

# Hackney Carriage and Private Hire Licensing Policy

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Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators.	Approved 11 September 2007 Revised 11 August 2009 Approved November 2010 Revised November 2011 Approved December 2011 Revised and approved October 2013 Revised and approved October 2015 Revised and approved March 2016 Revised and approved January 2017 Revised and approved November 2018 Revised and approved (insert date) 2024
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# Part 1

# Drivers

## **Section 1**

# **Applications, renewals and change of circumstances for Hackney Carriage/Private Hire Drivers Licences**

## Delegations and Referral to Committee

For the purpose of this Policy, simple and conditional cautions, reprimands, warnings and fixed penalties shall be treated as though they were convictions.

This policy will be reviewed every 5 years or when any changes to the policy or conditions of licence are proposed.

1. This Policy is to be applied when making all decisions for the grant/refusal/suspension/revocation of a licence for a combined Hackney Carriage/Private Hire Driver's Licence and/or a Private Hire Operator's Licence ('a Licence').
2. Under the Council's Constitution the Environment and Licensing Committee have responsibility for exercising the Council's powers relating to Hackney Carriages and Private Hire Licensing.
3. The following paragraphs set out the delegations and procedures for the grant/refusal/suspension/revocation of a licence. Where there is a delegation to the Director, this is for the grant of a licence only; the Director can only refuse to grant such a licence, or to revoke an existing licence, where:
  - i) the driver is disqualified from driving and no longer holds a licence under Part III of the Road Traffic Act 1998 authorising them to drive a motor vehicle; or
  - ii) the driver's full DVLA licence has been revoked under the provisions of the Road Traffic (New Drivers) Act 1995.

The Director can only suspend a licence where the licence holder, who is the holder of a three or five year licence, has failed to submit a declaration in accordance with his licence condition.

In addition to the above the Director in consultation with the Chair also has authority, under the Council's constitution for urgent matters, to immediately revoke or suspend a licence.

4. Consideration of all offences throughout this policy will be taken from the date of conviction.
- 5 **No previous convictions** - delegated authority to the Director.
- 6 **Minor Traffic Convictions where total number of points is 7 or fewer** – delegated authority to the Director, except where a DVLA licence has been revoked within the 2-year probationary period, under the Road Traffic (New Drivers) Act 1995, and a then a new DVLA licence obtained; even if the points are fewer than 7, the Director shall have no authority to grant the licence.
- 7 **Conviction for breaching regulation 110 of the Road Vehicles (Construction & Use) Regulations 1986/1078 regarding the use of handheld mobile telephones or other specified handheld devices**  
Where the applicant or licence holder has been convicted of the offence breaching the above regulations the matter must be referred to Committee.

- 8 **Convictions within 5 years of application/change in circumstances of existing licence holder** – there is no delegation other than for minor traffic convictions as above; all other applications disclosing any Convictions within the last 5 years must be referred to the Committee.
- 9 **Convictions more than 5 years but less than 10 years prior to the application** – delegated authority to the Director after consultation with the Chair or Vice Chair and two members of the Committee to grant a licence except:
- i) Where the applicant has a conviction for violence as detailed in the paragraph entitled ‘Convictions involving Violence (including attempts or conspiracy to commit such offences)’ in paragraphs (b)(i) and (b)(ii), when the application must be referred to the Committee if the offence is less than 10 years prior to the application.
  - ii) Where the applicant has a conviction for an indecency offence as detailed in the paragraph entitled ‘Convictions involving illegal sexual activity or indecency (including attempts or conspiracy to commit such offences)’ in paragraph (e)(i), when the application must be referred to Committee if the conviction is less than 10 years prior to the application.
- 10 **All Convictions more than 10 years prior to the application** – delegated authority to the Director after consultation with the Chair or Vice Chair, except in the following circumstances where the application must be referred to the Committee:
- i) Where the applicant has a conviction for an indictable only offence; and/or
  - ii) Where the applicant has a conviction for a sexual offence; or
  - iii) Where the convictions are all more than 10 years old and fall outside of the above, but it is felt by the Chair/Vice Chair that the circumstances justify refusal.

## Tests required to be passed by the applicant

- 1 **Medical Examinations:** All applicants are required to pass a medical examination (see section entitled Guidelines relating to Medical Conditions). The presumption will be that any applicant who fails their medical examination will be refused a licence; any applicant wishing to pursue their application and who has failed their medical examination will be referred to Committee.
- 2 **Knowledge test:** All new applicants are required to pass a knowledge test as part of the application process. This tests the applicant’s knowledge of routes and landmarks within the Gedling and Nottingham areas, as well as their knowledge of the Highway Code and licence conditions, and the ability of the applicant to do basic mental arithmetic (to ensure they can give correct change).

The application of any driver who takes and fails the test 3 times in succession will be deemed to be incomplete and will not be processed. Such applicant will not be eligible to sit the test during the following 3 month period, during which time it is expected that they will revise the material necessary to pass the test.

There is no ‘expiry date’ to the test, and no requirement to retake the knowledge test at renewal; however, any driver who has previously held a licence with Gedling Borough Council and who reapplies more than two years after the previous licence expired will be required to take the knowledge test again. This is to ensure they are familiar with the Gedling/Nottingham area and the terms and conditions of the Gedling licence, for the safety of the public.

- 3 **Practical Driving Test:** All new applicants are required to pass a driving test as part of their application. The application of any driver who takes the test and fails 3 times in succession will be deemed to be incomplete and will not be processed. Any such applicant will not be able to retake the test during the following 3 month period.
- 4 **Safeguarding:** All new applicants are required to attend Safeguarding Training and pass a short test as part of the application process, and every third year thereafter as part of the renewal application. All existing drivers are required to undertake the training and pass the test at first renewal after 1 April 2016, and every 3<sup>rd</sup> year as part of their renewal application.



# General Guidance and Policy

**Must be fit and proper** 1 A licence shall not be granted to an applicant unless the Committee is satisfied that the applicant is a fit and proper person to hold such a licence.

**Meaning of fit and proper** 2 The term 'fit and proper person' refers only to whether that person is fit and proper to drive a hackney carriage or private hire vehicle, or to act as an operator of a private hire vehicle.

There is no definition of the term 'fit and proper'; this is for the Committee to determine, however, regard should be had to the applicant's driving standards and experience, their character, any relevant previous convictions, and their knowledge and understanding of the trade. Regard will also be had as to whether the applicant is physically and mentally fit to drive a hackney carriage or private hire vehicle. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason.

The Department of Transport's Statutory Taxi and Private Hire Vehicle Standards encourage decision makers to ask themselves:

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?*

If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.

Licensing authorities have to make difficult decisions, but the safeguarding of the public is paramount.

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given the benefit of doubt. If the committee or delegated officer is only 50/50 as to whether the applicant or licensee is fit and proper, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Applicants are encouraged to provide evidence of good character, especially if they have a criminal record. If such record is not adduced or if there is good reason to question or doubt the evidence provided then that could amount to good reason to refuse a licence, or to grant for only 1 year.

**Main concern public safety** 3 The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and

not persons who would take advantage of their employment to abuse or assault passengers.

**Failure to notify the Council of convictions**

- 4 Applicants for a new or renewed licence must declare on the application form any convictions, cautions, reprimands, warnings and fixed or endorseable penalty notices. It is a condition of all licences that pending and actual convictions/cautions/reprimands/warnings and fixed penalty notices during the term of the licence must be notified to the Council. Licensees holding a licence for more than one year or less than five years must make a similar declaration at the end of each 12 month period.

Licence holders failing to make the required declaration in accordance with their licence conditions may have their licence suspended by the Director in accordance with the Council's delegation.

A very serious view will be taken if an applicant or licence-holder fails to declare convictions, or cautions, or reprimands, or warnings, or fixed penalty offences but signs the declaration confirming that the information they have given is correct or fails to notify the Licensing Section of convictions during the period of the licence in accordance with the licensing conditions.

This may be regarded as a deliberate attempt to mislead the Council with a view to obtaining a Licence or continuing to hold a Licence. The Director/Committee is entitled to take the failure to declare into account when determining what action to take as well as the actual conviction itself. This may result in a more serious sanction being imposed by the Director/Committee.

**Non-disclosure of a conviction during the period of a licence**

- 5 Where a licence-holder has continued to hold a licence following an undeclared conviction/caution/reprimand/warning or fixed penalty notice, this will be taken into account when that conviction is ultimately considered. If the Licence is revoked, the length of time the licence-holder continued to hold a licence following an undisclosed conviction may be taken into account when considering future applications.

Non-disclosure by an existing licence holder will be considered on renewal and whether it is appropriate, in the particular circumstances, to allow a 3 year drivers (or 5 year operators) year licence.

**Persons refused in the past**

- 6 Applicants who have been refused licences in the past, on the grounds that they are not fit and proper, are not debarred from being granted a licence. However, the Committee must be able to justify why that person is now considered by them to be a fit and proper person to hold such a licence. To do this it will be necessary to look at the reasons why the applicant was initially refused and then consider what has occurred since to indicate that the applicant is now fit and proper to hold a licence.

The lapse in time that has occurred, changes in domestic or business circumstances, added responsibilities are examples that may be relevant. The Committee may also consider that if the applicant is deemed to be fit and proper, it may be appropriate in their specific

circumstances to only grant a one year licence.

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| <b>Persons granted in the past</b>                        | 7  | Similarly, those applicants who have been granted licences in the past have been considered to be fit and proper persons to hold such licences. To refuse a renewal of such a licence or to grant for a lesser period than 3 years, there must be a change in circumstances or new evidence presented to the Committee before a change can be justified.   |
| <b>Treat each application on its merits</b>               | 8  | Each application for a licence will be considered on its own merits, both in relation to the grant of the licence and the duration for which it is granted.  |
| <b>Personal circumstances</b>                             | 9  | When considering whether to grant, suspend, refuse to renew or revoke a licence, the Council is focusing on the impact of the licence holder's character on members of the public who will use licensed vehicles. This does <u>not</u> require any consideration of their personal circumstances, which are irrelevant, except in very rare cases, to explain the conduct of the driver.   |
| <b>Driving experience</b>                                 | 10 | As required by law, no application shall be granted where the applicant has held a full driving licence for less than one year, or where they currently hold a provisional licence. In addition, applications should not be granted unless the applicant also has adequate driving experience. Driving experience may be taken into account when considering whether it is appropriate to grant the applicant a 3 year licence.  |
| <b>Immigration Status</b>                                 | 11 | As required by law, no application shall be granted where an applicant for a Private Hire Operator Licence or Hackney Carriage/Private Hire Drivers licence has been disqualified by reason of their immigration status from operating private hire vehicles or driving private hire vehicles/hackney carriages. A person is disqualified by reason of their immigration status if the person is subject to immigration control and has not been granted leave to enter or remain in the United Kingdom, or the leave is invalid, has ceased to have effect or is subject to a condition preventing the person from carrying on the licensable activity (operating private hire vehicles or driving private hire/hackney carriages). |
| <b>Conduct of driver</b>                                  | 12 | Conduct of licence holders is relevant in considering revocation, suspension or refusal to renew their licence.  |
| <b>Drivers already licensed (change of circumstances)</b> | 13 | Where a licence holder has been convicted of an offence involving dishonesty, indecency or violence, an immigration offence or been required to pay an immigration penalty, a licence may be suspended, revoked or an application to renew a licence refused. Where a licence holder is found to no longer be a fit and proper person, their licence must be revoked. If, however, it is considered that a person is still a fit and proper person to hold such a licence, but that their conduct falls below the standard required by the Licensing Authority, the Committee may decide to suspend their licence for such a period of time it considers fit or to issue them with a warning.  |
| <b>Use of suspension</b>                                  | 14 | The aim of the suspension of a licence is to bring a driver, who is falling below the standards required, back into line and not to penalise them.   |

If it is felt that a warning should be sufficient to do this then a warning should be preferred to a suspension.

**Complaints of drivers' standards, conduct of behaviour**

- 15 Where evidence of complaints about a driver's standards, conduct or behaviour or other allegations which reflect upon the conduct or behaviour of a driver are brought before the Committee and the driver disputes those allegations, the Committee should consider whether those complaints or allegations can be substantiated.

Any licence holder referred to Committee following a complaint(s) will have initially been dealt with in line with the Part 1 Section 2 of the Policy entitled Handling Complaints made against Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators.

For serious allegations against the driver the matter can be referred straight to the Director to be dealt with under Council's constitution for urgent matters.

**Licence-holder charged with criminal offence**

- 16 Where an applicant or licence-holder has been charged with a criminal offence, but the matter has not yet been considered by the Court, the Committee may decide to adjourn consideration of the matter pending the outcome of the criminal proceedings. Alternatively, the Committee may proceed to consider the charge and determine what action to take. Where a licence-holder has been charged with an offence:

- It is not necessary for the Committee to wait for a guilty verdict in criminal proceedings where a criminal offence is alleged to have been committed in the course of their employment before it can be decided to suspend or revoke a licence.
- It is not necessary to hear live evidence from witnesses to such an offence before it can be decided to suspend or revoke a licence.
- It is not necessary to decide there is a reasonable chance of the person being convicted of that offence before their licence can be properly suspended or revoked. It is for the Committee to decide whether the person is fit and proper to hold a licence on a balance of probabilities.
- It is not necessary to look at the impact on that person's livelihood or consider compensation if that person is ultimately acquitted of the criminal charge.

