogs, Other Assistance Dogs and Pets

5.34 The driver must convey guide or other assistance dogs free of charge unless the driver has obtained a certificate of exemption from the Council. Any notice of exemption must be displayed on the windscreen of the vehicle.

Knowledge of Legislation

5.35 The driver shall be familiar with the Councils requirements and conditions for hackney carriage/private hire drivers.
Legal Requirements

Apart from the specific conditions set out above, the grant of a drivers licence is subject to the relevant provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 any other relevant statutory enactment and to such other terms and conditions from time to time specified by the Council. Attention is also drawn to any conditions which may be attached to the grant of a licence.

Drivers of Hackney Carriage/Private Hire vehicles must comply with the requirements of the Disability Discrimination Act 1995 and the Regulations made under the Act, where they apply to drivers. (The relevant extract from the Act and the Regulations may be obtained from the Council, on request).

Service of Notices

Any notice required to be served by the Council under this licence, or under any of the provisions of the Town Police Clauses Act, 1847, Local Government (Miscellaneous Provisions) Act, 1976 and all other relevant legislation, shall be deemed to have been properly served if served personally on him/her or sent to them by pre-paid post to, or left at, the last known address of the holder of the licence.

Suspension, Revocation Or Refusal To Renew Licence

The licence may be suspended, revoked or not renewed by the Council:

a) if the driver is convicted of an offence under, or otherwise fails to comply with any of the provisions of, The Town Police Clauses Act, 1847, or Part II of the Local Government (Miscellaneous Provisions) Act, 1976;

b) if the driver has been convicted of an offence involving dishonesty, indecency or violence:

c) if the driver becomes disqualified from driving, the licence shall be automatically revoked, or

d) any other reasonable cause.

Offences

ANY PERSON WHO

a) wilfully obstructs an authorised Officer or constable acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;

b) without reasonable excuse, fails to comply with any of the requirements properly made to him by such Officer or constable, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act, 1847;

c) without reasonable cause, fails to give such an Officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act, 1847 shall be guilty of an offence.

Revocation or Modification of Conditions

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.
The Council reserves the right to amend or add to any of the foregoing conditions, and notice thereof will be served on all licencees.

These conditions shall apply to Hackney Carriage/Private Hire Driver licences issued by West Somerset Council.
APPENDIX ‘B’

GENERAL GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS

General
1. Each case will be determined on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for three to five years, according to circumstances, before an application will be entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration will be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are established.

Minor Traffic Offences
Convictions for minor offences, e.g. obstruction, waiting in a restricted street, speeding etc, will not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant’s driving licence, then a Hackney Carriage or Private Hire Vehicle driver licence may be granted after its restoration, but a warning will be issued as to future conduct.

Major Traffic Offences
An isolated conviction for reckless driving or driving without due care and attention etc, will normally merit a warning as to future driving and advice on the standard expect of Hackney Carriage and Private Hire Vehicle drivers. More than one conviction for this type of offence within the last two years will merit refusal and no further application will be considered until a period of one to three years free from conviction has elapsed.

Drunkenness

a) With Motor Vehicle
A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident will not necessarily debar an applicant but strict warnings will be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant’s fitness to hold a licence. At least three years must elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination will be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of five years must elapse after treatment is completed before a further licence application is considered.

b) Not in Motor Vehicle
An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (a) above). In some cases, a warning may be sufficient.

Drugs
An applicant with a conviction for a drug related offence would be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if s/he was an addict.

Sexual and Indecency Offences
As Hackney Carriage and Private Hire Drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences will be refused until they can show a substantial period (at least three to five
years) free of such offences. More than one conviction of this kind will preclude consideration for at least five years. In either case, if a licence is granted a strict warning as to future conduct will be issued.

**Sex Offenders Register** – Any applicant currently on the Sex Offenders Register should expect an application to be refused.

**Offences against Children and Young Persons** – Where an applicant has been convicted of a sexual offence involving a child or young person, they should expect the application to be refused.

**Violence**
As Hackney Carriage and Private Hire Drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years clear of such convictions is to be shown before an applicant is entertained and even then a strict warning will be administered.

**Dishonesty**
Hackney Carriage and Private Hire Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust 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. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. For these reasons a serious view is taken of any conviction involving dishonesty. In general, a period of three to five years free of conviction is required before the Authority will entertain an application.

**Possession of a Weapon**
If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. Depending on the circumstances of the offence, an applicant should be free of conviction for three years (or at least three years must have passed since the completion of the sentence, whichever is the longer), before a licence is granted.

**Insurance Offences**
A serious view will be taken of convictions for driving or being in charge of a vehicle without the correct type of insurance. An isolated incident in the past will not necessarily debar an applicant provided s/he has been three years free of convictions unless there are exceptional circumstances, but a strict warning may be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant’s fitness to hold a Hackney Carriage/Private Hire Drivers licence unless there are exceptional circumstances. At least three years must normally elapse before an applicant is considered for a licence.

**Scanners and Radar Detecting Equipment**
A serious view will be taken of convictions for use of scanning and/or radar-detecting equipment. Anyone convicted of use of a radio scanner and/or radio-detecting equipment during the period of his/her hackney carriage/private hire driver licence will be banned from holding any such licence for a period of five years. An isolated incident in the past will not necessarily debar an applicant provided that s/he has been 3 years clear of conviction unless there are exceptional circumstances, but strict warnings will be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicants fitness to hold a council issued drivers licence unless there are exceptional circumstances.

**Cautions**
Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
Offences During the Period of the Licence
Any conviction during the period of a Hackney Carriage/Private Hire Drivers licence will lead to revocation or suspension of the licence or a warning as to future conduct. Where it is considered in the interests of the general public, a revocation or suspension will take immediate effect.

Any disqualification from driving will lead to an automatic revocation of any Hackney Carriage/Private Hire driver’s licences issued by the Council.

Reapplication
Applicants are advised that where an application has been refused or a licence revoked, the Authority will not entertain a further application within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the applicant’s circumstances which can be supported by evidence.
APPENDIX ‘C

6.0 VEHICLES – REGULATIONS AND CONDITIONS

Unless otherwise stated, these regulations/conditions apply to both Hackney Carriage and Private Hire Vehicle licensing.

