

# DRAFT

**Pre-licensing and Licensing Conditions**

**for**

**Hackney Carriages and Drivers**



MALDON DISTRICT  
COUNCIL

### **Pre-licensing conditions for hackney carriage and private hire (dual) drivers**

To ensure that licensed drivers are reliable and of good character, a person applying for a Hackney Carriage and Private Hire Driver's Licence must comply with the following requirements.

1. Produce an enhanced Disclosure and Barring Service (DBS) certificate.<sup>1</sup>

If an applicant has spent six continuous months or more outside the UK, the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering this period. The criminal record check must be in English, if not, it must be translated into English by a certified translator acceptable to the Licensing Authority.

2. Fully complete an application form showing all convictions, spent and unspent, including any conviction for which the applicant has been rehabilitated under the Rehabilitation of Offenders Act 1974, as amended.<sup>2</sup>
3. Not have been convicted or cautioned for a criminal offence during the previous three years to ten years (depending upon the offence) or convicted or cautioned for a serious criminal offence or a sexual offence.<sup>2</sup>
4. Have a current GB or Northern Ireland Driving Licence which is a full licence to drive a motor car and has been held for at least three years prior to the date of application (or successful completion of an advanced driving assessment).

If an overseas driving licence, applicants must have a full UK driving licence and at least a year's experience of driving on UK roads within three years of their application for a Driver's Licence. Applicants must evidence this by providing, for example, proof of insurance; UK vehicle registration forms; or employment as a driver in the UK.

5. Produce a medical certificate in the prescribed form on application for initial and renewal of the licence and on an annual basis once reaching 65 years of age.<sup>3</sup>
6. Applicants shall satisfactorily complete training and produce a certificate. New applicants shall pass a geographical knowledge test.<sup>4</sup>
7. Be over 21 years of age.
8. Produce documentation to prove the right to live and work in the UK.

### **Notes to accompany the conditions**

1. DBS applications may be submitted through a "DBS Umbrella Organisation" such as personnel checks. The applicant must pay the fee direct to the processing body on application. The fee is not refundable if the licence application is refused. DBS disclosures must be current and issued no more than 28 days before the licence application.
2. The licensing of hackney carriage and private hire drivers is an exemption to the non-disclosure rule set out in the Rehabilitation of Offenders Act. A licence will not be granted to an applicant who has been convicted of or received a caution in relation to a serious criminal or sexual offence. Older convictions and less serious offences will be considered in relation to their relevance to the application. Refer to the Council's Assessment of Criminal Convictions for further details.

## APPENDIX 2

~~Applicants are required to submit a DVLA Driving entitlement consent form — three year mandate with their application. This is no longer required by the licensing authority as a third party undertakes these checks on the Council's behalf.~~

3. The medical examination should be completed by your own doctor at your expense. ~~A medical certificate should be returned by your doctor directly to the Council. – following feedback from the trade, it is accepted that this may not be possible and places more pressure on GP's.~~ Licensees who have reached the age of 65 years shall submit themselves for an annual medical examination, the completed medical certificate to be submitted to the Council. The Council reserves the right to demand additional medical examinations at any time. A medical assessment can be carried out by another registered GP practice or suitably qualified medical practitioner if the applicant's full medical history has been viewed and assessed by that person on request.
4. The test will cover geographical knowledge of the Maldon District, the test will not apply to existing drivers who renew licences without a break. Training will cover awareness of the legislation covering hackney carriages, private hire vehicles and drivers, disability and safeguarding.
5. All relevant facts will be considered when determining an application for a Driver's Licence. Each applicant is considered on his or her own merit and where any doubt exists, the applicant will be interviewed by the Licensing Sub-Committee. Any applicant refused a driver's licence on the grounds the applicant is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates' Court.
6. Hackney Carriage and Private Hire Driver's Licences are renewable every three years. In specific circumstances, a licence may be issued for less than three years.

### **Licensing conditions for drivers**

1. The driver shall immediately report to the Licensing Authority, in writing, any health matter which could affect his or her driving. If requested by the Licensing Authority, a medical certificate shall be provided within seven days.
2. The driver shall within 48 hours disclose to the Licensing Authority, in writing, details of any arrest and release, charge or conviction (including cautions), fixed penalty notice or driving licence endorsement during the period of the licence.
3. The driver shall notify the Licensing Authority in writing of any change to his/her name or address within seven days of such change taking place.
4. The driver shall always when driving a hackney carriage or private hire vehicle affix to his/her clothing the identity badge issued by the Licensing Authority and display the window badge in the vehicle, to be clearly and distinctly visible to passengers and prospective hirers.
5. The driver shall produce this licence on request to an authorised hackney carriage and private hire licensing officer of any Licensing Authority or Police Officer.
6. The driver shall not carry, or permit to be carried, a greater number of persons than that prescribed in the vehicle licence.
7. The driver shall give reasonable assistance to passengers with luggage, wheelchairs or walking aids.