If the criminal offence the licence-holder has been charged with is considered so serious that consideration of it cannot be delayed until the next Committee meeting the matter will be dealt with by the Director under the Council's constitution for urgent matters.

**Reliance on evidence**

- 17 In hearing evidence, the Committee is not subject to the strict rules of evidence. Care should be taken in determining the relevance and admissibility of any evidence.

Where evidence has been presented which is later deemed to be not relevant or admissible, the members should take care to exclude such from their minds when making their decision.

The Committee should be careful to attach the correct weight to evidence before them. An independent witness with nothing to gain is

more likely to give an unbiased account than someone who has a personal interest in the case. Corroborative evidence will add weight. If evidence is presented without calling the witness to that evidence, great care should be taken in relying upon such.

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| <b>Standard and burden of proof</b>    | 18 | The civil standard of proof applies to proceedings of the Committee i.e. the Committee must be satisfied on a balance of probabilities.<br><br>The burden of proof rests with the applicant/licence-holder to show that they are a fit and proper person to hold a licence. |
| <b>Human Rights Act considerations</b> | 19 | A licence-holder can be deprived of their licence if it is in the public interest and in accordance with the law. When determining appropriate action the Committee will balance the rights of the licence-holder with the rights of the public at large.                   |

## **Guidelines Relating to Medical Conditions**

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| <b>Medical checks</b>                  | 1 | The Council requires applicants to pass a medical examination on initial application and when aged 45 years, 50 years, 55 years, 60 years, 65 years and annually thereafter. Applicants who fail the examination will be referred to Committee.   |
| <b>Consideration of medical report</b> | 2 | In determining whether the applicant is physically and mentally fit to drive a hackney carriage or private hire vehicle, the Committee will consider the report of the Medical Examiner appointed by the Council to assess the fitness of applicants. The Committee will also consider any relevant medical evidence of a qualified medical practitioner submitted by the applicant and may take such evidence into account when determining the application. |
| <b>Standard to be applied</b>          | 3 | The Council applies the Group 2 medical standards applied by the Driver and Vehicle Licensing Authority to taxi drivers. If an applicant fails to meet the Group 2 medical standard, the application will normally be refused. Where an existing licence holder develops a medical condition which means they will not meet the Group 2 medical standard, the licence will normally be revoked or not renewed.  |

# Guidelines Relating to the Relevance of Convictions

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| <b>Convictions</b>  | 1 | In this Policy, simple and conditional cautions, reprimands, warnings and fixed penalties (endorseable or not) shall be treated as though they were convictions.  |
| <b>Consideration of previous convictions</b>                              | 2 | In considering evidence of an applicant's previous convictions the Council will take into account the nature of the offence, when it was committed, date of conviction, applicant's age when the offence was committed and any other factors which are relevant.  |
| <b>Applicants with previous convictions</b>                               | 3 | <p>An applicant with a previous conviction(s) is expected to:</p> <ul style="list-style-type: none"><li>(a) remain free of conviction for an appropriate period and</li><li>(b) show adequate evidence of good character from the time of the conviction. This may be, for instance, references from an employer.</li></ul> <p>Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.</p>   |
| <b>Convictions previously considered where no change of circumstances</b> | 4 | Applications for the renewal of hackney carriage/private hire driver's licences and private hire operators licences shall not be refused on the grounds of previous convictions, where the applicant has been previously granted a licence and no further convictions have occurred.  |
| <b>Correctness of conviction not to be questioned</b>                     | 5 | Where evidence of previous convictions is presented the Committee must accept that the applicant was correctly convicted. Subject to this, the Committee may look at the circumstances of the offence to determine its seriousness. The sentence imposed by the Court may be relevant to determine its seriousness. <b>Part 3 Appendix 1</b> lists a range of sentencing powers available to the Magistrates' Court, which may assist the Committee in assessing the seriousness of the offence committed. However, it is important to note that in imposing a fine the Court will take account of the offender's family and financial circumstances. |
| <b>Consideration of spent convictions</b>                                 | 6 | The Committee can consider convictions which are usually regarded as spent convictions for the purpose of The Rehabilitation of Offenders Act 1974. Such convictions can be considered by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended. When considering spent convictions the Committee will take into account the offence involved, its relevance, its age and apparent seriousness.   |
| <b>Number of convictions</b>  | 7 | Some discretion may be appropriate if the conviction is isolated and there are mitigating circumstances regarding the offence. Similarly, multiple convictions or a series of convictions over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.  |

# Guidelines on action which might be taken regarding convictions

The following examples afford a general guide on the action which might be taken where convictions are disclosed; note that this list is not exhaustive and all convictions should be considered when deciding if an applicant is fit and proper, even if it does not appear below.

Where there is more than one conviction, it is expected that the penalty for the most serious will apply.

1	<b>Convictions involving Dishonesty (including attempts or conspiracy to commit such offences)</b>
1.1	Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare (and in other ways).
1.2	Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing (passengers may comprise especially vulnerable people). For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of 3 to 7 years free of conviction will be required before an application is likely to be considered favourably.
1.3	<p>In particular, an application will normally be refused where the applicant has a conviction for any of the following offences which occurred fewer than 3 years prior to the date the application is considered: -</p> <ul style="list-style-type: none"> <li>• Theft/Burglary and offences under the Theft Act 1968 (other than robbery/offences including violence which are dealt with below)</li> <li>• Fraud/misrepresentation and offences under the Fraud Act 2006</li> <li>• Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)</li> <li>• TWOC – Taking a motor vehicle without the owner’s consent</li> <li>• Handling or receiving stolen goods</li> <li>• Forgery</li> </ul>
1.4	Where the conviction is more than 3 years but less than 7 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.
1.5	<b><i>Where an existing licence-holder is convicted of an offence involving dishonesty, the licence should normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b>

2	<b>Convictions involving Violence (including attempts or conspiracy to commit such offences)</b>
2.1	As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.
2.2	<p>In particular: -</p> <p>(i) An application will normally be refused where the applicant has a conviction for any of the following offences:</p> <ul style="list-style-type: none"> <li>• Murder</li> <li>• Manslaughter</li> <li>• Arson with intent to endanger life or reckless as to whether life endangered (s.1(2) &amp; (3) Criminal Damage Act 1971)</li> <li>• Grievous bodily harm with intent (s18 Offences against the Person Act 1861)</li> </ul> <p><b><i>Where an existing driver is convicted of this type of offence the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b></p>
2.3	<p>An application will normally be refused where the applicant has a conviction for any of the following offences and the conviction are less than 8 years prior to the date the application is considered: -</p> <ul style="list-style-type: none"> <li>• Grievous bodily harm (s.20 Offences Against the Person Act)</li> <li>• Grievous bodily harm which is racially aggravated (s.29 (1)(a) Crime and Disorder Act 1998)</li> <li>• Actual bodily harm which is racially aggravated (s.29 (1)(b) Crime and Disorder Act 1998)</li> <li>• Robbery (Theft Act 1968)</li> <li>• Riot (s.1 Public Order Act 1986)</li> <li>• Violent Disorder (s.2 Public Order Act 1986)</li> <li>• Arson (s.1 (1)&amp;(3) Criminal Damage Act 1971)</li> <li>• Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)</li> <li>• All racially aggravated offences against Public Order</li> <li>• All racially-aggravated offences of Harassment</li> </ul> <p>Where the conviction is more than 8 years but less than 10 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.</p> <p><b><i>Where an existing driver is convicted of this type of offence the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b></p>
2.4	An application will normally be refused where the applicant has a conviction for any of the following offences <b>not</b> involving the use of weapons and the conviction is less than 3 years prior to the date the application is considered.



If the applicant has a conviction for possession of an offensive weapon or any other offence involving the use of weapons a licence will not normally be granted until at least 3 to 7 years have elapsed since the date of conviction.

- Common assault and/or battery
- Common assault and/or battery which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Assault on a police officer
- Affray (s.3 Public Order Act 1986)
- Offences against Public Order (non racially aggravated)
- Offences of Harassment (non-racially aggravated)
- Obstruction
- Possession of firearm
- Criminal damage
- Resisting arrest

Where the conviction, if not possession of an offensive weapon or any other offence involving the use of weapons, is more than 3 years but less than 5 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

***Where an existing licence holder is convicted of an offence for possession of an offensive weapon or any other weapon related offence the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.***

***Where an existing licence-holder is convicted of an offence of violence not involving weapons, the licence should normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.***

<b>3</b>	<b>Convictions involving Drugs (including attempts or conspiracy to commit such offences)</b>
3.1	A serious view is taken of any drug related conviction. The nature and quantity of the drugs, and whether intended for personal use or supply, are issues which should be taken into consideration.
3.2	If an applicant has been convicted of an offence for or related to the supply of drugs or possession with intent to supply or connected with possession with intent to supply a licence will not normally be granted and a period 5 to 10 years should elapse before a new application is considered.
3.3	If an applicant has been convicted of possession of drugs, or related to the possession of drugs, a licence will not normally be granted and a period of at least 5 years should elapse before a new application is considered.
3.4	If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with DVLA group 2 medical standards) may be required before the licence is granted. If an applicant was an addict then they would normally be required to show evidence of a minimum of 5 years free from drug taking after

	detoxification treatment.
3.5	<b><i>Where an existing licence-holder is convicted of a drugs-related offence, the licence should normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b>

<b>4</b>	<b>Convictions involving Alcohol (including attempts or conspiracy to commit such offences)</b>
4.1	An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. A number of convictions for drunkenness, including being drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of a licence.
4.2	Applicants will normally be required to show that a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

<b>5</b>	<b>Convictions involving illegal sexual activity or indecency (including attempts or conspiracy to commit such offences)</b>
5.1	<p>As hackney carriage and private hire drivers often carry unaccompanied passengers applicants with convictions for soliciting, importuning, indecent exposure and/or any sexual offence will normally be refused a licence.</p> <p>(i) This relates to conviction for but not limited to:</p> <ul style="list-style-type: none"> <li>• Rape</li> <li>• Indecent/Sexual assault</li> <li>• Gross indecency with a female</li> <li>• Gross indecency with a male</li> <li>• Sexual offences against a child under 16 including sexual grooming</li> <li>• Sexual offences against persons with a mental disorder impeding choice</li> <li>• Buggery</li> <li>• Exposure</li> <li>• Offences involving indecent images of children</li> <li>• Voyeurism</li> </ul> <p><b><i>A licence will not normally be granted to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.</i></b></p> <p><b><i>Where an existing licence-holder is convicted of an offence of illegal sexual activity or indecency, the licence should normally be revoked. Where an existing licence-holder is put on the Sex Offenders Register or any 'barred' list the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b></p>

<b>6</b>	<b>Offences involving exploitation</b>
6.1	<p>Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children a licence will normally be refused. This includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• Slavery</li> <li>• Child Sexual Exploitation</li> <li>• Grooming</li> <li>• Psychological, emotional or financial abuse</li> </ul> <p><b><i>Where an existing licence holder is convicted of this type of offence the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b></p>

<b>7</b>	<b>Offences involving discrimination</b>
7.1	<p>Where an applicant has been convicted of a crime involving, related to, or has a connection with discrimination in any form where not covered elsewhere in the policy, including offences listed in the Equality Act 2010 specifically in relation to Hackney Carriage/Private Hire Drivers, a licence will not normally be granted until at least 5 to 7 years has elapsed since the date of conviction.</p> <p><b><i>Where an existing licence holder is convicted of this type of offence the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b></p>

<b>8</b>	<b>Motoring Convictions</b>
8.1	<p><b>Driving offences involving the loss of life</b></p> <p>A very serious view is taken of any applicant who has been convicted of a motoring offence that has resulted in loss of life. A licence will normally be refused if the applicant has a conviction for a motoring offence that resulted in the loss of life.</p> <p><b><i>Where an existing licence holder is convicted of a motoring offence that resulted in the loss of life the licence will normally be revoked.</i></b></p>
8.2	<p><b>Motoring Offences involving alcohol or drugs</b></p> <p>A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs.</p> <p>Where an applicant has been convicted of an offence for drink driving or driving under the influence of drugs a licence will not normally be granted and a period of at least 7 years should elapse before a new application will be considered favourably.</p> <p>In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.</p>

***Where an existing licence holder is convicted of this type of offence the licence will normally be revoked. The above provisions should be applied when/if they make a new application for a licence.***

### 8.3 Major Traffic Offences

An isolated conviction for a major traffic offence such as dangerous driving which involves a disqualification from driving for any period will require careful consideration of the facts, particularly where the offence has resulted in injury or accident. At least 4 years free from conviction from the date of conviction should elapse before the granting of a licence is considered.

Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. At least 1-3 years should elapse from the date of conviction before the granting of a licence is considered.