General Vehicle Specification:

6.1 All new Hackney Carriage licence plates issued after the 10th May 2006 shall only be issued to disabled complaint vehicles, to the following specification:

a) London style cab, or similar with full wheelchair access facilities (without the requirement to remove seats to obtain wheelchair compliance) such vehicles to be defined as a purpose built hackney carriage with side loading wheelchair access and which has either:

i) achieved National Low Volume Type Approval in its final format; or

ii) been fully tested to M.1. category, such testing having been witnessed by the Vehicle Certification Agency.

b) Vehicles which have been confirmed to comply with these specifications, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

c) Any transfer of Hackney Carriage Vehicle plate in respect of wheelchair accessible vehicles received after the 15th May 2006 shall only be transferred to wheelchair accessible vehicles conforming to the above regulation.

6.2 In view of the potential confusion to the public by virtue of the fact that such vehicles may lead people to believe that the vehicle is a Hackney Carriage, London Taxis/vehicles of a similar design are prohibited from being granted a Private Hire Vehicle Licence in West Somerset.

6.3 Any vehicle presented for licensing for the first time should not be more than 3 years old from the date registered as new in the vehicle registration document for a saloon type vehicle, or 4 years old for a purpose built wheelchair accessible vehicle (but see 6.4 below) and must not require or have required the removal of seats to comply with the Regulations. Any application to dispense with the requirement of this Regulation in relation to the removal of seats (whether in the past, present or future) will be made to and considered by the Licensing Panel of the Council and will be determined on a case by case basis and according to the particular circumstances of that case.

6.4 Vehicles up to 5 years of age may be considered by the Licensing Officer where the following criteria can be met:

- No more than average mileage (calculated at 12,000 miles per year)
- Good bodywork (no dents, scratches or evidence of accidents)
- Evidence of complete full service history
- Compliance in all other respects with the regulations.

6.5 A vehicle will not generally be licensed as a Hackney Carriage/Private Hire vehicle once it has passed the age of 10 years old from the date registered as new in the vehicle registration document.

NOTE: If a vehicle proprietor wishes to licence a vehicle outside of the requirements of 6.2 (other than where 6.4 applies) or 6.5, application must be made to the Council’s Licensing Panel detailing their reasons for dispensation from the requirements.
6.6 All vehicles shall have an engine size not less than 1250cc.

6.7 All vehicles, including Multi Purpose Vehicles, must have sufficient safe and suitable access and egress from the vehicle for the driver and passengers, excluding the rear exit. Access to and egress from the vehicle must at all times be available in respect of each seat without the need to move or adjust any seating.

6.8 The licensed vehicle shall be so designed that it shall:

a) have a minimum of 4 doors
b) provide seatbelts for all passengers
c) provide a minimum of 16 inches/406mm of clear space width per passenger seat measured along the narrowest part of the seat per passenger.
d) provide a minimum of 9 inches/229mm of clear knee room per passenger, measured from the front portion of the passenger seat to the rear of the seat in front.
e) provide adequate means of heating and ventilation for all passengers
f) provide drivers mirrors on the near and offside
g) not be a convertible/cabriolet type vehicle
h) be right hand drive only

Licence Plates

6.9 At all times when plying for hire, or when hired, the Hackney Carriage/Private Hire Plates issued by the Council shall be securely fixed and displayed as follows:

a) the small licence plate to be clearly displayed inside the vehicle on the left hand side of the vehicle windscreen, and;
b) the large licence plate shall be displayed on the outside rear of the vehicle where it is clearly visible to members of the public.

6.10 The Hackney Carriage/Private Hire licence plates shall be, at all times, clearly visible and maintained in a clean, tidy and legible condition.

6.11 In the event of loss of a plate, the proprietor shall report the loss to the Police and Local Authority. A replacement plate may be issued on payment of the relevant fee.

6.12 Trailers must also display a current licence plate when being used.

6.13 The licence plates remain the property of the Council at all times and shall be returned to the Council on expiry, or within 7 days of a notice of suspension, revocation or refusal to renew the licence having been served. The Council reserves the right to require additional/alternative licence plates to be displayed at their discretion.

Signage

6.14 No markings, (excluding original signage provided as part of the fabric of the vehicle by the manufacturer), shall be displayed on or from the vehicle (including the rear and front windows) other than markings authorised by the Council as follows:

a) front driver and front passenger doors; and
b) rear (boot) of vehicle.
Please give details of the sign(s) you wish to display. These should be submitted with the licence application or within 14 days of proposed use to ensure full approval.

6.15 On Private Hire Vehicles, the display of the word ‘TAXI’ or ‘CAB’, whether in the singular or plural and whether alone or as part of another word or the words ‘FOR HIRE’ or any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up any passengers wishing to hire it, or would be so available if not already hired, is prohibited.

6.16 Roof signs may be displayed on Private Hire Vehicles, provided that:

a) the wording of the roof sign states only “Advanced Bookings Only” on the front of the sign with the telephone number of the operating company on the reverse; and

b) the sign is white to the front and red to the rear, with any wording in black lettering; and

c) the sign complies at all times with any necessary legislation including any vehicle lighting regulation requirements, if and when illuminated; and

d) the sign has been approved in writing by the Council prior to its first display.

**Taximeters**

Private Hire Vehicles do not need to be fitted with a taximeter, but if one is fitted, the regulations below apply:

6.17 At all times when the vehicle is in use as a hackney carriage/private hire vehicle, it shall be provided with a taximeter, so constructed, attached and maintained as to comply with the following requirements:

a) When the taximeter is turned on, the fare on the taximeter shall be clearly visible to passengers.

b) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practical for any person to tamper with them.

c) The proprietor shall not permit any person to tamper with any of the seals on the taximeter.

6.18 On each occasion that the vehicle is hired, the driver/proprietor shall ensure that the meter is turned on at the commencement of the journey. The driver/proprietor may charge less than the fare shown on the meter but not more.