## APPENDIX 2

8. The driver shall carry a disabled person's dog (e.g. guide or hearing dogs) and allow it to remain with that person or, if a driver of a designated wheelchair accessible vehicle, wheelchair passengers at no additional cost, as specified in sections 165 and 168 of the Equality Act 2010, unless exempted by the Council on medical grounds.
9. The driver shall not call out or ~~solicit otherwise importune~~ any person to hire the vehicle or allow another person to do so and shall not make use of the services of any other person in hiring the vehicle. *Following feedback from the trade that the condition is difficult to understand.*
10. The driver shall not at any time play a radio or other sound reproducing equipment in the vehicle without the express consent of the hirer, unless for the sending and receiving of messages in connection with the operation of the vehicle.
11. The driver shall search the vehicle immediately after completion of a hiring for any property left by a passenger. If any such property is found, it shall be returned to the owner or reported on the Essex Police website within 48 hours. Records of lost property (including description of property; date found; date returned to owner or reported on the Essex Police website; and date of disposal) to be maintained for 12 months.
12. The licence is not transferable and must be renewed at the end of the period for which the licence is in force; such period shall not exceed three years.
13. If not renewed, or on revocation or surrender, the driver shall forthwith return the driver and window badges to the Licensing Authority.
14. The driver shall register with the DBS update service and maintain registration during the life of the licence, including renewal licences.<sup>2</sup>

### **Notes to accompany the conditions**

1. For these conditions, the Licensing Authority shall be Maldon District Council.
2. To facilitate regular DBS checks by the Council, all licence holders must register with the DBS update service and nominate the Council (or its agents) access to their records. The fee to register and maintain registration must be met by the licence holder.

**Pre-licensing conditions for hackney carriages and proprietors**

**Hackney carriages**

The vehicle subject to an application for a hackney carriage licence is expected to comply with the following conditions.

1. The vehicle shall be in satisfactory mechanical order and body condition and in operational order in all respects.
2. The applicant shall submit the vehicle for mechanical inspection at his or her own expense at an approved testing station as directed by the Licensing Authority and provide a completed certificate of inspection. The frequency of testing required thereafter is set out in the conditions below.
3. The vehicle shall be either: -
  - a saloon, hatchback, estate vehicle, minibus or people carrier type which is unaltered from the manufacturer's original specification except for approved conversions to alternative fuels; or
  - a purpose-built vehicle or a vehicle suitably converted to a disabled access vehicle.
4. The vehicle shall be right hand drive.
5. Vehicles submitted for licensing shall meet the following standards for design and equipment.
  - a) The vehicle shall have a least two doors for use by passengers, in addition to a separate door for the driver (except for minibuses and similar vehicles).
  - b) The vehicle shall have rear seat accommodation for not less than three persons.
  - c) The vehicle shall have separate front seats for at least one person in addition to the driver (except for London style cabs).
  - d) Where the vehicle is a minibus or people carrier type, with two rows of seats behind the driver and front passenger seats, the seat nearest the door of the middle row must be able to fold or move forward as per the manufacturer's original specification to allow ingress or egress to the rear seats. Clear instructions for operating the seats must be provided in full view of the rear seat passengers. Where this is not possible, the seat must be permanently removed.
  - e) The vehicle shall be: -
    - of such design that the driver can communicate verbally with any passenger carried;
    - fitted with an interior light capable of illuminating the interior and for the use of any passenger carried;
    - fitted with flooring of proper matting, carpet or other suitable material;
    - fitted with cushioned seats, the upholstery of which is free from splits, holes, cuts or other damage;
    - fitted with adequate seatbelts for use by passengers;
    - capable of accommodating a reasonable amount of luggage in a safe and secure manner (if the vehicle is a hatchback or estate vehicle, it shall be fitted with a guardrail of approved construction to separate the luggage area from the passenger compartment);
    - capable of accommodating a wheelchair either constructed or collapsed in a reasonable manner;
    - provided with a means of opening and closing not less than one window on each side of the vehicle; and
    - have the roof covered and watertight.