***Where an existing licence-holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will be revoked by the Director under delegated powers. The provisions of the policy will be applied when/if they make a new application for a licence.***

***Where an existing licence-holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.***

A list of convictions to which the above paragraphs apply is attached at **Part 3 Appendix 2**. Where an offence is captured by a separate section of the Hackney Carriage and Private Hire Licensing Policy the provisions of that section will apply.

### 8.4 Minor Traffic Offences

#### a) Minor Traffic Offences after the 2-year probationary

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of conviction will be taken into account.

If the applicant has convictions for minor offences resulting in the imposition of 7 or more penalty points a licence will not normally be granted until at least 1-3 years has elapsed since the date of conviction of the most recent offence.

Where a minor traffic conviction has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 1-3 years free from conviction must have elapsed date of the most recent conviction.

***Where an existing licence-holder has more than 7 penalty points on their DVLA licence, their licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.***

***Where an existing licence holder is disqualified from driving the licence will be revoked by the Director under delegated powers. The provisions of the policy will***

	<p><b><i>be applied when/if they make a new application for a licence.</i></b></p> <p>b) Minor Traffic Offences within the 2 year probationary period.</p> <p>Under the Road Traffic (New Drivers) Act 1995 every new driver has to undergo a probationary period of 2 years from the date that their full driving licence is issued. If they are convicted of minor traffic offences within that period which result in a total of 6 or more points, the full driving licence is revoked by DVLA.</p> <p>If an existing licence holder has their DVLA licence revoked under these provisions, the taxi driver's licence will be revoked by the Director (see page 2 paragraph 3). The driver may then apply for a provisional licence and to re-take and pass their driving test (both theory and practical) before they are granted a full licence by DVLA. Once they have been issued with a new DVLA licence they may apply again for a taxi driver's licence.</p> <p>Where minor traffic offences have resulted in the applicant's full licence being revoked within the probationary period, this will be viewed as reflecting seriously on the applicant's standard of driving. Generally the applicant will be expected to have been driving, conviction and accident free, on their new full licence for at least 1 to 3 years before an application for a taxi driver's licence will be viewed favourably.</p> <p>A list of convictions to which the above paragraphs apply is attached as <b>Part 3 Appendix 3</b>. Where the offence is captured by a separate section of the convictions policy those provisions will apply.</p>
8.5	<p><b>Conviction for breaching regulation 110 of the Road Vehicles (Construction &amp; Use) Regulations 1986/1078 regarding the use of handheld mobile telephones or other specified handheld devices</b></p> <p>Where an applicant has been convicted of a breach of the above regulation a licence will not normally be granted until at least 2 to 5 years have elapsed since the date of conviction or in the case of disqualification from the end of the period of disqualification whichever is the later.</p> <p><b><i>Where existing drivers have been convicted of a breach of the above regulation, the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b></p>
8.6	<p><b>Totting –up Disqualifications</b></p> <p>Where several traffic offences have resulted in a driver receiving 12 penalty points or more on their licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification. Where an applicant has a totting-up disqualification an application will normally be refused until a period of 3 years has elapsed from the date of the totting up conviction.</p> <p><b><i>Where an existing licence-holder is disqualified from driving as a result of a totting up conviction, the licence will be revoked by the Director under delegated powers. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b></p>
8.7	<p><b>Hybrid Traffic Offences</b></p>

	<p>Offences of the type listed in <b>Part 3 Appendix 4</b> will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or fewer penalty points for the offence.</p> <p>Where an offence is captured by a separate section of the Hackney Carriage and Private Hire Licensing Policy the provisions of that section will apply.</p>
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<b>9</b>	<p><b>Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976</b></p>
9.1	<p>One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Act (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.</p> <p>Where an applicant has been convicted of an offence in connection with hackney carriage or private hire activity a licence will not normally be granted until at least 1-3 years have elapsed since the date of conviction.</p> <p><b><i>Where an existing driver is convicted of an offence in connection with hackney carriage or private hire activity the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b></p>

<b>10</b>	<p><b>Breaches of Orders of the Court</b></p> <p>Drivers of hackney carriage and private hire vehicles are expected to be persons who respect the authority of all enforcement agencies, including the Police, Court and local authorities. For these reasons a serious view is taken of any convictions involving failure to comply with an Order of the Court or direction of any enforcement authority. In general, a period of 1 to 3 years free of conviction will be required before an application is likely to be considered favourably.</p> <p>In particular, an application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than 1 year prior to the date the application is considered: -</p> <ul style="list-style-type: none"> <li>• Breach of an Anti-Social Behaviour Order:</li> <li>• Breach of a Community Order.</li> <li>• Failure to surrender to bail.</li> <li>• Breach of a Non-Molestation Order.</li> <li>• Breach of a Protective Order.</li> <li>• Breach of a Restraining Order.</li> </ul> <p><b><i>Where an existing licence-holder is convicted of a breach of an Order of the Court, the Licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></b></p>
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<b>11</b>	<p><b>Smoking offences</b></p> <p>It is an offence to smoke in a licensed vehicle by virtue of the Health Act 2006. The Committee may decide to suspend the Licence for a period of time or issue a warning to any driver who comes before it for such offences.</p>
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<b>12</b>	<p><b>Complaints about a Driver's standards or conduct</b></p> <p>The Council sometimes receives complaints from members of the public or other drivers about the behaviour of a licensed driver/operator. This may be about their standard of driving and/or their conduct whilst representing the Council as a driver/operator. All written complaints are investigated by the Licensing Officer in accordance with the Procedure for Handling Complaints made against Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators which can be found at <b>Part 1 Section 2</b> of the policy and, if upheld, are recorded on the driver's file. Usually, the issue is resolved after an isolated incident; however, where there is one isolated complaint which involves a serious allegation, or a series of allegations, the driver is brought before the Committee.</p> <p>If the complaint/allegation is so serious that it cannot be delayed until the next Committee meeting the matter will be dealt with by the Director under the Council's constitution for urgent matters.</p> <p>It is difficult to provide general guidance because complaints are diverse in nature – however the Committee will need to decide whether the complaint(s) can be substantiated and, where they can (on balance of probability), the Committee must decide whether the driver remains fit and proper. The decisions open to the Committee are:</p> <ul style="list-style-type: none"> <li>• that the driver is not fit and proper – in this case their licence must be revoked; or</li> <li>• that the driver is fit and proper, but that they have fallen below the required standard; in this case the Committee may decide to suspend the licence for a period, such period would depend on the number, nature and frequency of the complaints, but would generally be between 7 and 28 days; alternatively the Committee may decide that a warning is sufficient (such warning to be recorded on the driver's records).</li> <li>• Any complaints (number and seriousness) will also be considered when deciding whether it is appropriate to grant a 3 year licence.</li> </ul>
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## Duration of Licences

- 1 Where the Director under their delegated authority or the Committee grants a licence, they shall also have authority to determine the term of such licence. Where a licence is granted (whether by Director or Committee), the decision maker shall then consider the term of such licence as follows:
  - i) **Driver's Licences:** The standard licence duration is 3 years. Applicants may apply for a 1 year licence, should they so wish. Where an application for a 3 year licence is submitted, and the applicant is deemed to be a fit and proper person to hold a licence, the Director/Committee may decide it appropriate in

the circumstances of that particular applicant, that the licence be restricted to a lesser period (1 year).

Where the applicant has been granted leave to enter or remain in the United Kingdom for a limited period of time (“the leave period”) and that leave has not been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee may decide to grant the licence for a specified period which is less than 3 years or 1 year, the period of the licence must end before the leave period ends. Where the applicants leave has been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee can only grant a licence for a period of up to 6 months.

- ii) **Operator’s Licences:** The standard licence duration will be 5 years. Applicants may apply for a 1 year licence, should they so wish. Where an application for a 5 year licence is submitted, and the applicant is deemed fit and proper to hold a licence, the Director/Committee may decide it appropriate in the circumstances of that particular applicant, that the licence be restricted to a lesser period (1 year).

Where the applicant has been granted leave to enter or remain in the United Kingdom for a limited period of time (“the leave period”) and that leave has not been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee may decide to grant the licence for a specified period which is less than 5 years or 1 year, the period of the licence must end before the leave period ends. Where the applicant’s leave has been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee can only grant a licence for a period of up to 6 months. Please refer to the section in the Policy entitled ‘Duration of Licences’

- 2 **Drivers Licences:** All combined Hackney Carriage/Private Hire Drivers licences will be issued for 3 years unless:

- i) The application is for a 1 year licence; or
- ii) The Council decides it appropriate in the circumstances of the case that the licence should be for a lesser period (1 year);or
- iii) The Council cannot grant a licence for 3 or 1 years due to the applicant’s immigration status and must grant for a different period (less than 3 years)

When looking at an application for a 3 year licence, the decision maker (Director or Committee) will consider first whether the applicant is fit and proper to hold a licence. If they are not, then the application will be refused. If they are fit and proper, the decision maker will then consider whether it is appropriate, in the circumstances of that particular applicant, that the licence should be granted for a lesser (1 year) period.

- 3 When considering whether an applicant should be granted a 3 year licence, the decision maker (Director or Committee) will look at the specific circumstances appertaining to that particular applicant, including (but not limited to) the following:

- driving history, for example, convictions, cautions, reprimands, warnings, fixed penalty notices (seriousness, date, patterns of offending, current points on the licence)
- applicant’s age and length of time they have been driving including whether they have had previous experience of driving taxi/public service vehicles



- history of the applicant, for example, breach of licence conditions, complaints (if already holding a taxi licence), anti-social behaviour orders, parking fines.
  - medical history
  - whether the applicant has failed to declare any convictions, cautions, reprimands, warnings and/or fixed penalty notices either on their application form or in accordance with any existing or previous licence
  - whether references of good character have been provided
  - Any other relevant information
- 4 When considering whether to grant a licence for a 3-year (driver) or 5-year (operator) period, the decision maker must also consider the immigration status of the applicant, as a licence can only be granted for a period during which the applicant has leave to enter or remain in the United Kingdom. If the applicant's leave period has been extended by virtue of s 3C of the Immigration Act 1971, a licence can only be granted for a period of up to 6 months. The applicant may have factors (listed above) in addition to immigration status which mean that it would only be appropriate to grant a licence for 1 year, however, where the only consideration is immigration status the licence can be granted for a lesser period than 3-years or 5-years dependant on the applicant's leave period.
- 5 **Operators' Licences:** All Operator Licences will be issued for 5 years unless:
- i) The application is for a 1-year licence; or
  - ii) The Council decides it appropriate in the circumstances of the case that the licence should be for a lesser period
  - iii) The Council cannot grant a licence for 5 or 1 years due to the applicant's immigration status and must grant for a different period (less than 5 years)

When considering an application for a 5-year licence, the decision maker (Director or Committee) will consider first whether the applicant is fit and proper to hold a licence. If they are not, then the application will be refused. If they are fit and proper, the decision maker will then consider whether it is appropriate, in the circumstances of that applicant that the licence should be granted for a lesser period (1 year).

When considering whether an applicant should be granted a 5-year licence, the decision maker (Director or Committee) will look at the specific circumstances appertaining to that particular applicant, including (but not limited to) the following:

- History of convictions, cautions, reprimands, warnings, fixed penalty notices;
- Record keeping and compliance with licence conditions
- Complaints
- Employment history (for example, whether they have employed unlicensed drivers and/or drivers not entitled to work in the UK)
- Any other relevant information.

When considering whether to grant a licence for a 5 year or 1 year period, the decision maker must also consider the immigration status of the applicant, as a licence can only be granted for a period during which the applicant has leave to enter or remain in the United Kingdom. If the applicant's leave period has been extended by virtue of s 3C of the Immigration Act 1971, a licence can only be granted for a period of up to 6 months. The applicant may have factors (listed above) in addition to immigration status which mean that it would only be appropriate to grant a licence for 1 year, however where the only consideration is immigration status the licence can be granted for a lesser period than 5 or 1 years dependant on the applicant's leave period.

## **Conditions for licences**

All licences granted for a period of five years or less will have attached to them all the conditions which apply to a one-year licence. In addition, there is a requirement that, **after each 12-month period**, the driver/operator completes a declaration form for the Council detailing all convictions, cautions, reprimands, warnings and fixed penalty notices. In addition to the declaration form drivers will also be required to undergo a DVLA check, a DBS check and provide proof of immigration status and a medical certificate if required.

## **Suspension of licences for not completing the declaration process**

The Director has delegated authority to suspend a Hackney Carriage/Private Hire Drivers Licence or Private Hire Operators Licence for failure to complete a declaration in accordance with the licence conditions. The driver or operator will be given seven days notice, in writing, that the licence will be suspended for failure to complete the declaration process and the suspension will last until the declaration is fully completed.

## **Any other relevant information**

The over-riding concern of the Council in applying this policy is the safety of the public. In deciding whether a licence should be for 3 years (drivers) or 5 years (operators) or such lesser period as is appropriate in the particular circumstances of the applicant, the Council will consider at all times the potential risk that driver/operator presents to public safety.