**Fare Card**

6.19 At all times when the vehicle is in use as a licensed vehicle, a current fare card showing the fare which may be lawfully charged shall be displayed by fixing it to the interior of the vehicle, in such a position and manner that the letters and figures shall be plainly visible and legible at all times to persons being carried therein.

**Drivers**

6.20 No person is authorised to drive the vehicle other than a person currently licensed with the Council as a Hackney Carriage/Private Hire vehicle driver and wearing the official badge (subject to any specific exemption granted by the Council).
Renewal

6.21 No licence will be eligible for renewal unless:
   a) during the licensing period for which it is granted the licence plate is affixed to an approved vehicle in the proprietorship of the original applicant; and
   b) all appropriate application forms and fees and any necessary inspection forms are received at least 7 days prior to the renewal date.

The vehicle can only be re-licensed by the current/former holder of the licence.

6.22 If there will be a delay in renewing the licence, the Council must be notified in writing at least 7 days before the expiry of the existing licence, such notification to include a written undertaking not to operate the vehicle until a new licence has been issued.

6.23 If the above condition is not met and a letter issued by the Council confirming the arrangement, any late application to renew the licence may be treated as a new application and will not automatically be renewed; a formal written warning will be issued to the proprietor in this respect. Offenders run the risk of their licence not being renewed.

6.24 The licence plate must be returned to the Council within 7 days if the vehicle licence expires. Failure to do so will render the Licensee liable prosecution and a fee may be charged.

6.25 Any applications for the renewal of a Hackney Carriage/Private Hire Vehicle Licence submitted after the deadline for renewals will be referred to the next available Licensing Panel for consideration and will not be licensed to operate in the meantime.

6.26 In the event of a vehicle being found to be operating after the existing licence has expired, any subsequent application for the renewal of the licence may be refused.

6.27 In the event of the death of an owner of a Hackney Carriage/Private Hire Vehicle Licence during the period of the licence, the right to renew the licence will automatically be transferred to the owner’s personal representative.

Transfer Of Ownership

6.28 Any transfer in the ownership or part-ownership of the licensed vehicle must be notified to the Council, by the person named on the application form as owner of the vehicle, in writing, within 14 days of such transfer taking place, specifying the name and address of the person to whom the vehicle has been transferred.

6.29 The vehicle licence will then be transferred if the new owner requests the transfer in writing, on the appropriate form, and pays the appropriate fee.

Transfer Of Vehicle Licence

6.30 Licenses cannot be transferred between vehicles. Every vehicle must have its own licence application approved before it can be used as a Hackney Carriage/Private Hire vehicle.

Damage

6.31 The proprietor must notify the Council of any accident to the vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers within 72 hours (3 days) of the accident occurring.
Use Of Temporary Replacement Vehicle

6.32 In the event of a licensed vehicle being unavailable for a few days, i.e. due to an accident, repairs being carried out etc, if the licensee wishes to use an unlicensed vehicle as a temporary replacement s/he must first obtain permission from the Council, such permission not to be unreasonably withheld, subject to the following conditions being met:

- a) that the replacement vehicle is in a safe mechanical condition – current MOT certificate to be provided;
- b) that the replacement vehicle is inspected, at the applicants expense, by the Councils nominated inspecting garage and the appropriate Certificate of Compliance submitted to the Council;
- c) that the insurance company agree to provide cover for the replacement vehicle – insurance document confirming this must be provided;
- d) that it is only for a maximum of 14 days;
- e) that any appropriate information relating to the replacement vehicle, such as registration number, type of vehicle etc is supplied, together with the length of time it is to be used;
- f) a temporary licence/plate will be issued, to be collected from the Council and displayed in the back window of the temporary vehicle. The licence/plate to be returned to the Council at the end of the temporary period. A charge of £25.00 will be levied if the plate is not returned.

6.33 If the arrangement is to last longer than a maximum of 14 days, the applicant must notify the Council, in writing.

Inspections/Stop Notices

6.34 Any vehicle which is the subject of an application for a Licence will be examined (including mechanically) by a duly authorised Officer of the Council prior to the issue or renewal of a Vehicle Licence and on such other occasions as necessary and the applicant must take the vehicle in a clean condition, together with the Certificate of Compliance for the vehicle to the place appointed for such examination.

6.35 In cases of applications for renewal of a Licence, the vehicle must be presented for compliancy testing not less than 7 days and not more than 28 days prior to the date of renewal of the Licence in order for licences to be reissued at the commencement of the new licensing period unless the vehicle has been satisfactorily inspected within the last 6 months in which case the Council will notify the applicant of the date the next inspection is due.

6.36 The Licensee shall, if requested by an authorised Officer of the Council or Police Officer, produce for inspection the Vehicle Licence, Certificate of Insurance and Certificate of Compliance.

6.37 An authorised Officer of the Council or any Constable may at all reasonable times inspect and test the vehicle and taximeter to ascertain their fitness. In the event of serious defects being found, the Hackney Carriage/Private Hire licence plate will be removed and a Stop Notice issued to the Driver/Proprietor of the vehicle; such Notice to remain in force until the necessary remedial works have been carried out.

6.38 The offences for which the Stop Notice would apply are as follows:

b) Serious bodywork defects.

c) The interior condition of the vehicle failing to meet the appropriate standards as regards cleanliness.

d) Missing and/or faulty vehicle equipment, i.e. spare wheel, jack, brace, fire extinguisher.

e) Hackney Carriage/Private Hire vehicle plate insecurely fitted.

f) Defects with the taximeter.

**Inspections During Course Of Licence**

6.39 In the event of an allegation being received during the period of the licence that a vehicle/taximeter is not of a satisfactory standard/operating correctly, the licensee may be required by the Council to undertake a further inspection at the Council's nominated inspecting garage.

6.40 If the vehicle fails to pass an inspection test, the costs of the test will be borne by the licensee.

6.41 Any vehicle failing to pass an inspection at the garage must not be operated until such time as the vehicle has been reinspected and a Certificate of Compliance issued, unless prior permission has been obtained from the Council.

NOTE: The vehicle must be presented for inspection within seven days if the licensee is requested to do so by the Council; failure to arrange/pass an inspection within the seven day period may mean that the matter would have to be reported to the next available Licensing Panel.