## APPENDIX 2

- f) The vehicle shall be fitted with a spare wheel / space saving wheel / run flat tyre that is in a serviceable condition unless otherwise agreed with the Licensing Authority as being unachievable due to the manufacturer's design. This follows feedback from the trade that many new vehicles do not have accommodation for spare wheels.
  - g) Hackney carriages, except for a London style taxi, shall display a roof sign which is white in colour and bearing the word 'TAXI' in black letters to the front and rear. It will be a minimum size of 450mm (18 inches) in length and 150mm (6 inches) in height. The sign shall be capable of being illuminated when the vehicle is plying for hire in its controlled area and if a taximeter is fitted to the vehicle must work in conjunction with that meter.
6. The proprietor must submit the following documents prior to issue of the licence. The documents must be current at the time the licence commences.
- a) An insurance certificate or cover note that expressly indicates ON RISK cover for hire and reward.
  - b) A mechanical inspection certificate.
  - c) A Department for Transport Certificate (MOT certificate) – to clarify as trade feedback indicated that they didn't know what this was as required by section 47 Road Traffic Act 1988), when the vehicle is one year old from the date of first registration.
  - d) A current vehicle excise licence. – recommended that this is removed as there are other methods of checking status online, thereby reducing the burden on business and paperwork.
  - e) The Vehicle Registration Document showing the proprietor's current name and address.
7. No advertising shall be displayed on the vehicle that in the opinion of the Licensing Authority detracts from the visibility of its licence plates and such other forms of livery and identification required by the Licensing Authority.

### Proprietors

To ensure that the proprietor is a fit and proper person, applicants must comply with the following requirements. Where the application is in the name of a company or partnership, the fit and proper person test will be applied to all directors or partners.

8. The proprietor to provide a basic Disclosure and Barring Service (DBS) certificate. If a company or partnership, each director or partner must produce a certificate.<sup>1</sup>

If the applicant has spent six continuous months or more outside the UK, the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering this period. The criminal record check must be in English, if not, it must be translated into English by a certified translator acceptable to the Licensing Authority.

9. Fully complete an application form showing unspent convictions.
10. Not have been convicted or cautioned for a criminal offence during the previous three years to ten years (depending upon the offence) or convicted or cautioned for a serious criminal offence or a sexual offence.<sup>2</sup>
11. Be over 21 years of age.

### Notes to accompany the conditions

1. DBS applications may be submitted through a DBS umbrella organisation such as personnel checks. The applicant must pay the fee direct to the processing body on application. The fee is

## APPENDIX 2

not refundable if the licence application is refused. DBS disclosures must be current and issued no more than 28 days before the licence application. Basic disclosures are not required if the applicant is a licensed driver/private hire operator and: -

- a recent disclosure and barring certificate has been produced; or
- he/she is signed up to the DBS update service (provides further clarification to the trade and reduces the burden placed upon them).

2. A licence will not be granted to an applicant who has been convicted of or received a caution in relation to a serious criminal or sexual offence. Older convictions and less serious offences will be considered in relation to their relevance to the application. Refer to the Council's Assessment of Criminal Convictions for further details.

### Licensing conditions for hackney carriages and proprietors

#### Proprietors

1. If the vehicle licence is transferred, the new proprietor must submit a basic Disclosure and Barring Service (DBS) certificate to the Licensing Authority (~~unless a licensed driver or private hire operator and the Council is in possession of a current DBS certificate~~) – repeated in Note 1 above. If a company or partnership, each director or partner must produce a certificate.<sup>1</sup> – see Notes above
2. The proprietor shall disclose to the Licensing Authority within 48 hours, in writing, any arrest and release, charge or conviction, fixed penalty or caution imposed on him or her or any person concerned in the operation of this licence.
3. The proprietor must notify the Licensing Authority within seven days of any change of his/her name or address.
4. A company or partnership must notify the Licensing Authority within seven days of any change in the directors or partners and submit a basic disclosure and barring (DBS) certificate for that person.<sup>1</sup> – see Notes above
5. The proprietor shall take all proper and reasonable steps to ensure that all vehicles which he/she operates and all drivers he/she employs comply with licensing conditions and other relevant statutory provisions or byelaws.
6. Notices giving details of how to make a complaint about drivers or vehicles must be displayed inside vehicles and clearly visible to passengers. The notice to include the following details: -
  - ~~name of the vehicle proprietor~~ – deletions made following feedback from the trade relating to the amount of notice information required to be displayed in or on vehicles – the reduced amount of information to be displayed will still provide enough information to enable the Council to investigate complaints
  - ~~contact details where a customer can make a complaint~~
  - ~~vehicle registration and~~ licence plate number
  - name of the Licensing Authority and contact details
7. The proprietor to maintain a record (written or electronic) of complaints received about drivers and vehicles. Records to include: -
  - date and time of incident
  - location of incident

- name of complainant and contact details
- name of driver and/or vehicle Licence number
- details of the complaint
- outcome of investigation

Any complaint of a criminal nature must be reported to the Licensing Authority within 72 hours of receipt.