## Immediate Revocation/Suspension of Driver's Licence

1. If the Committee decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect.
2. The Committee only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect.
3. Each decision to resolve that the revocation/suspension will take immediate effect should be considered on its own merits.
4. "In the interests of public safety" is not defined and is for the Committee to determine. However, regard should be had to any risks to public safety arising from concerns about the licence-holder's driving standards, their character, including (for example) dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Committee may deem relevant.
5. Before reaching a decision, the Committee shall give the licence-holder the opportunity to make representations as to whether or not the revocation/suspension should take immediate effect unless it is inappropriate to do so.
6. The over-riding consideration shall always be the safety and protection of passengers and the general public.
7. Matters such as unemployment and home circumstances may be taken into account when determining whether the revocation or suspension should take place immediately but shall not outweigh the public safety factor.
8. Where the Committee has decided that a licence-holder is no longer "fit and proper" to hold a licence, the presumption should be that the interests of public safety require the revocation of the licence to have immediate effect. However, the Committee may consider that the particular circumstances of a case are exceptional and compelling to justify allowing the licence to continue to have effect until 21 days after the date of the decision to revoke or, if an appeal is lodged, until that appeal is determined. For example, a licence-holder may be able to demonstrate that the risk to public safety is so diminished that it is right to allow the licence to continue.
9. However, if it is considered that a person is still a fit and proper person to hold such a licence but that their conduct falls below the standard required by the Licensing Authority, and the Committee has therefore decided to suspend them, the presumption should be that the interests of public safety will not require the suspension of the licence to have immediate effect. However, the Committee may consider that the circumstances of a case are exceptional and compelling and do not justify allowing the licence to continue to have effect until 21 days after the date of the decision to revoke or, if an appeal is lodged, until that appeal is determined.
10. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Committee will give notice to the driver, which includes a statement to that effect and an explanation why

the suspension or revocation takes effect when the notice is given to the driver.

## **Section 2**

# **Handling Complaints made against Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators**

The Policy provides a framework for Gedling Borough Council ('the Council') to investigate and take any necessary action following complaints made against any Gedling Borough licensed driver, vehicle owner and / or operator ('Licence Holder').

The objective of the Policy is to ensure that all complaints are dealt with in a consistently fair, open and transparent way. The Policy should be read in conjunction with the Council's Statement of Policy and Guidelines for the Licensing of Hackney Carriage, Private Hire Drivers and Private Hire Operators

<b>1</b>	<b>Complaints Procedure</b>
1.1	<p>All complaints must be made in writing (on the Council's Complaint form or by letter) and contain:</p> <ul style="list-style-type: none"> <li>• the name, address and contact details (telephone / email) of the complainant;</li> <li>• the relationship with the Licence Holder (for instance, whether they are a passenger, a fellow Licence Holder, member of the public etc);</li> <li>• sufficient information about the driver / vehicle to enable the Council to correctly identify the Licence Holder;</li> <li>• the date, time, place and full details of the alleged incident giving rise to the complaint.</li> <li>• information about any other witness to the incident;</li> <li>• confirmation that their identity may not be disclosed to the Licence Holder;</li> <li>• the signature of the complainant.</li> </ul> <p>The Council will only, in very exceptional circumstances, record or investigate any complaint which is not in writing, and the Complainant may be contacted for further information if all of the above is not included, or if the Investigating Officer requires further information.</p>
1.2	<p>The Council will not give personal information about the Complainant to the Licence Holder without the consent of the Complainant. However, in some cases it may not be possible to properly investigate the allegation without divulging information about the identity of the Complainant (for instance, if the Complainant is a known passenger of the Licence Holder and they are the only one who could have made the allegation). In this case, the Council will be unable to pursue the matter further unless the Complainant consents to disclosure.</p>
<b>2</b>	<b>Investigation of Complaints</b>
2.1	<p>When a complaint as above is received, a Licensing Officer will be appointed to investigate the allegation ('the Investigating Officer'). This may include contacting the Complainant for further information and / or contacting any known witnesses.</p>
2.2	<p>If the allegation is that the Licence Holder has / may have committed a criminal offence then this will be investigated and a decision made in accordance with the Council's Prosecution Policy. This Complaints Policy will not apply unless and until the Council decides not to pursue a prosecution. Complainants should be made aware that, if their allegation alleges that there has been a criminal offence, they may be asked to attend court to give evidence in support of the Council's prosecution.</p>

2.3	If the Investigating Officer considers that there is sufficient evidence to support the complaint then the Licence Holder will be informed of the allegation against them and any evidence which the Council has, either supporting or not supporting the allegation.
2.4	The Licence Holder will be asked to either confirm in writing whether or not they accept the allegation made against them.
2.5	If the Licence Holder accepts the allegation against them, this will be treated the same as a decision of the Investigating Officer to uphold an allegation and a stage 1, 2 or 3 letter sent as appropriate (see paragraph 3.2 below).
2.6	A Licence Holder who does not accept the allegation against them will be invited to an interview with the Investigating Officer to make oral representations as to why the complaint should not be upheld. A minimum of 7 days' notice of the date of the interview will be given (and if that date is inconvenient the Licence Holder may contact the Investigating Officer to arrange a more convenient date within the following 14 days).
2.7	A Licence Holder may, if they wish, decide not to make oral representations but instead provide to the Council their statement putting forward their version of the events, and any evidence they have, to support this. The Investigating Officer will then make the decision based on the information before them. Licence Holders should be aware, however, that it may be to their advantage to attend for an interview so that the Investigating Officer can put to them any questions they have to help understand the Licence Holder's position.
2.8	Licence Holders will be provided with full information about the allegation against them and all evidence obtained by the Investigating Officer. The Licence Holder may, if they wish, bring with them to the interview a friend, colleague, family member or other such person to support them.
2.9	The Licence Holder will be expected to bring with them to the interview any evidence (for example, witness statements) that they have to challenge the allegation.
<b>3</b>	<b>Decision following investigation</b>
3.1	The interview will be informal in nature and no set procedure will be adhered to. However, it is expected that the Investigating Officer will ensure the Licence Holder is fully informed about, and fully understands, the allegation against them and any supporting evidence. The Licence Holder will be given every opportunity to explain why he does not believe the complaint should be upheld, and to present to the Investigating Officer any evidence they have to support the defence of the allegation.
3.2	Following the interview, or on receipt of the information provided by the Licence Holder if they decide not to make oral representations, the Investigating Officer will fully consider all the evidence, that which supports the Complainant and that which supports the Licence Holder, and will, with the Community Protection Manager, make a decision as to whether the complaint (on balance of probability) should be upheld or not upheld. The Investigating Officer, prior to deciding, will carry out any further investigations necessary as a result of matters arising at the interview or on the information submitted by the Licensing holder.
3.3	As soon as possible after the interview / review of the information submitted and in any event within 14 days, the Investigating Officer will notify the Licence Holder of the decision. If the decision is to uphold the complaint, then the Licence Holder will be

	<p>informed about the</p> <p>right to appeal. The notification will explain the reasons that the complaint has been upheld / not upheld.</p>
3.4	<p>When a complaint is either admitted by the Licence Holder or upheld by the Council after investigation, it shall be recorded and have the consequences as follows.</p> <ul style="list-style-type: none"> <li>• First complaint – Stage 1 warning letter</li> <li>• Second complaint – Stage 2 warning letter</li> <li>• Third complaint – Stage 3 letter notifying the Licence Holder that the matter is being reported to the Environment and Licensing Committee.</li> </ul>
<b>4</b>	<b>Appeals</b>
4.1	<p>The above procedure will usually be adhered to however, where the council receives a single or second more serious complaint then it reserves the right to refer the Licence Holder to the Environment &amp; Licensing Committee at an earlier stage. This step will usually only be considered where, in the opinion of the Licensing Officer, the complaint/s make the Licence Holder to be not fit and proper.</p>
4.2	<p>Only drivers who are ‘fit and proper’ may be licensed. The Council takes the view that a driver about whom it receives 3 complaints which are upheld may not be judged to be fit and proper. The Committee will be asked to assess whether, in light of the complaints, the driver is fit and proper, it has the following options</p> <ul style="list-style-type: none"> <li>• To revoke the licence if it assesses the Licence Holder to not be fit and proper.</li> <li>• To suspend the licence for a period if it considers the Licence Holder to be fit and proper but to have fallen below the required standard.</li> <li>• To give the Licence Holder a warning which will be recorded on their record.</li> <li>• To take no action.</li> </ul> <p>The Licence Holder will be invited to attend Committee to explain why they consider that they are a fit and proper person to continue to hold a licence.</p>
4.3	<p>The Licence Holder may appeal against any decision by notifying the Community Protection Manager in writing, within 21 days of receipt of the decision notice that they wish to appeal. The Licence Holder should give full information about the reasons for their appeal and provide any additional evidence which they want to be considered.</p>
4.4	<p>The Licence Holder may decide to appeal because for instance:</p> <ul style="list-style-type: none"> <li>• they think the finding is unfair;</li> <li>• they have new evidence that was not available prior to the decision being made;</li> <li>• they consider that proper procedure was not followed;</li> <li>• any other reason.</li> </ul>
4.5	<p>Only in the most exceptional circumstances will the Licence Holder be given the opportunity to attend and make oral representations on appeal. The fact the Licence Holder chose not to make oral representation at the original investigation is not a reason for them to be able to make representations at the appeal stage.</p>
4.6	<p>The Service Manager for Public Protection will reconsider all the information available at the time the original decision was made along with any information since and the reasons</p>



	given by the Licence Holder in their letter of appeal. Once their decision is made, they will notify the Licence Holder accordingly, giving reasons for their decision.
4.7	If the decision is to uphold the appeal (and dismiss the complaint) then the record of the complaint will be deleted from the Licence Holders records.
4.8	Complaint forms are available from the Licensing Office upon request.  If you have any questions, or wish to have information about the investigation procedure, please contact us on 0115 9013971 or by email at: <a href="mailto:licensing@gedling.gov.uk">licensing@gedling.gov.uk</a>

## **Section 3**

# **The Carriage of Persons in Wheelchairs when Carried in a Designated Vehicle**

<b>1</b>	<b>Equality Act 2010 following the introduction of the Taxi &amp; Private Hire Vehicles (Disabled Persons) Act 2022</b>
1.1	On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 took effect in England, Scotland, and Wales. It amended the Equality Act 2010 to introduce new, and amend existing, duties for Taxi and Private Hire Vehicle (PHV) drivers and Operators alike. The aims are to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against.
1.2	This section provides an overview of the new and amended duties placed on taxi drivers, private hire drivers and operators however a breakdown of the responsibilities under each section of the legislation can be found at <b>Part 3 Appendix 5</b> .
<b>2</b>	<b>Wheelchair Accessible Vehicles</b>
2.1	Under the Section 167 of the Equality Act 2010 the Council are required to administer a list of licensed vehicles which are occupied wheelchair accessible. This list is referred to as the Designated Vehicles list and is available at: <a href="http://www.gedling.gov.uk">www.gedling.gov.uk</a> . Occupied wheelchair accessible means the wheelchair user is able to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in the wheelchair. Such vehicles are referred to as Wheelchair Accessible Vehicles (WAV).
<b>3</b>	<b>Overview and explanation of duties on drivers</b>
3.1	Sections 164A, 165, 165A, 168, and 170 place duties on drivers to ensure that disabled people have specific rights and protections to access taxis and PHVs, to receive assistance when using these services, and to not be charged extra for doing so.
3.2	We recommend that the driver or operator asks every passenger whether they require assistance. For hired vehicles, this should be at the booking stage. For taxis, this should be when the vehicle is hailed or approached at the taxi rank or on the street.
3.3	Where applicable, service providers should also update booking websites and smartphone applications to collect this information from passengers, allowing, for example, a person with dementia to ask for assistance in locating the vehicle or a wheelchair user to state their intention to remain in their wheelchair while travelling. This will also give the driver or operator the opportunity to advise the passenger on how they will provide assistance, for example to explain how the vehicle's ramp will be used or to establish an appropriate place for a wheelchair user to enter the vehicle.
<b>4</b>	<b>Sections 164A and 165: duties to carry and assist any disabled person</b>
4.1	164A and 165 place duties on drivers to carry and assist disabled passengers without making, or proposing to make, an extra charge for doing so. Drivers who are subject to section 165 have an additional duty to carry the passenger whilst seated in their wheelchair.
<b>5</b>	<b>The duties at section 164A apply to:</b>

Drivers of any taxi or PHV which is not included on the Gedling Borough Council list of designated wheelchair accessible vehicles, where the passenger is disabled, including wheelchair users (with the assumption that the wheelchair user transfers to a passenger seat to travel) drivers of any vehicle which is included on a designated list, where the passenger is disabled and not a wheelchair user.

**6 The duties at section 165 apply to:**

Drivers of any vehicle which is included on the Gedling Borough Council designated list, where the passenger is in a wheelchair, the vehicle has been hired by or for a disabled person who is in a wheelchair or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

The application of section 164A or 165 is based on whether the vehicle is designated wheelchair accessible and the circumstances of the disabled passenger.