**Trailers**

6.42 Trailers may only be used with the prior approval of the Council and subject to the following requirements:

a) Trailers shall be purpose built luggage trailers of commercial manufacture.

b) Trailers must be presented at the Council’s inspecting garage for inspection at the time the vehicle undergoes its plating test. An additional charge will be made by the inspecting garage.

c) Trailers may only be issued in connection with private hire bookings and cannot be used for plying for hire on a rank.

d) Trailers must at all times comply with the requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.

e) The vehicle insurance must include cover for towing a trailer.

f) Trailers must not be left unattended anywhere on the highway.

g) The speed restrictions applicable to trailers must be observed at all times.

h) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
i) Trailers must display a valid trailer plate issued by the authority, which must be fixed to the rear of the trailer, due to the vehicle plate being obscured from view by the trailer when in use.

**Change Of Address**

6.43 Any change in the address at which the vehicle is usually kept must be notified to the Council, in writing, within 7 days of the change of address.

**Proprietor Responsibilities:**

6.44 At all times, the proprietor 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 watertight;

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

d) cause the seats to be properly cushioned or covered, clean and free from any tears, damage grease or any other contaminants;

e) ensure the floor is 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 proper and sufficient accommodation for luggage and a means of securing such luggage;

h) provide a fire extinguisher that meets the following specification:

   - of an approved type, manufactured to BS-EN3
   - minimum of 1k powder
   - securely mounted within a retaining bracket
   - serviced annually to BS-5306-3
   - the extinguisher to be accompanied with a Certificate of Conformity valid for 12 months from the date of the annual service
   - carry a service record and be fitted with an anti-tamper tag
   - marked in permanent marker with the registration number of the vehicle in which it is fitted.

   A label giving the location of the extinguisher to be displayed if the extinguisher is not immediately visible to driver and passengers

   The certificate should be provided at each renewal.

i) ensure that the vehicle is in a clean and tidy condition at all times;

j) carry a suitable First Aid kit; (Guidance is provided at appendix ‘F’)

k) ensure the body shell, including doors, panels, wings, bumpers and interior floor area are maintained in good condition, free from rust, holes, broken metal or any other visible damage.
l) ensure the paintwork is maintained in a uniform colour as recorded on the registration document.

m) ensure floor coverings are kept in good condition, clean and free from any contamination.

n) ensure the interior trim is kept in good condition, clean and free from any tears, damage, grease or any other contamination.

o) ensure door hinges are kept in good order, all working and doors ‘seat’ correctly when closed.

p) ensure windscreen and windows are kept in good clean condition and free from damage.

q) ensure side windows and winders are kept in good order and all working correctly.

r) ensure spare wheel, brace and jack are kept in good condition and are carried in an easily accessible position on all vehicles at all times.

s) ensure the boot or luggage compartment is kept clean and free for the accommodation of passenger’s luggage.

t) ensure the engine is kept free from oil leaks

**Stretch Limousines**

6.45 Stretch limousines may be licensed as a Private Hire Vehicle for up to 8 passengers only, subject to the following additional conditions:

a) No passengers to be carried in the front of the vehicle.

b) All seats to be fitted with seat belts conforming to the current UK standard specification and be appropriate to the seating position.

c) All vehicles must either meet the European Whole Vehicle Approval standard, the M.1. passenger vehicle requirements, or have a Single Vehicle Approval Test Certificate issued by the Vehicle Inspectorate Executive Agency, and QVM or MVM certification must be provided.

d) Vehicle must be fitted with clear glass in the drivers compartment and may have tinted glass in the side and rear windows, subject to the rear window allowing a minimum of 70% light transmission.

e) All limousines to be tested at the Councils nominated testing garage for limousines.

Stretch Limousines with 9 or more passengers are licensed by the Traffic Commissioners.

**Legal Requirements**

6.46 Apart from the specific conditions set out above, the grant of a Hackney Carriage/Private Hire Vehicle Licence is subject to the provisions of the Town Police Clauses Act 1847 and of Part II of the Local Government (Miscellaneous Provisions) Act 1976, any other relevant statutory enactment and to such other terms and conditions from time to time specified by the Council. Attention is also drawn to any conditions, which must be attached to the grant of a Licence.
6.47 Vehicles must comply with Sections 32 and 37 of the Disability Awareness Act 1995 and the Regulations made under the Act, where they apply. (The relevant extracts from the Act and Regulations can be obtained from the Council, on request).

NOTE: It is an offence to operate a vehicle without a current Licence for Hackney Carriage/Private Hire vehicle hire purposes. It is also an offence for an unlicensed driver to drive a licensed vehicle. Offenders may be liable to prosecution and/or the revocation of their licence. Insurance cover may be invalidated in the event of an accident.

If you are in any doubt, contact the Council.

ANY PERSON WHO:

a) wilfully obstructs an authorised Officer or Police Officer acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;

b) without reasonable excuse fails to comply with any of the requirements properly made to him by such Officer or Police Officer under Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or the Town Police Clauses Act, 1847;

c) without reasonable cause, fails to give such an Officer or Police Officer any other assistance or information which he may require for the performance of his functions under Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or the Town Police Clauses Act, 1847, shall be guilty of an offence.

These conditions shall apply to Hackney Carriage/Private Hire vehicles licensed by West Somerset Council.

Revocation or Modification of Conditions

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions, and notice thereof will be served on all licensees.
APPENDIX D

Conditions Specific to Horse-Drawn Hackney Carriages:

These conditions are applicable to Horse Drawn Hackney licences. In all other respects, the provisions and conditions relating to hackney carriage/private hire licensing, as set out in this document, apply to horse drawn hackney carriages except in so far as the context of the provisions or conditions clearly dictate that reference is being made to motor vehicles or the driving of such motor vehicles.

Driver:

7.1 The driver of a Horse Drawn Hackney Carriage shall, while standing or plying for hire, cause every part of the horse(s) harness to be kept in order such that the horse(s) shall be properly and securely attached to the carriage and under due control.