### Vehicle Identification

8. The identification plates issued by the Licensing Authority shall be fixed to the front and rear of any vehicle being operated as a hackney carriage in a position that is clearly visible to the public.
9. The door stickers provided by the Licensing Authority shall be permanently attached and displayed on the upper panels of both front doors.
10. The vehicle and driver identity badges shall be displayed in the passenger compartment in a conspicuous position that is clearly visible to passengers.
11. A roof sign in the form approved by the Licensing Authority shall be fitted and maintained.
12. No advertising shall be displayed on the vehicle that in the opinion of the Licensing Authority detracts from the visibility of its licence plates and such other forms of livery and identification required by the Licensing Authority.

### Vehicle maintenance

13. New or replacement vehicles to be of a Euro VI standard or better from 2022.
14. The vehicle shall be kept in a clean and well-maintained condition.
15. No material alteration or change to the manufacturer's specification, design, condition or appearance of the vehicle shall be made at any time when the licence is in force without the prior approval of the Licensing Authority.
16. Adequate and secure luggage facilities must be provided and maintained.
17. The vehicle shall be equipped with a fire extinguisher maintained in accordance with ISO 7165.
18. In respect of any minibus or people carrier type vehicle where a seat has been removed to meet pre-licensing conditions, the seat shall not be replaced at any time the vehicle is licensed as a hackney carriage.

### Vehicle Testing

19. The vehicle shall be submitted for mechanical inspection at an approved testing station at the licensee's expense ~~and provide a completed certificate of inspection to the Licensing Authority-~~ covered in condition 22 below at the following intervals: -
  - a) vehicles less than three year's old, one test per year on application for renewal;
  - b) vehicles between three and six years old, two tests per year at six monthly intervals;
  - c) vehicles older than six years, three tests per year at four monthly intervals.



## APPENDIX 2

20. The vehicle shall be submitted for mechanical or other inspection at any time if required by the Licensing Authority in addition to the intervals set out in 19 above.
21. The vehicle shall be submitted for inspection in a condition that renders it suitable for that inspection, including being clean inside and out.
22. A completed mechanical inspection test certificate shall be submitted to the Licensing Authority as soon as practicable after the test has been completed. If the vehicle fails the test for any mechanical or safety reason, it shall not be used as a hackney carriage until the defects are corrected and the vehicle passes a re-test.
23. The proprietor ~~of a licensed hackney carriage~~ shall report to the Licensing Authority as soon as practicable, and within 72 hours, the occurrence of any accident involving any damage to the vehicle, whether or not the damage affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers.

### Insurance and documentation

24. The proprietor must: -
  - a) comply with the relevant legislation in relation to the insurance cover of the vehicle;
  - b) ensure a current certificate of motor insurance is on display or available in the vehicle for inspection on request;
  - c) produce to the Licensing Authority proof of continuous insurance cover for the vehicle.
25. The proprietor must: -
  - a) produce the vehicle licence on request to an authorised hackney carriage and private hire licensing officer of any Licensing Authority or a Police Officer;
  - b) permit the officer Licensing Authority to photocopy or otherwise deal with any document produced as evidence to support the application for renewal of the licence or enforcement of licence conditions.
26. The proprietor who permits or employs any person to act as the driver of the hackney carriage shall retain in his or her possession the licence of such driver while the driver is permitted or employed to drive the vehicle.

### Conduct of business

27. Whilst the vehicle is being used as a hackney carriage, it shall not be driven by anyone other than a driver licensed by the Licensing Authority and wearing the official badge as required by the conditions of their Driver's Licence.
28. The vehicle shall not be permitted to carry more than the number of persons specified on the Licence, irrespective of the age of the passenger.
29. The vehicle shall not be used as a hackney carriage whilst towing a trailer or whilst fitted with a roof box without the express consent of the Licensing Authority who may call for an additional inspection certificate.
30. Any trailer authorised by the Licensing Authority for use with a licensed vehicle will be fitted with a suitable spare wheel and a licence plate issued by the Licensing Authority.
31. ~~A daily record of the mileage covered by each licensed driver and the time and condition of the vehicle at handover shall be kept in the hackney carriage. The record shall be kept for 12~~

~~months and must be produced on the request of an authorised hackney carriage and private hire licensing officer of any Licensing Authority or a Police Officer.~~ Following feedback from the trade, considered to be burdensome.

32. Drivers must accept cash as well as other forms of payment. If drivers are unable to accept cheques, debit card or credit card payments, a clear notice to that effect must be displayed and clearly visible to passengers and potential passengers.

**Renewal**

33. This licence must be renewed annually.