Although each situation will be different, and reasonable mobility assistance will be subject to other applicable law – including health and safety legislation – we would expect drivers to provide basic assistance which could include, but may not be limited to:

- a) opening the passenger door
- b) folding manual wheelchairs and placing them in the luggage compartment
- c) installing the boarding ramp
- d) securing a mobility aid within the passenger compartment

Depending on the weight of the wheelchair or mobility aid and the capability of the driver, reasonable mobility assistance could also include (but may not be limited to) pushing a manual wheelchair or light electric wheelchair up a ramp or stowing a light electric wheelchair in the luggage compartment.

A driver should, however, only touch a wheelchair or mobility aid or seek to provide physical assistance if the user gives permission for them to do so.

We expect drivers to communicate with passengers when providing assistance, as this will be key to understanding a disabled person's needs. We recommend drivers:

- a) ask passengers what help they need
- b) listen to and understand the response, and then
- c) act on what they have been asked to do, seeking clarification, if necessary, on how to provide what is needed

Whilst access to the vehicle may be dependent on the wheelchair or mobility aid itself, drivers should not carry any unessential items in the boot of the vehicle which could prevent a wheelchair or mobility aid from being stowed there, or (in the case of designated vehicles) carry any unessential items in the passenger seating area which could prevent a wheelchair user from travelling while seated in their wheelchair.

The requirement not to charge a disabled person extra means that a meter should not be activated before, or left running, whilst the driver performs duties required by the Equality Act 2010.

<b>7</b>	<b>Section 165A: duties on drivers to assist a passenger to identify and find the vehicle</b>
7.1	Section 165A places duties on drivers to assist any disabled passenger to find or locate their pre-booked taxi or PHV without making, or proposing to make, an additional charge for doing so.
7.2	<p>The section 165A duties apply to any pre-booked taxi driver and any PHV driver, regardless of whether their vehicle is designated as being wheelchair accessible or not, provided:</p> <ul style="list-style-type: none"> <li>• the vehicle has been hired by or for a disabled person, or by another person who intends to accompany a disabled person the driver of the PHV or pre-booked taxi has been made aware before the start of the journey that the passenger requires assistance to identify and/or find that vehicle.</li> </ul>
7.3	Drivers and operators should not attempt to identify a person's impairment or disability, only what type of assistance the driver needs to provide in order for the passenger to board, travel in, and alight from the vehicle in safety and reasonable comfort.
7.4	<p>In order to help fulfil the duties at section 165A, drivers should familiarise themselves with the most common communication methods a person may require in order to identify and/or find the vehicle. These communication methods include, but are not limited to:</p> <ol style="list-style-type: none"> <li>a) giving audio directions for a visually impaired passenger (calling the passenger once at the pick-up point)</li> <li>b) giving visual directions (for example, the colour and registration of the vehicle) for a hearing-impaired passenger</li> <li>c) repeating key information for a passenger with mental or cognitive impairments</li> </ol>
<b>8</b>	<b>Sections 168 and 170: duties on drivers to carry assistance dogs</b>
8.1	Sections 168 and 170 place duties on drivers of taxis (under s168) and PHVs (under s170) to carry an assistance dog and allow them to remain with their user without making, or proposing to make, an additional charge for doing so.
8.2	It is an offence for a driver to propose to make, as well as to make, an additional charge for carrying out the duties in these sections. For example, a driver must not add a surcharge to the meter for carrying an assistance dog. The taximeter should not be activated until both the passenger and assistance dog are properly settled, and the vehicle is ready to depart. Equally, the taximeter should be stopped as soon as the destination is reached, and before any unloading takes place.
<b>9</b>	<b>Offences for PHV operators</b>
9.1	<p><b>Section 167A: offences for PHV operators not to refuse or fail a booking for a disabled person</b></p> <p>Section 167A makes it an offence for a PHV operator to refuse or fail to accept a booking from, or on behalf of, a disabled person because (i) the person is disabled or (ii) to prevent a driver from being subject to the duties at sections 164A, 165, or 165A.</p>

	It also makes it an offence for a PHV operator to make, or propose to make, an additional charge for carrying out of any duty imposed on the driver of the private hire vehicle under section 164A, 165 or 165A.
9.2	<p><b>Section 170: offences on PHV operators not to refuse or fail a booking for an assistance dog user</b></p> <p>Section 170 makes it an offence for a PHV operator to refuse or fail to accept a booking from, or on behalf of, an assistance dog user:</p> <ul style="list-style-type: none"> <li>a) because the person will be accompanied by an assistance dog or;</li> <li>b) to prevent a driver from being subject to the duties at section 170</li> </ul> <p>Operators should book trips for assistance dog users as they would for any other passenger, for example using the nearest driver to the point of pick-up, regardless of any preference that driver may have not to carry a dog.</p>
<b>10</b>	<b>Driver Exemptions</b>
10.1	Some drivers may have a physical condition or medical grounds which make it impossible or unreasonably difficult for them to provide the sort of physical assistance which the mobility assistance duties in the Equality Act 2010 require.
10.2	Section 166 requires Licensing Authorities to grant exemptions to applicable drivers specifically from the “mobility assistance” duties at 164A(5)(e) and 165(4)(e). This means that drivers with such exemption certificates are not exempt from any of the other duties at sections 164A, 165, or 165A. This applies to all such exemption certificates whether newly granted or previously held.
10.3	An exemption may be issued for as short or long a period as the Licensing Authority considers appropriate, bearing in mind the nature of the relevant physical or medical condition.
10.4	Separately to the exemptions at section 166 of the Equality Act 2010, Licensing Authorities can also issue exemptions to drivers under sections 169 (for taxi drivers) and 171 (for PHV drivers) relating to the duties to carry assistance dogs (sections 168 and 170). A driver with a section 166 exemption is not exempt from the duties at sections 168 or 170 in relation to carrying assistance dogs. Likewise, a driver with a 169 or 171 exemption is not exempt from the mobility assistance duties at 164 or 165.
10.5	Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle whenever the driver is working. Information on how to apply for an exemption is at: <a href="https://www.gedling.gov.uk/business/taxis/">https://www.gedling.gov.uk/business/taxis/</a> or by contacting the Licensing Team at: <a href="mailto:licensing@gedling.gov.uk">licensing@gedling.gov.uk</a>
<b>11</b>	<b>Enforcement of responsibilities</b>
	If you have a concern about a driver and or the private hire operator not fulfilling their duties, we ask that you report your concerns to the Council as soon as you can. We need to be able to identify the driver and or the private hire operator, so information from you about the registration number, the licence number of the vehicle and/or the name of the driver/operator is essential. It will also help if you can give us the names and addresses of any other witnesses.

We want to know about anything that may make a driver non-compliant with the duties of a driver of a designated vehicle. For instance:

- Refusal to carry a disabled passenger, their wheelchair and or mobility aids.
- Refusal or reluctance by the driver to assist a disabled passenger to get into or out of the vehicle; load the passengers' luggage, wheelchair or mobility aids into or out of the vehicle.
- Overcharging by way of adding an additional charge for the carriage of, and or the assisting a disabled passenger.
- Incorrectly displaying an Exemption Notice within the vehicle
- Displaying an expired, fake or counterfeit Exemption Notice

You can report any concerns:

- By telephone – 0115 9013971
- Via our web site – [www.gedling.gov.uk/complaints/](http://www.gedling.gov.uk/complaints/)
- In person at Civic Centre Arnot Hill Park, Arnold Nottingham NG5 6LU
- Write to us at Licensing Section, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU

If sufficient information is provided, we will investigate the complaint. Various actions can be taken should a complaint be upheld including the possibility of prosecution. Any driver or operator found to be in breach of their duties will face up to a £1000 fine.

## **Section 4**

# **The Carriage of Persons Accompanied by Assistance Dogs in Gedling Borough Licensed Hackney Carriages and Private Hire Vehicles**



1	<p><b>What responsibility does the Council have regarding persons accompanied by an Assistance dog and their use of taxis and private hire vehicles?</b></p> <p>Gedling Borough Council is responsible for licensing taxi drivers (both private hire and hackney carriage drivers), their vehicles, and private hire operators within its area. The Council, under powers given to it by the Equality Act 2010 (the Act) is responsible for enforcement of drivers responsibilities with respect to the carriage of a person(s) accompanied by an Assistance dog, and for exempting drivers from such responsibilities on medical grounds.</p>
2	<p><b>What are Assistance Dogs?</b></p> <p>Assistance dogs are dogs that have been trained to aid or assist people who may be physically or mentally disabled. The dogs can support either adults or children in their homes and in the community. As the dogs not only provide a specific service to their handlers, but also greatly enhance the quality of life of the handlers, the dogs are allowed, by law, to accompany their handler into public places such as shops, restaurants and also permitted to travel on public transport.</p> <p>There are three types of Assistance dog:</p> <p>Guide Dogs – for the blind and visually impaired</p> <p>Hearing Dogs – for the deaf and the hard of hearing</p> <p>Service Dogs – for people with disabilities other than those related to vision or hearing</p>
3	<p><b>What responsibilities do drivers of licensed vehicles have when hired by or for a disabled person accompanied by an assistance dog?</b></p> <p>A driver of any licensed vehicle must:</p> <ul style="list-style-type: none"> <li>• carry the disabled person’s dog and allow them to remain with that person</li> <li>• not make an additional charge for carrying a person accompanied by an assistance dog.</li> </ul>
4	<p><b>Exempt Drivers</b></p> <p>The Act allows the Council to exempt drivers from their responsibilities to carry a person accompanied by an assistance dog on medical grounds. The driver may submit to the Council an application for exemption by completing the prescribed application form accompanied by medical evidence in support of the exemption application.</p> <p>Any driver who holds a valid exemption certificate is required to display the valid exemption notice in clear view within the licensed vehicle, until such time the exemption notice expires.</p> <p>Until the driver has been issued with a valid exemption notice, the driver will continue to be recognised as a driver who must continue to carry persons accompanied by an assistance dog for filling the responsibilities specified above.</p>
5	<p>Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle whenever the driver is working. Information on how to apply for an exemption</p>

	is at: <a href="https://www.gedling.gov.uk/business/taxis/">https://www.gedling.gov.uk/business/taxis/</a> or by contacting the Licensing Team at: <a href="mailto:licensing@gedling.gov.uk">licensing@gedling.gov.uk</a>
<b>6</b>	<p><b>What do I do if I think a driver is not fulfilling their responsibilities as a driver of a licensed Vehicle in relation to the carriage of a person accompanied by an assistance dog?</b></p> <p>If you have a concern about a driver not fulfilling their responsibilities as a driver of a licensed vehicle licensed by the Council, in relation to the carriage of a person, accompanied by an assistance dog, we ask that you report your concerns to the Council as soon as you can. We need to be able to identify the driver, so information from you about the registration number, the licence number of the vehicle and/or the name of the driver/operator is essential. It will also help if you can give us the names and addresses of any other witnesses.</p>
<b>7</b>	<p><b>What sort of things should I report to you?</b></p> <p>We want to know about anything that may make a driver non-compliant with the responsibilities of a driver of a licensed vehicle. For instance:</p> <ul style="list-style-type: none"> <li>• Refusal to carry a person accompanied by an assistance dog</li> <li>• Refusal to carry an assistance dog</li> <li>• Reluctance by the driver to assist a person accompanied by an assistance dog</li> <li>• Overcharging by way of adding an additional charge for the carriage of a person accompanied by an assistance dog.</li> <li>• Incorrectly displaying an Exemption Notice within the vehicle</li> <li>• Displaying an expired, fake or counterfeit Exemption Notice</li> </ul>
<b>8</b>	<p><b>How do I make a complaint?</b></p> <ul style="list-style-type: none"> <li>• By telephone – 0115 9013971</li> <li>• Via our web site – <a href="http://www.gedling.gov.uk/complaints/">www.gedling.gov.uk/complaints/</a></li> <li>• In person at Civic Centre Arnot Hill Park, Arnold Nottingham NG5 6LU</li> <li>• Write to us at Licensing Section, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU</li> </ul> <p>Whichever way you contact us, please make sure you give the information above.</p>
<b>9</b>	<p><b>What will we do?</b></p> <p>We will investigate every complaint made. If the complaint is upheld, we have the power to take action which, in very serious cases, may mean that the driver's licence is revoked.</p>
<b>10</b>	<p><b>Any questions?</b></p> <p>If you have any questions, or wish to have information about the investigation procedure, please contact us on 0115 9013971 by email at: <a href="mailto:licensing@gedling.gov.uk">licensing@gedling.gov.uk</a></p>

# **Part 2**

# **Vehicles**

## **Section 5**

# **GEDLING BOROUGH COUNCIL LICENSED HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATION, INSPECTION AND TESTING MANUAL**

**Including One Passenger Vehicles as a Private Hire Vehicle**

# Vehicle Specification

Before a Licence is granted in respect of a Hackney Carriage or Private Hire vehicle, the applicant must ensure that the vehicle is suitable in type, size and design for use as a Hackney Carriage or Private Hire vehicle in accordance with the standards laid down by the Council.

Without prejudice to the generality of the foregoing, a licence will only be issued in respect of a Hackney Carriage or Private Hire vehicle provided it complies with all the following requirements (note that at the Council's discretion any of the following items can be relaxed).