7.2 The driver of a horse-drawn Hackney Carriage shall not ply for hire after sunset or before sunrise.

7.3 The proprietor/driver of a horse-drawn Hackney Carriage shall at all times maintain in a clean and tidy condition any public area used for the purposes of a horse-drawn hackney stand.

7.4 The driver shall examine the horse(s), harness and carriage carefully at the start of each days work to ensure the carriage and horse(s) are on good condition and good working order.

7.5 The driver shall take all reasonable steps not to hold up traffic and to allow other vehicles to pass.

Proprietor:

Change Of Horse/Carriage

7.6 An existing proprietor must notify the Council of any change of horse or carriage, from those recorded with the Council, before such change occurs. The existing licence and plate must be placed on hold with the Council before selling a licensed carriage. Applications for the substitution of carriages must be made on the relevant form, following the licensing procedure.

Stands

7.7 A licensed Horse Drawn Hackney Carriage shall not stand for hire on any Hackney Carriage vehicle stand appointed by the Council in the relevant area, under the provisions of Section 63 of the Local Government (Miscellaneous Provisions) Act 1982.

Condition And Testing Of Carriage

7.8 A certificate of fitness and safety for the carriage, fittings and equipment must be produced prior to the carriage being licensed. Any such certificate must result from an examination of the carriage by or on behalf of the British Driving Society. Any such certificate must not have been issued more than one month prior to the issue of the licence and remains valid for a maximum of 12 months, or such lesser period as the Council deems fit. The cost of the inspection to be paid by the applicant.

7.9 Should any alteration in the design or construction of carriage be made, the authorised officer of the Council must be notified and full particulars of the alteration must be supplied – the carriage will then require another inspection.
7.10 Any carriage the subject of an application for a licence will be examined by a duly authorised officer of the Council prior to the issue or renewal of a Horse Drawn Hackney Carriage licence and on such other occasions as necessary and the applicant must take the carriage, in a clean and tidy condition, to the place appointed for such examinations.

7.11 The Council will expect the carriage to comply with the following at all times:

a) It should have no damage affecting its structural safety.
b) All passenger seats must face frontward or rearward to the direction of travel.
c) Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the carriage. There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat or internal panel in front.
d) Any steps at passenger door entrances must have clearly marked edges.
e) All carriages and harness must be presented for inspection, when and where required and no carriage or harness will be certified fit for public use unless it is properly finished and painted and in a thoroughly good condition.
f) Sufficient working front and rear lamps and reflectors as to warn other road users of the presence of a horse drawn carriage in conditions of poor visibility.
g) Sufficient means of securing the carriage against adverse weather conditions to ensure the comfort of passengers conveyed therein in inclement weather.
h) An independent, efficient and effective braking system shall be provided;
i) An efficient, working, fire extinguisher (as detailed at 6.44 (h)).
j) Carry a suitable first aid kit (guidance is provided at Appendix ‘F’).

Accident Damage

7.12 If the carriage or horse is involved in a road traffic accident, where:

a) the carriage is damaged and/or
b) there is injury to either horse or persons, passenger or pedestrian;
c) or where the police or emergency services attend,

the details must be reported in writing, within 72 hours, to the Licensing Section of the Council.

Fares

7.13 The proprietor of a Horse Drawn Hackney Carriage shall:-

a) submit to the Council for approval a schedule of fares to be charged by him/her, including proposed routes, and give at least fourteen days notice of any proposed changes thereto;
b) the fares shall not exceed the table of fares set by the Council and used in Hackney Carriages with meters fitted.
c) cause a statement of the fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto in clearly distinguishable letters and figures;
d) renew such letters and figures as often as is necessary to keep them clearly visible.

Removal Of Faeces

7.14 The proprietor shall ensure that the design of the carriage is such that, as far as is practicable, no faeces will be deposited on the highway. Any device that is used must not cause distress or discomfort to the horse. Any faeces that are deposited on the highway are to be removed as soon as is practicable.
7.15 All horses used for the purpose of drawing a Horse Drawn Hackney Carriage during the currency of the licence shall be suitable for such purposes.

7.16 The applicant shall at the time of the application lodge with the Council a Veterinary Certificate, obtained at his/her own expense, as to the fitness of all horses to be used for the purpose of drawing a Horse Drawn Hackney Carriage in connection with this licence. The owner shall provide photographs (from each side and head on) of each horse used and shall carry the same on the carriage. The surgeon must certify the photographs as being true representations of the horse that is the subject of each certificate of fitness.

7.17 The horse must be sound and free from lameness, be at least six years of age and must not be employed whilst under any veterinary treatment, unless written permission is expressly given by the surgeon. If any horse be not of six years of age then specific certification must be obtained at the applicant’s expense, from the British Driving Society as to that horses suitability for use.

7.18 The person in charge shall examine the horse and carriage carefully at the start of each day to ensure the health of the animal and good condition of the carriage and harness.

7.19 The horse shall not be in harness for more than six hours in any one day. During this six hours no more than three consecutive hours may be spent working without the horse being allowed at least one hours rest, which will include the provision of food and water.

7.20 The licence holder must have due regard to extreme or adverse weather conditions, including hot sunshine, and must at all times consider the horses welfare.

7.21 The horse(s) must be regularly and competently shod.

7.22 If in the opinion of the authorised officer of the Council or Police Officer, or RSPCA, the horse appears unfit for work then the use of that horse shall cease until such time as a veterinary surgeon specialising in large animal practice has certified that the horse is fit. The fees for such an examination are to be the responsibility of the carriage proprietor.

7.23 Any horse used for the purpose of drawing a Horse Drawn Hackney Carriage which, in the opinion of an authorised officer of the Council, is in need of a Veterinary inspection shall not continue to work until the holder of the licence has obtained, at his/her own expense, and lodged with the Council, a Veterinary Certificate that the horse is fit for such work.

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

Legal Requirements

7.25 Apart from the specific conditions set out above, the grant of a Hackney Carriage/Private Hire Vehicle Licence is subject to the provisions of the Town Police Clauses Act 1847 and of Part II of the Local Government (Miscellaneous Provisions) Act 1976, any other relevant statutory enactment and to such other terms and conditions from time to time specified by the Council. Attention is also drawn to any conditions, which must be attached to the grant of a Licence.

7.26 Vehicles must comply with Sections 32 and 37 of the Disability Awareness Act 1995 and the Regulations made under the Act, where they apply. (The relevant extracts from the Act and Regulations can be obtained from the Council, on request).

NOTE: It is an offence to operate a vehicle without a current Licence for Hackney
Carriage/Private Hire vehicle hire purposes. It is also an offence for an unlicensed driver to drive a licensed vehicle. Offenders may be liable to prosecution and/or the revocation of their licence. Insurance cover may be invalidated in the event of an accident.

If you are in any doubt, contact the Council.

ANY PERSON WHO:

a) wilfully obstructs an authorised Officer or Police Officer acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;

b) without reasonable excuse fails to comply with any of the requirements properly made to him by such Officer or Police Officer under Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or the Town Police Clauses Act, 1847;

c) without reasonable cause, fails to give such an Officer or Police Officer any other assistance or information which he may require for the performance of his functions under Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or the Town Police Clauses Act, 1847, shall be guilty of an offence.

These conditions shall apply to Hackney Carriage/Private Hire vehicles licensed by West Somerset Council.

Revocation or Modification of Conditions

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions, and notice thereof will be served on all licensees.
APPENDIX ‘E’

GUIDANCE - CCTV IN LICENSED VEHICLES

Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but must first notify the Council of their intention to do so.

The Law
CCTV images are covered by the Data Protection Act. This Act not only creates obligations on businesses that collect the images but also rights to individuals, such as the right to gain access to their details and to claim compensation when they suffer damage.

The law is the same for large organisations and individuals and it is the Information Commissioner’s office that is responsible for ensuring that the Data Protection Act is complied with. As such, any organisation or individual that is considering collecting images should first read the Information Commissioner’s CCTV Code of practice. This is available to view on their website at www.ico.gov.uk

Notification
The Information Commissioners Office must be notified by the person responsible for controlling the collected data (the Data Controller). This can be either an individual driver or an operator who is responsible for a fleet of vehicles with CCTV installed.

Notification to the Information Commissioner does not in itself ensure that the system is compliant, the data protection principles still need to be adhered to. A Data Controller should review regularly whether CCTV continues to be justified. Notification is renewed annually.

Notification can be carried out online and the fee paid by direct debit, or by telephone.

Signage
Appropriate signage must be displayed to inform passengers that they are being recorded, the notice must also state details (telephone number for example) of how they can access images if necessary.

Legal Advice
This document is a summary of the position relating to CCTV and is provided for information only. It should not be regarded as a complete statement of law. Any person that is considering installing CCTV is advised to contact the Information Commissioners Office and/or take further legal advice.

Contact Details
Information Commissioners Office, Wycliffe House, Water Lane, Wimslow, Cheshire, SK9 5AF
Tel: 08456 306060 Email: mail@ico.gov.uk Website: www.ICO.GOV.UK

Publications
CCTV Code of Practice (revised edition 2008) – Information Commissioners Office
APPENDIX ‘F’

FIRST AID KIT

All licensed vehicles should have a first aid kit. The first aid kit must be securely fitted and adequately stocked with a range of basic first aid equipment. It should be readily available for use in an emergency, and may be kept either inside the vehicle or located in the boot.

The contents of the first aid kit should include:

- A leaflet giving general advice on first aid e.g. HSE leaflet “Basic Advice on First Aid at Work” available free from the Licensing Unit
- 10 individually wrapped sterile adhesive dressings (assorted sizes)
- 2 sterile eye pads
- 2 individually wrapped triangular bandages
- safety pins
- 3 medium sized (approximately 12 cm b 12 cm) individually wrapped sterile unmedicated wound dressings
- 2 large (approximately 18 cm x 18 cm) sterile individually wrapped unmedicated wound dressings
- 1 pair of disposable gloves

You should not keep tablets or medicines in the first aid kit.

The above is a suggested list only; equivalent but different items are considered acceptable.
8.0 PRIVATE HIRE OPERATOR LICENCES – REGULATIONS AND CONDITIONS

Records

8.1 Under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 Private Hire Operators are required to keep records giving particulars of every booking of any private hire vehicle invited or accepted by the Operator, whether from the hirer or another Private Hire Operator.

Booking Records

8.2 The licensed operator shall, before the commencement of each hiring, record in a register maintained for the purpose, the following details of each journey:

a) plate and registration number of the vehicle used for the hiring;
b) badge number and name of the vehicle driver;
c) point of pick-up;
d) time of pick up;
e) destination;
f) name of hirer, and
g) date and time of booking.

Vehicle Records

8.3 The operator shall maintain a record of all vehicles used in connection with the operators business. The vehicle record shall contain the following:

a) registration number
b) plate number
c) make and colour of vehicle
d) date and expiry of private hire vehicle licence.

Driver Records

8.4 The Operator shall maintain a record of all drivers undertaking private hire bookings. The drivers record shall contain the following details:

a) drivers full name
b) drivers current full address
c) drivers badge number
d) expiry date of private hire drivers licence
e) date that employment commenced
f) date that employment terminated.

Complaints

8.14 The operator shall keep a record of complaints received. The record shall contain:

a) date of complaint;
b) name of complainant;
c) form of complaint (telephone, letter);
d) nature of complaint (summary of complaint);
e) vehicle and driver licence numbers;
f) action taken by operator to resolve the complaint.

8.5 All the above records shall be kept for a period of not less than 12 months following the date of the last entry.
8.6 The records shall be available for inspection at any reasonable time, without notice, by any authorised Officer of the Council or any Police Officer.

Advertisements

a) If the licence holder does not operate any licensed Hackney Carriage Vehicles, then no advertisement containing the words “cab”, “taxi-cab” or “taxi” may be displayed or used in any advertisement.

b) in this licence, advertisement includes any form of advertising, whether in a publication or by the display of notices, or by means of circulars or other documents, or by exhibition of photographs, pictures, video tape, film, computer generated images or by way of sound broadcasting or television;

c) notwithstanding anything contained in (a) above, the words “cab”, “taxi-cab” or “taxi” shall not be used on any sign or notice displayed on any private hire vehicle.