<p><b>1</b></p>	<p><b>Age and Condition</b></p> <p>A new Hackney Carriage or Private Hire Vehicle Licence will not be issued to any vehicle over 6 years of age. The age of the vehicle will be measured from the date of first registration.</p> <p>All vehicles are tested on a six monthly basis and, provided they satisfactorily pass the Council's test, will be issued with a licence for a period of six months. However, Vehicles which are 3 years of age or under and have a mileage of less than 36,000, (the Council considers 12000 miles per year to be average mileage) will be granted a licence for a period of one year provided the vehicle satisfactorily passes the Council's test. The vehicle must be under 3 years of age from date of registration and the Vehicle Inspector will need to check the Vehicle Registration Document to verify this.</p> <p>Every vehicle must have a valid MOT certificate, except vehicles that are presented for a test within one year of first registration.</p> <p>Vehicles that have been declared to be an insurance 'write off' in category A, B, S will not be licensed. Vehicles that have been declared a category N 'write off' may be licensed providing the applicant provides an appropriate Engineer's report, approved by the Council, verifying the standard of repairs.</p>
<p><b>2</b></p>	<p><b>Engine - layout, fuel type and minimum capacity</b></p> <p>The vehicle must have a front engine layout and be powered by a fuel type of either petrol, diesel, LPG, electric, or a combination of the aforementioned. The <b>minimum</b> capacity for an internal combustion engine powered by petrol, diesel or LPG is 1000cc. Vehicles with 1000cc registered before 1<sup>st</sup> January 2015 will not be granted a licence. The minimum capacity for vehicles registered before 1<sup>st</sup> January 2015 is 1300cc.</p>
<p><b>3</b></p>	<p><b>Vehicle Format – Including Cars &amp; Mini Buses</b></p> <p><u>Cars</u></p> <p>The vehicle must be in the format of having 4 operational passenger doors and a watertight roof. Four road wheels fitted with the manufacturers recommended size tyres. Remoulds will only be acceptable if they carry a clearly legible manufacturer's mark that the tyres conform to the current British Standard BSAU144E</p>

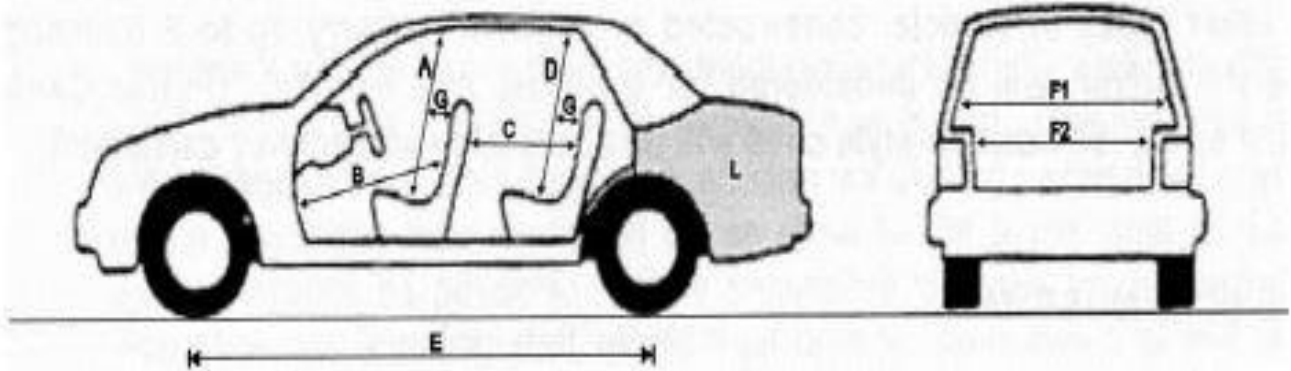
	<p>The vehicle must achieve the minimum dimensions as specified within Vehicle Dimension section of this specification. (11. Vehicle Dimensions).</p> <p><u>Mini Buses</u></p> <p>The vehicle must be in the format of having a minimum of 2 operational unobstructed emergency exits, (front passenger door included) and a watertight roof. Four road wheels fitted with the manufacturers recommended size tyres. Remoulds will only be acceptable if they carry a clearly legible manufacturer's mark that the tyres conform to the current British Standard BSAU144E.</p> <p>The vehicle must achieve the minimum dimensions as specified within Vehicle Dimension section of this specification where applicable. (11. Vehicle Dimensions)</p>
<p><b>4</b></p>	<p><b>Seating Capacity – including seat belts</b></p> <p><u>Cars</u></p> <p>The vehicle must have a minimum capacity of 4 passengers, but no more than 8 passengers in addition to the driver. Seatbelts must be fitted, one for each passenger plus the driver, which shall be readily accessible for use and maintained in a usable state of repair, irrespective of the age of vehicle. Vehicles must have a free, easy access to all seats from both sides of the vehicle. (Sliding or tilting seats will not be considered an obstruction provided the seat action, tilt / slide is maintained and fully functional)</p> <p>The vehicle must achieve the minimum dimensions as specified within Vehicle Dimension section of this specification. (11. Vehicle Dimensions).</p> <p><u>Mini Buses</u></p> <p>The vehicle must have a minimum capacity of 4 passengers, but no more than 8 passengers in addition to the driver. Seatbelts must be fitted for all passengers irrespective of the age of vehicle. Vehicles must have a free, easy access to all seats. The seats are to be arranged in theatre configurations – forward / rear facing. Side facing seating is not permitted. (Sliding or tilting seats will not be considered an obstruction provided the seat action, tilt / slide is maintained and fully functional)</p> <p>The vehicle must achieve the minimum dimensions as specified within Vehicle Dimension section of this specification. (11. Vehicle Dimensions).</p>
<p><b>5</b></p>	<p><b>Wheelchair Lift / Hoist / Ramps and Anchor Points</b></p> <p>Any vehicle fitted with either a wheelchair lift or hoist will require the applicant to demonstrate the equipment has been maintained and tested by qualified engineers, who by way of certification, confirm the lifting equipment is deemed safe and fit for use at the time of the vehicle test and inspection. Vehicle applications without the relevant equipment certification will not be granted a licence.</p> <ul style="list-style-type: none"> <li>• Access to the vehicle by lift, hoist or ramps to be made via the side or rear door(s) of the vehicle.</li> <li>• Wheelchair seating is restricted to the rear section of the vehicle</li> </ul>

	<ul style="list-style-type: none"> <li>• When stowed the lift, hoist or ramp(s) will not obstruct access to the cabin</li> <li>• Any lift, hoist or ramp fitted to the vehicle shall clearly display the operating instructions for the equipment fitted. The operating instructions are to be located adjacent to the wheelchair point of entry / exit of the vehicle and must be easily readable by the person operating the equipment from the outside the vehicle.</li> <li>• Wheelchair compatible vehicles shall not have any other seats fitted in the rear of the vehicle, other than a seat for a care assistant. This seat will be located on one side of the vehicle only and must comply with Section 4 of the specification.</li> </ul> <p>All vehicles capable of loading and carrying a wheelchair whilst it is occupied must be fitted with anchor points and seat belts. All wheelchair anchor points and belts within the vehicle are to be maintained, and must be fully functional at the time of the vehicle test and inspection.</p>
<b>6</b>	<p><b>Spare Wheel</b></p> <p>A spare wheel and tyre of the manufacturers design, jack and wheel brace.</p> <p>Space saver tyres and other emergency repair systems are allowed provided:</p> <ul style="list-style-type: none"> <li>• the type of space saver tyre is an original part of the vehicle's design and manufacture.</li> <li>• the space saver tyre is limited to use in an emergency situation only at a maximum speed of 50 mph. Distance and mileage is to comply with manufacturer's instructions.</li> <li>• If a vehicle is equipped with a space saver spare tyre or other emergency repair system as manufactured, it may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre – after any vehicle passengers have been transported to a place of safety.</li> </ul>
<b>7</b>	<p><b>Boot / Luggage Compartment</b></p> <p>A grille, luggage cover or similar to be fitted in an estate vehicle sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat.</p>
<b>8</b>	<p><b>Fire Extinguisher</b></p> <p>The vehicle is to carry an efficient fire extinguisher, which must be a two-litre AFFF foam extinguisher, or a 1 kg dry powder, and securely fitted in such a position to be readily available for use.</p>
<b>9</b>	<p><b>First Aid Kit</b></p> <p>The vehicle is to carry an approved first aid kit, which conforms to the Health and Safety (First Aid) Regulations 1981 Specification for travelling first aid kits.</p>
<b>10</b>	<p><b>Replacement Fuses and Lamps</b></p> <p>The vehicle is to carry a set of replacement fuses of various amp rating and</p>

	replacement bulbs – to include headlight, taillight, side light, brake light, indicator light and rear number plate light.
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<b>11</b>	<b>Vehicle Dimensions</b>																																						
<p>Dimensions:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">A</td> <td style="width: 20%;">91.5cm</td> <td style="width: 15%;">(36")</td> <td style="width: 60%;">Cushion not compressed</td> </tr> <tr> <td>B</td> <td>94 cm</td> <td>(37")</td> <td>Seat fully rearwards</td> </tr> <tr> <td>C</td> <td>61 cm</td> <td>(24")</td> <td>Front seat fully rearwards</td> </tr> <tr> <td>D</td> <td>84 cm</td> <td>(33")</td> <td>Cushion not compressed</td> </tr> <tr> <td>E</td> <td>244cm</td> <td>(96")</td> <td>Wheelbase</td> </tr> <tr> <td>F1</td> <td>132cm</td> <td>(52")</td> <td>Interior width between doors</td> </tr> <tr> <td>F2</td> <td>122cm</td> <td>(48")</td> <td>Between armrests</td> </tr> <tr> <td>G</td> <td>25.5cm</td> <td>(10")</td> <td>Point of measurement parallel with headrest</td> </tr> <tr> <td>L</td> <td>3.5m<sup>2</sup></td> <td>(11.5 cu ft.)</td> <td>Minimum luggage capacity (hard luggage)</td> </tr> </table> <p>When measuring the second row of seats in the rearmost section of the vehicle, if 2 seats are fitted on the second row, dimensions F1 and F2 may be reduced by 1/3. Dimensions F1 and F2 will not be reduced when the second row consists of more than 2 seats.</p>				A	91.5cm	(36")	Cushion not compressed	B	94 cm	(37")	Seat fully rearwards	C	61 cm	(24")	Front seat fully rearwards	D	84 cm	(33")	Cushion not compressed	E	244cm	(96")	Wheelbase	F1	132cm	(52")	Interior width between doors	F2	122cm	(48")	Between armrests	G	25.5cm	(10")	Point of measurement parallel with headrest	L	3.5m <sup>2</sup>	(11.5 cu ft.)	Minimum luggage capacity (hard luggage)
A	91.5cm	(36")	Cushion not compressed																																				
B	94 cm	(37")	Seat fully rearwards																																				
C	61 cm	(24")	Front seat fully rearwards																																				
D	84 cm	(33")	Cushion not compressed																																				
E	244cm	(96")	Wheelbase																																				
F1	132cm	(52")	Interior width between doors																																				
F2	122cm	(48")	Between armrests																																				
G	25.5cm	(10")	Point of measurement parallel with headrest																																				
L	3.5m <sup>2</sup>	(11.5 cu ft.)	Minimum luggage capacity (hard luggage)																																				



<b>12</b>	<b>One Passenger Vehicle</b>
<p>In the case of a single passenger vehicle the vehicle must comply with all the standards above except for standards 2, 3 and 4 the dimensions which are replaced with the following:</p> <ul style="list-style-type: none"> <li>• Front or rear engine layout – capacity minimum 800cc</li> <li>• Two passenger doors</li> <li>• Capacity for one passenger in addition to the driver. Vehicles must have direct, unobstructed access to all seats.</li> </ul> <p>Dimensions:</p> <ul style="list-style-type: none"> <li>• The passenger seat must have a minimum width of 40cm.</li> <li>• There must be adequate space for an assistance dog to be carried in the foot well in front of the passenger seat or in the luggage space at the rear of the vehicle.</li> <li>• There must be a minimum of 150 ltrs of luggage space.</li> </ul>	

## Vehicle Test Information

The test is to determine the vehicle is `safe and comfortable` and meets the specification and requirement as determined within this document. Vehicles will be tested to MOT standard, with the vehicle being subjected to a static inspection and a road test.

All vehicle tests should be booked and paid for before presenting the vehicle for test at the test centre. Proof of booking and payment confirmation will be required on presenting the vehicle for test.

The following documents will be required for presentation at the test centre prior to the test commencing. Failure to provide any of the following documents may result in the test being delayed or the vehicle failing the test.