Service Standards

8.7 The operator shall provide a prompt, efficient and reliable service to the public at all reasonable times. In particular, the operator shall ensure that:

a) each vehicle shall attend punctually at the appointed time and place, unless delayed or prevented by sufficient cause;

b) any premises to which the public have access are kept clean, adequately heated, ventilated and lit;

c) any waiting area provided by the operator has adequate seating facilities;

d) any telephone facilities and radio equipment are maintained in a sound condition and any defects repaired promptly;

e) any radio equipment provided by the operator is licensed by the Home Office. The operator shall produce this licence to the Council on request.

Change of Premises

8.8 The operator shall not change the address of the premises from which s/he operates without the written consent of the Council.

Alteration Of Business

8.9 Any alteration in the style or title of the operators business or any change in the trading status of the operator must be notified to the Council immediately, in writing.

Convictions & Formal Cautions

8.10 The operator shall, within 7 days, disclose to the Council, in writing, details of any convictions or formal cautions imposed on him/her during the period of this licence.

8.11 If the operator is a limited company, the operator shall, within 7 days disclose to the Council, in writing, details of any convictions or formal cautions imposed on the company, or any director thereof, during the period of this licence.

8.12 If the operator is a partnership, the operator shall, within 7 days, disclose to the Council, in writing, details of any convictions or formal cautions imposed on the partnership, or any partner thereof, during the period of this licence.
8.13 In the event of a licensee being convicted of any offence (including a motoring offence), the licensee must report the fact, with full details of the offence and the sentence imposed, to the Council in writing, within 3 days of the date of conviction.

Irregularities

8.14 An operator who has reasonable cause to believe that an irregularity exists in the licensing of a vehicle or driver under his control shall advise the Council accordingly in order that the matter can be investigated.

Planning Permission/Landlords Consent

8.15 Operators shall ensure that all necessary permissions, consents, approvals and licences have been obtained for the premises from which they are operating.

Nuisance

8.16 The operator shall not cause, or allow to be caused, any nuisance or annoyance to the owners or occupiers of nearby premises, by the conduct of the business to which this licence relates.

Display of Licence

8.17 The licence holder shall display the Operator Licence granted to him/her on the premises at all times and shall produce the licence, on request, to any Authorised Officer of the Council, or to any Constable for inspection.

Knowledge of legislation

8.18 The operator shall be familiar with the Council's requirements and conditions for Private Hire Operators, Drivers and Vehicles.

Legal Requirements

8.19 Apart from the specific conditions set out above, the grant of an Operators Licence is subject to the relevant provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, any other relevant statutory enactment and to such other terms and conditions from time to time specified by the Council. Attention is also drawn to any conditions which may be attached to the licence.

Suspension, Revocation or Refusal to Renew Licence

8.20 The operator licence may be suspended, revoked or not renewed by the Council:

a) if the operator is convicted of an offence under, or otherwise fails to comply with, any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976;

b) if any conduct of the operator appears to the Council to render him/her unfit to hold an operators licence;

c) if the circumstances of the operator, on the basis of which the licence was granted, have changed in a material way since the licence was granted,

d) any other reasonable cause.
ANY PERSON WHO:

a) wilfully obstructs an authorised Officer or Police Officer acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act, 1976

b) without reasonable excuse fails to comply with any of the requirements properly made to him by such Officer or Police Officer under Part II of the Local Government (Miscellaneous Provisions) Act, 1976

c) without reasonable cause, fails to give such an Officer or Police Officer any other assistance or information which he may require for the performance of his functions under Part II of the Local Government (Miscellaneous Provisions) Act, 1976 shall be guilty of an offence.

These conditions shall apply to Private Hire Operator licences issued by West Somerset Council.

Revocation or Modification of Conditions

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions, and notice thereof will be served on all licencees.
APPENDIX ‘H’

Offences – Hackney Carriage and Private Hire Vehicles and Drivers

Introduction:

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

i) Town Police Clauses Act, 1847

The offences are listed below:

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

<table>
<thead>
<tr>
<th>Level</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>£200</td>
</tr>
<tr>
<td>2</td>
<td>£500</td>
</tr>
<tr>
<td>3</td>
<td>£1,000</td>
</tr>
<tr>
<td>4</td>
<td>£2,500</td>
</tr>
</tbody>
</table>

A Town Police Clauses Act, 1847

<table>
<thead>
<tr>
<th>Section</th>
<th>Offence</th>
<th>Maximum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>Giving false information on application for HC proprietor’s licence</td>
<td>Level 1</td>
</tr>
<tr>
<td>44</td>
<td>Failure to notify change of address of HC proprietor</td>
<td>Level 1</td>
</tr>
<tr>
<td>45</td>
<td>Plying for hire without HC proprietors licence</td>
<td>Level 1</td>
</tr>
<tr>
<td>47</td>
<td>Driving a HC without HC drivers licence</td>
<td>Level 4</td>
</tr>
<tr>
<td>47</td>
<td>Lending or parting with HC drivers licence</td>
<td>Level 3</td>
</tr>
<tr>
<td>47</td>
<td>HC proprietor employing unlicensed driver</td>
<td>Level 3</td>
</tr>
<tr>
<td>48</td>
<td>Failure by HC proprietor to hold HC drivers licence</td>
<td>Level 1</td>
</tr>
<tr>
<td>48</td>
<td>Failure by HC proprietor to produce HC drivers licence</td>
<td>Level 1</td>
</tr>
<tr>
<td>52</td>
<td>Failure to display HC plate</td>
<td>Level 1</td>
</tr>
<tr>
<td>53</td>
<td>Refusal to take a fare</td>
<td>Level 2</td>
</tr>
<tr>
<td>54</td>
<td>Charging more than the agreed fare</td>
<td>Level 1</td>
</tr>
<tr>
<td>55</td>
<td>Obtaining more than the legal fare</td>
<td>Level 3 and 1 months imprisonment until the excess is returned</td>
</tr>
<tr>
<td>56</td>
<td>Travelling less than the lawful distance for an agreed fare</td>
<td>Level 1</td>
</tr>
<tr>
<td>57</td>
<td>Failing to wait after a deposit to wait has been paid</td>
<td>Level 1</td>
</tr>
<tr>
<td>58</td>
<td>Charging more than the legal fare</td>
<td>Level 3</td>
</tr>
<tr>
<td>59</td>
<td>Carrying other person than the hirer without consent</td>
<td>Level 1</td>
</tr>
<tr>
<td>60</td>
<td>Driving HC without proprietors consent</td>
<td>Level 1</td>
</tr>
<tr>
<td>60</td>
<td>Person allowing another to drive HC without proprietors consent</td>
<td>Level 1</td>
</tr>
<tr>
<td>61</td>
<td>Drunken driving of HC</td>
<td>Level 1</td>
</tr>
<tr>
<td>61</td>
<td>Wanton or furious driving or wilful misconduct leading to injury or danger</td>
<td>Level 1</td>
</tr>
<tr>
<td>62</td>
<td>Driver leaving HC unattended</td>
<td>Level 1</td>
</tr>
<tr>
<td>64</td>
<td>HC driver obstructing other HCs</td>
<td>Level 1</td>
</tr>
</tbody>
</table>
## B Local Government (Miscellaneous Provisions) Act, 1976