- Vehicle Log Book – V5 form ( A signed Green slip or notice from previous keeper if the vehicle is progressing through change of ownership)
- Current MOT Certificate (A current MOT Certificate must be produced when the vehicle is presented for inspection at the Council's Test Centre, except vehicles that are presented for a test within one year of first registration).
- Current Road Tax – print-out from the website [www.gov.uk/check-vehicle-tax](http://www.gov.uk/check-vehicle-tax)
- Current Certificate of Insurance
- Vehicle Test Sheet – including proof of booking and payment
- Taxi Meter Calibration Certificate (confirming the meter is calibrated with the Councils Rates of Fares, is calendar controlled and is sealed according to the Councils requirements).
- Wheelchair lift / hoist test certificate (if applicable)

**All test fees are non-refundable unless the test has been cancelled 48 hours prior to the date of the test.**

**If the vehicle presented at the test station does not match the vehicle details recorded on the booking list, the vehicle will not be tested and the test fee will not be refunded. Should the driver wish for the vehicle to be tested, then a new booking will be required and the vehicle presented on the new date.**

<b>1. Documents</b>		
Method of Inspection	Reason for Failure	Notes
1.1 Check all relevant paperwork is present and correct	1.1 Out of date or no MOT. Vehicle does not meet the vehicle specification. Incorrect level of insurance cover for license.no proof of ownership or purchase	1.1 All Vehicles are required to have a current MOT certificate except vehicles that are presented for a test within one year of first registration
<b>2. Vehicle Exterior</b>		
Method of Inspection	Reason for Failure	Notes
2.1 The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes), i.e. cleaned.	2.1 Contamination preventing proper inspection.	2.1 If the vehicle comes for inspection in a filthy condition the inspection will not be carried out.
2.2 Check the operation of all external doors' catches and locks to ensure that all doors can be securely closed and easily opened.	2.2 Defective external door catches which prevent a door opening and closing properly. Missing or ineffective door locks.	
2.3 Check all doors to ensure that they are properly aligned and will close easily.	2.3 Poorly fitting doors to the vehicle.	
2.4 Ensure that the door hinges are in good condition allowing free movement of the door.	2.4 Defective door hinges.	
2.5 Check all wind-check positions to ensure that doors are held in place when opened.	2.5 Wind-checks which fail to hold the doors in place when opened.	2.5 Any wind check straps must be of a type approved by the manufacturer.
2.6 Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs.	2.6 Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.	2.6 Engineers certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.
2.7 Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).	2.7 Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed. Paintwork so deteriorated, damaged, rust blistered or stone chipped, that it detracts from the overall	2.7 Hackney Carriage and Private Hire Vehicle

	appearance of the vehicle. Renovations to paintwork which produce runs, flat or uneven finish or of non-matching colour, i.e. not compatible with adjacent panels. Repairs incomplete in primer or undercoat. Overspray on glass or other fittings.	
2.8 Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.	2.8 Missing or defective door/wing mirrors.	
2.9 Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.	2.9 Damaged or inadequately secured front or rear bumpers.	
2.10 Ensure that front and rear number plates comply with the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations. (See Notes.)	2.10 Damaged front or rear number plates e.g.: cracks, splits, and discolouration. Number plates which do not comply with the Vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations.	2.10 Registration mark obscured or indistinguishable is contrary to Section 43(1) of Vehicle Excise and Registration Act 1994. Registration mark failing to conform is contrary to regulation 17 of Road Vehicles (Registration and Licensing) Regulations and Section 59(1) of the Vehicle Excise and Registration Act 1994. Registration numbers should be (cars/mini bus):- 80mm Height 57mm Width 14mm Stroke width 11mm Space between letters 33mm Space between group of letters and figures. The year letter shall be regarded as a figure. Italic or gothic will normally contravene the stroke width measurement. It is an offence to rearrange, alter or miss-represent figures to form words.

2.11 Examine the rubber seals to every door for serious damage, looseness or absence.	2.11 Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.	2.11 The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.
2.12 Ensure that the vehicle boot lid opens, closes and locks properly and that the hinges and opening mechanism adequately support the lid when it is in the open position.	2.12 Worn hinges to boot lid, defective boot lock, weak or defective boot opening device and / or defective gas struts.	
2.13 Check the operation of the number plate light, reversing lights and front and rear fog lights.	2.13 Inoperable or insufficient number plate, reversing or fog lights.	2.13 Lights may be of insufficient intensity when incorrect bulbs have been fitted. Any lamp fitted must work correctly and be properly aligned.
2.14 Check operation on all wiper blades and mechanisms	2.14 Wiper mechanism incorrectly parking, torn or damaged causing poor clearance of glass.	
<b>3. Hackney Carriage and Private Hire Vehicle Signs</b>		
Method of Inspection	Reason for Failure	Notes
3.1 Examine the roof mounted sign affixed to the vehicle (see Notes), and ensure that its size, design and construction conform to the Council's standards. Ensure that the sign is undamaged and the lettering clearly legible.	3.1 A sign that does not conform to the Council's standards affixed to the vehicle.  Letters and numbers handwritten with permanent marker	3.1 The Council's licence conditions require that a Hackney Carriage must be equipped with an illuminated sign on the roof of the vehicle bearing the word "FOR HIRE" on the front in plain letters at least 1½" in height and 'GBC' or GEDLING BOROUGH COUNCIL and the vehicle Licence No. on the back. Such lettering is to be of a permanent nature eg adhesive letters and numbers affixed directly to the body of the roof sign
3.2 Examine the fixing brackets which affix the roof mounted signs to the vehicle to ensure	3.2 A sign that is not satisfactorily secured to the vehicle.	

that the signs are secured in a satisfactory manner and are not likely to work loose.		
3.3 Check that roof mounted signs are properly illuminated (see Notes).	3.3 A sign which is damaged or has lettering which is not clearly legible.	3.3 The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means (e.g. an isolator switch) extinguishes the sign.
3.4 Check that the roof mounted sign may be switched off by separate switch	3.4 A sign which can be switched off by separate means .	3.4 The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means (eg an isolator switch) automatically extinguishes the sign.
3.5 Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions	3.5 Non-compliance with conditions. THE ONLY ADVERTISING ALLOWED ON VEHICLES IS THE COMPANY NAME AND TELEPHONE NUMBER CONFINED TO A NOTICE FIXED TO BOTH FRONT DOOR PANELS	
<b>4. Licence Plates – Front plates from 1<sup>st</sup> April 2016</b>		
Method of Inspection	Reason for Failure	Notes
4.1 Inspect the vehicle licence plates (where fitted) fixed to the front and rear of the vehicle for signs of damage or excessive wear and ensure that it is securely fixed. Ensure that the information on the plate is clearly legible.	4.1 A damaged plate or a plate with information not clearly legible.	4.1 The Council's licence conditions require:- The licence plate to be displayed at all times immediately above/on/below the bumper so as not to obscure the registration mark.

<p>4.2 Examine the plate fixings to the vehicle to ensure that it is securely fixed using bolts, screws or other method approved by the Council in accordance with the Local Authority's Conditions.</p>	<p>4.2 A plate which is not adequately secured to the vehicle.</p>	<p>4.2 Plates should be securely fixed to vehicle but must be able to be removed by a police officer or authorised officer of the Council. A plate affixed with very strong Velcro may be acceptable.</p>
<p><b>5. Tyres and Spare Wheel</b></p>		
<p>Method of Inspection</p>	<p>Reason for Failure</p>	<p>Notes</p>
<p>5.1 Tyres must be of the same type (see Notes). Ensure that a spare wheel or repair system is provided.</p>	<p>5.1 Variation in type of Tyre. A tyre which is of a different size or construction (See Notes).</p>	<p>5.1 SPACE SAVERS OR OTHER EMERGENCY REPAIR SYSTEMS – Space saver tyres and other emergency repair systems are allowed provided:- I. the type of space saver tyre or emergency repair system is an original part of the vehicle's design and manufacture; and II. The space saver tyre is limited to use in an emergency situation only at a maximum speed of 50 mph. Distance and mileage is to comply with manufacturer's instructions III. It may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre – after any vehicle passengers have been transported to a place of safety.</p>
<p>5.2 Examine the tyres for signs of damage or excessive wear (see Notes). Ensure that the spare tyre complies with all legal requirements for tyres when fixed to the vehicle.</p>	<p>5.2 Damaged (e.g. Nails or objects embedded in the tyre causing puncture or other problems), worn, substandard or otherwise illegal tyres. Tyres below the Council's minimum Tread depth (see notes).</p>	<p>5.2 Tyre tread pattern should be a minimum of 2mm in depth throughout the complete circumference and tread breadth of the tyre.</p>
<p>5.3 Visually Check all tyre pressure to ensure that it is inflated to the correct pressure for the vehicle.</p>	<p>5.3 Under or over inflated spare tyre.</p>	

5.4 Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order.	5.4 Failure to provide a suitable jack and/or wheel brace with the vehicle.	
5.5 Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.	5.5 Failure to satisfactorily secure the spare wheel.	
5.6 Check the rims of all wheels for any signs of distortion or damage	5.6 A damaged or distorted wheel rim.	
5.7 Check brake discs and pads for excess wear.	5.7 Pad wear down to 2.5mm or less. Excess disc wear or disc faults.	
<b>6. Boot / Luggage Compartment</b>		
Method of Inspection	Reason for Inspection	Notes
6.1 Examine for evidence of damage, corrosion or water penetration.	6.1 Damage or corrosion to the floor inner wing panels or lid.	A jack, first aid kit, fire extinguisher and wheel chair ramps (where applicable) may be carried in the luggage compartment.
6.2 Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stores.	6.2 Excessive wear, damage or staining to floor covering.	
6.3 Examine the interior for accumulations of dirt, dust, grease, litter etc. or staining of any surface with which luggage may come into contact.	6.3 Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.	
6.4 Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).	6.4 Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	6.4 These materials are a fire hazard. They may also contaminate passengers luggage, taint food, etc.
6.5 Ensure that all interior panels are in position, covering electrical wiring and associated fittings	6.5 Panels insecure or missing.	
<b>7. Engine Compartment /</b>		



<b>Transmission / Mountings</b>		
Method of Inspection	Reason for Failure	Notes
7.1 Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks. (See Notes)	7.1 Any fluid leakage where contamination is apparent over parts of the engine or underside of the vehicle or where fluid is seen to be dripping from the vehicle.	7.1 Inspection to be carried out from both above and below the vehicle.
7.2 Ensure that the battery is properly secured in position.	7.2 Insecure battery.	
7.3 Examine all rubber/plastic hoses for signs of wear or deterioration.	7.3 Significantly worn or deteriorated hoses.	
7.4 Check the fan belt for signs of incorrect adjustment and/or deterioration.	7.4 An incorrectly adjusted or deteriorated fan belt.	
7.5 Examine the engine mountings for signs of deterioration.	7.5 Insecure or deteriorated engine mountings.	
7.6 Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	7.6 A leaking or inadequately secured radiator.	
7.7 Examine the inner wing panels and suspension mounting tops for evidence of corrosion (see Notes).	7.7 Corrosion to the inner wing panels and suspension mounting tops.	7.7 This should include any corrosion around headlamp mountings.
7.8 Check the master cylinders for any signs of spillage or leakage of fluid.	7.8 Leaking master cylinders	
7.9 Check the clutch mechanisms for correct operation.	7.9 Fluid leakage or mechanical components wear in the clutch mechanisms.	
7.10 Check the operation of the bonnet release catch.	7.10 Defective bonnet release catch/mechanism.	
<b>8. Interior of Vehicle</b>		
Method of Inspection	Reason for Failure	Notes
8.1 Examine the floor and upholstery inside the vehicle for	8.1 A vehicle which is in a dirty condition with	8.1 Vehicle will be failed if cushion/backrests,

accumulations of dust, dirt, litter, general debris, staining or excessive wear.	accumulations of dust, litter, debris etc. or staining to the carpets or upholstery or evidence of smoking.	upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, dirty or stained.
8.2 Check that there are no excessive unpleasant odours noticeable inside the vehicle.	8.2 Unacceptable smells of vomit, food, smoke or other contaminants	
8.3 Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.	8.3 Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.	
8.4 Examine any mats provided to ensure that they are not worn or damaged.		
8.5 Sit in each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver.		8.5 Correctly fitted seat covers will be acceptable.
8.6 Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose.	8.6 Seats which are not adequately secured to the vehicle.	
8.7 Check that all seats have seatbelts fitted and that the seatbelts work.	8.7 No seatbelt(s) or seatbelt(s) that do not work.	8.7 The Council's conditions specify that a seatbelt should be provided for every passenger and that these should be readily accessible and maintained in a usable state of repair.
8.8 Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches.	8.8 Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches.	
8.9 Examine the interior rear view mirror and ensure that it is securely fixed.	8.9 A loose, damaged or missing rear view mirror.	
8.10 Check the operation of the heater/ windscreen demister to ensure that it is in satisfactory	8.10 Defective heater/windscreen demister.	