<table>
<thead>
<tr>
<th>Section</th>
<th>Offence</th>
<th>Maximum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>49</td>
<td>Failure to notify transfer of HC proprietors licence</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>50(1)</td>
<td>Failure to present HC for inspection as required</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>50(2)</td>
<td>Failure to inform local authority where HC is stored if requested</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>50(3)</td>
<td>Failure to report an accident to local authority</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>50(4)</td>
<td>Failure to produce HC proprietors licence and insurance certificate</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>53(3)</td>
<td>Failure to produce HC drivers licence</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>57</td>
<td>Making false statement or withholding information to obtain HC drivers licence</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>58(2)</td>
<td>Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence</td>
<td>Level 3 plus daily fine of £10</td>
</tr>
<tr>
<td>61(2)</td>
<td>Failure to surrender drivers licence after suspension, revocation or refusal to renew</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>64</td>
<td>Permitting any vehicle other than HC to wait on a HC stand</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>66</td>
<td>Charging more than the meter fare for a journey ending outside the district, without prior agreement</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>67</td>
<td>Charging more than the meter fare when HC used as private hire vehicle</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>69</td>
<td>Unnecessarily prolonging a journey</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>71</td>
<td>Interfering with a taximeter</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>73(1)(a)</td>
<td>Obstruction of authorised officer or constable</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>73(1)(b)</td>
<td>Failure to comply with requirement of authorised officer or constable</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>73(1)(c)</td>
<td>Failure to give information or assistance to authorised officer or constable</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Section</th>
<th>Offence</th>
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<tbody>
<tr>
<td>46(1)(a)</td>
<td>Using an unlicensed PH vehicle</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>46(1)(b)</td>
<td>Driving a PH vehicle without a PH drivers licence</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>46(1)(c)</td>
<td>Proprietor of a PH vehicle using an unlicensed driver</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>46(1)(d)</td>
<td>Operating a PH vehicle without a PH Operators licence</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>46(1)(e)</td>
<td>Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>46(1)(e)</td>
<td>Operating a PH vehicle when the driver is not licensed as a PH driver</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>48(6)</td>
<td>Failure to display PH vehicle plate</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>49</td>
<td>Failure to notify transfer of PH vehicle licence</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>50(1)</td>
<td>Failure to present PH vehicle for inspection as required</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>50(2)</td>
<td>Failure to inform local authority where PH vehicle is stored, if requested</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>50(3)</td>
<td>Failure to report accident to local authority</td>
<td>Level 3 (by virtue of s76)</td>
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<tr>
<td>50(4)</td>
<td>Failure to produce PH vehicle licence and insurance certificate</td>
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</tr>
<tr>
<td>53(3)</td>
<td>Failure to produce PH drivers licence</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>54(2)</td>
<td>Failure to wear PH drivers badge</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>56(2)</td>
<td>Failure by PH Operator to keep records of bookings</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>Section</td>
<td>Offence</td>
<td>Maximum Penalty</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>56(3)</td>
<td>Failure by PH Operator to keep records of PH vehicles operated by him</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>56(4)</td>
<td>Failure to produce PH Operators licence on request</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
<tr>
<td>57</td>
<td>Making false statement or withholding information to obtain PH drivers or operators licence</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
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<td>58(2)</td>
<td>Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence</td>
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<td>73(1)(c)</td>
<td>Failure to give information or assistance to authorised officer or constable</td>
<td>Level 3 (by virtue of s76)</td>
</tr>
</tbody>
</table>

C Transport Act 1980

<table>
<thead>
<tr>
<th>Section</th>
<th>Offence</th>
<th>Maximum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>64(2)(a)</td>
<td>Driving a PH vehicle with a roof sign, which contravenes s64 (1)</td>
<td>Level 3</td>
</tr>
<tr>
<td>64(2)(b)</td>
<td>Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64(1)</td>
<td>Level 3</td>
</tr>
</tbody>
</table>

D Disability Discrimination Act 1995 (as amended)

<table>
<thead>
<tr>
<th>Section</th>
<th>Offence</th>
<th>Maximum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>Driver of a HC refusing to carry a passenger in a wheelchair (unless exempted to do so)</td>
<td>Level 3</td>
</tr>
<tr>
<td>37</td>
<td>Driver of a HC refusing to carry an assistance dog (guide dog/hearing dog) (unless exempted to do so) or making an additional charge for such a dog</td>
<td>Level 3</td>
</tr>
<tr>
<td>37A</td>
<td>PH Vehicle Operator refusing to accept a booking for a private hire vehicle for a disabled person or for a person with an assistance dog (unless exempted to do so)</td>
<td>Level 3</td>
</tr>
<tr>
<td>37A</td>
<td>PH Vehicle Driver refusing to accept a booking for a private hire vehicle for a disabled person or for a person with an assistance dog &quot;unless exempted to do so)</td>
<td>Level 3</td>
</tr>
</tbody>
</table>

HC: Hackney Carriage
PH: Private Hire