working order.		
8.11 Examine the clutch and brake pedal rubbers for signs of excessive wear.	8.11 Worn or missing brake and/or clutch pedal rubbers.	
8.12 Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily.	8.12 Window winders that do not allow windows to be easily lowered or raised.	
8.13 Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.	8.13 Defective interior door release catches.	
8.14 Ensure that child proof locks (if fitted) to rear doors are in working order.	8.14 Defective child proof locks.	
8.15 Check that any rubbish trays provided for the vehicle are intact and capable of being used. (Where trays have been removed they should be blanked off.)	8.15 Unserviceable trays or trays that have not been blanked off where removed.	
8.16 If a metal grille is fitted, check to ensure that there are no sharp or exposed parts which could cause injury to a passenger or driver.	8.16 Loose or incorrectly fitted grille or exposed parts which could cause injury.	8.16 The fitting of a metal grille is not compulsory.
8.17 Check that estate cars are fitted with al luggage guard or cover.	8.17 Luggage guard/cover not fitted or ineffective.	
8.18 Check 'No Smoking' Sticker(s) prominently displayed.	8.18 Not displaying sticker.	
8.19 Check steering wheel in sound condition	8.19 Steering wheel fabric/leather twists on wheel causing insecurity.	
8.20 Where vehicles have been adapted	8.20 Wheelchair fixings are not working for wheelchair access check all the Fixings necessary to carry wheelchairs	
8.21 Examine the seating	8.21 Over 8 passenger seats (excluding	

capacity to check	for maximum allowance of 8 passengers driver) (excluding driver)	
8.22 Check position of seating for access	8.22 No clear and unobstructed access	8.22 Vehicle must have a free, easy access to all seats (Sliding or tilting seats will not be considered an obstruction provided the seat action, tilt / slide is maintained and fully functional)
8.23 Check airbag system for damage/failure.	8.23 Steering wheel or dashboard has damage to airbag area. Airbag warning lamp does not illuminate when ignition turned on or fails To go out after engine starts. Low fuel lamp illuminated.	
8.24 Check all dashboard warning lamps for correct use Check fuel level. illuminated at all times or Incorrectly.	8.24 If any warning lamp remains illuminated, the vehicle will not be subjected to a road test	
8.25 Check for Drivers Licence badge holder located on the dashboard and that it is clearly visible from all seats within the vehicle.	8.25 No badge holder / or obstructed view of badge holder.	Badge holder must not be sited over the location from where air bags are deployed
8.26 Check that the notice for passengers to make complaints or compliments about the driver or vehicle are displayed.	Notice not displayed.	
<b>9.First Aid Kit / Replacement Bulbs &amp; Fuses</b>		
Method of Inspection	Reason for Failure	Notes
9.1 Ensure that a first aid kit is provided within the vehicle. Examine the kit to ensure that the contents conform to the requirements laid down in the Council's specification (see Notes).	9.1 Failure to provide a first aid kit, or a kit which does not conform to the Council's specification. A first aid kit which is sited in a position which is not readily accessible for use.	9.1 The Health & Safety (First Aid) Regulations 1981 Specification for travelling First Aid Kits is:- (a) Six individually wrapped sterile adhesive dressings.  (b) One medium sized sterile non medicated dressing (60pprox.. 10cm x 8cm; examples of suitable dressings

		currently available are the Standard Dressings No 8 and No. 13 BPC).  © One triangular bandage (this should, if possible, be sterile: if not, a sterile covering appropriate for serious wounds should also be included).  (d) Six safety pins.  The first aid kit must be within the 'use by' date.
9.2 See that the first aid kit is permanently legibly marked with the registration number of the vehicle being tested.	9.2 A first aid kit which is not permanently legibly marked with the Registration number of the vehicle.	
9.3 Check the vehicle is carrying set of replacement bulbs for the headlights, taillights, sidelights, brake lights and indicators	9.3 Replacement bulb set does not contain 1 headlight, 1 taillight, 1 side light, 1 brake light, 1 indicator light and 1 rear number plate light as minimum.	9.3 bulbs to be suitable for the vehicle type and be road legal
9.4 Check the vehicle is to carry a set of replacement fuses	9.4 A selection of various sizes of fuses are not carried on the vehicle	9.4 Fuses to be suitable for vehicle type.
<b>10. Fire Extinguishers</b>		
Method of Inspection	Reason for Failure	Notes
10.1 Ensure that the fire extinguisher provided is a 2 litre AFFF foam extinguisher, or a minimum 1kg dry powder extinguisher.	10.1 Failure to provide a fire extinguisher, or a fire extinguisher of the stated type, within the vehicle.	
10.2 See that the fire extinguisher is sited in a conspicuous and easily accessible position within the vehicle.	10.2 A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.	
10.3 Examine the fire extinguisher to ensure that it is within the test date and that the seal is not broken. Where a pressure gauge is fitted ensure	10.3 (a) A fire extinguisher which has a broken seal. (b) A fire extinguisher which is not pressurised	

that the extinguisher is at the correct pressure.	(stored pressure type of extinguisher) (c) A fire extinguisher which is more than five years old from date of manufacture.	
10.4 Examine the fire extinguisher mounting to see that it is sufficiently well secured to the vehicle to prevent it becoming dislodged by normal use of the vehicle.	10.4 A fire extinguisher which is not securely fixed within the vehicle.	10.4 A fire extinguisher may be secured in the boot area provided a sign to the effect is displayed prominently and legibly inside the vehicle.
10.5 Check whether the fire extinguisher is permanently legibly marked with the Registration Number of the vehicle.	10.5 A fire extinguisher which is not permanently and legibly marked with the Registration Number of the vehicle.	
<b>11. Road Test</b>		
Method of Inspection	Reason for Failure	Notes
(All vehicles will undergo a road test unless the vehicle has failed any MOT testable item or there is insufficient fuel for the journey)		
11.1 Check for any vibrations through the steering column or transmission.	11.1 Any unreasonable vibration through the steering column or transmission.	
11.2 Check that the steering is true and positive and does not 'pull' to the nearside or offside.	11.2 Steering which pulls to the nearside or offside or which is not positive.	
11.3 Check that the operation of the footbrake does not cause the vehicle to judder or to pull the vehicle to the nearside or offside.	11.3 Juddering or pulling to nearside/offside when the footbrake is applied.	
11.4 Listen for any unusual noise from the engine and transmission.	11.4 Unacceptable engine or transmission noise.	
11.5 Check the clutch for correct operation.	11.5 A clutch which fails to give proper clearance or slips in operation.	

11.6 Check the operation of the gear lever for signs of wear in the mechanism.	11.6 Evidence of wear in gear lever mechanism.	
11.7 Observe the vehicle exhaust emission for evidence of excessive smoke.	11.7 Excessive smoke emission.	
11.8 Observe the performance of the engine during the road test for signs of any misfiring, lack of engine power etc., or any indication that the engine is not functioning in the correct manner.	11.8 Any evidence that there is a problem affecting the performance or reliability of the vehicle.	
11.9 Check the operation of the speedometer.	11.9 Speedometer inoperative or defective.	
11.10 Report any other matters which affect the fitness of the vehicle for use as a hackney carriage or private hire vehicle.		
<b>12. Meters - Meters to be of Calendar Controlled type for new and renewal vehicles tested from 1<sup>st</sup> April 2016</b>		
Method of Inspection	Reason for Failure	Notes
12.1 Ensure that the meter is sited in a position where it can be clearly seen from all passenger seats within the vehicle or in accordance with the Authority's licence conditions.	12.1 Absence of a meter, or a meter which is not suitably sited within the vehicle.	12.1 Private hire vehicles are not required to have a meter fitted within the vehicle. When fitted to a private hire vehicle a meter must comply with the specifications as set out in this sheet.
12.2 Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle. And that mounting seals are intact	12.2 A meter which is not adequately secured within the vehicle and sealed accordingly.	
12.3 Check the meter to ensure that the figures indicating the fare are illuminated.	12.3 Lack of adequate illumination to the meter display.	
12.4 Ensure that the meter is correctly calibrated and sealed	12.4 An incorrectly calibrated meter.	12.4 The calibration test should be carried out by

<p>in accordance with the agreed table of fares (see Notes).</p>	<p>An unsealed meter. A non-calendar controlled meter. Failure to produce Calibration Certificate</p> <p>Meter and Calibration Certificate do not match</p>	<p>test driving the vehicle over the agreed 'measured distance' and ensuring the appropriate fare displayed corresponds to the distance covered.</p> <p>Verify meter fitted in the vehicle is the meter stated on the Calibration Certificate</p>
<p>12.5 Check that a table of fares (in the format laid down by the Council), is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.</p>	<p>12.5 Failure to display a table of fares in a conspicuous position within the vehicle.</p>	



# Appendices

## SENTENCES AVAILABLE TO THE MAGISTRATES' COURT FOR OFFENDERS AGED 18 AND OVER

1	<b>Absolute and Conditional Discharge</b> - either discharge completely or subject to the offender committing no further offences for a certain period.
2	<b>Bind Over</b> - bind over to keep the peace.
3	<b>Compensation</b> [up to £5,000] – payment to compensate the victim of the crime for loss, injury or suffering.
4	<b>Fine</b> [up to £5,000 more if specified for certain offences] – financial penalty.
5	<p><b>Community Order</b> – a court may pass on an offender a community order of a low, medium or high level. The order must have one or more of the following requirements:</p> <ul style="list-style-type: none"> <li>• an unpaid work requirement</li> <li>• an activity requirement</li> <li>• a programme requirement</li> <li>• a prohibited activity requirement</li> <li>• a curfew requirement</li> <li>• an exclusion requirement</li> <li>• a residence requirement</li> <li>• a mental health treatment requirement</li> <li>• a drug rehabilitation requirement</li> <li>• an alcohol treatment requirement</li> <li>• a supervision requirement</li> <li>• an attendance centre requirement – if the offender is under 25</li> </ul> <p>NB offences committed before 4 April 2005 are dealt with by way of old style community orders:</p> <ul style="list-style-type: none"> <li>• Community Rehabilitation Order</li> <li>• Community Service Order</li> <li>• Combination Order</li> <li>• Attendance Centre – under 21s only</li> <li>• Drug Treatment and Testing Order</li> </ul>
6	<b>Short Detention</b> – usually for a day or a few hours defendant must be detained in the court house or local police station
7	<b>Suspended sentence Order</b> – a period of imprisonment/detention is imposed but suspended for a period up to two years. The order must include one or more of the requirements listed above. For pre 4 <sup>th</sup> April 2005 offences an old style suspended sentence can be given.
8	<b>Detention in Young Offenders Institution</b> - under 21 only
9	<b>Imprisonment</b> - over 21 only

<b>10</b>	<b>Ancillary Orders</b> may be imposed in relation to certain convictions in addition to a usual penalty for example Anti-Social behaviour Orders, Football Banning Orders, drink banning Orders, Disqualification from driving.
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**Major Traffic Convictions**

<b>Code</b>	<b>Conviction</b>	<b>Penalty Points</b>
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or to report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9
BA10	Driving while disqualified by order of the court	6
BA20	Attempting to drive while disqualified by order of court	6
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9
DR10	Driving or attempting to driver with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11

DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	
DR90	In charge of a vehicle when unfit through drugs	10
IN10	Using a vehicle uninsured against third party risks	6 to 8
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical ground	3 to 6
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
UT50	Aggravated taking of a vehicle	3 to 11
TT99	Disqualification under totting-up – if the total penalty points reaches 12 or more within 3 years, the driver can be disqualified	

**Aiding, abetting, counselling or procuring convictions**

For these convictions the number 0 on the code is changed to 2

**Causing or permitting convictions**

For these convictions the number 0 on the code is changed to 4

**Inciting convictions**

For these convictions the number 0 on the code is changed to 6

## Minor Traffic Convictions

<b>Code</b>	<b>Conviction</b>	<b>Penalty Points</b>
CU80	Breach of a requirement as to control of a vehicle, using a mobile etc <b>(must be referred to Committee)</b>	6
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play Street Offences	2
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6
MW10	Contravention of special roads regulations (excluding speed limits)	3
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with a stationary vehicle	3
TS10	Failing to comply with traffic light signal	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'Stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

### **Aiding, abetting, counselling or procuring convictions**

For these convictions the number 0 on the code is changed to 2

### **Causing or permitting convictions**

For these convictions the number 0 on the code is changed to 4

### **Inciting convictions**

For these convictions the number 0 on the code is changed to 6

**Hybrid Convictions**

<b>Code</b>	<b>Conviction</b>	<b>Penalty Points</b>
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective tyres	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

**Aiding, abetting, counselling or procuring convictions**

For these convictions the number 0 on the code is changed to 2

**Causing or permitting convictions**

For these convictions the number 0 on the code is changed to 4

**Inciting convictions**

For these convictions the number 0 on the code is changed to 6

## Duties on taxi drivers and PHV drivers and operators under the Equality Act 2010 as amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

### Duties on drivers of non-designated wheelchair accessible Hackney Carriages and PHVs

#### Section 164A

<b>1</b>	<p><b>Disabled passenger</b></p> <p>Any disabled passenger, including wheelchair users.</p>
<b>2</b>	<p><b>Duties</b></p> <ul style="list-style-type: none"> <li>• To carry the passenger</li> <li>• To carry their wheelchair (e.g. in the boot of the vehicle)</li> <li>• To carry their mobility aids</li> <li>• To take reasonable steps to carry the passenger in safety and reasonable comfort</li> <li>• To provide reasonable mobility assistance</li> <li>• Not to make, or propose to make, any charge for carrying out the above duties</li> </ul>
<b>3</b>	<p><b>Defences</b></p> <ul style="list-style-type: none"> <li>• That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)</li> <li>• It would not have been possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle</li> <li>• It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle</li> <li>• The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger</li> </ul>

#### Section 165A

This applies to a PHV or where the Hackney Carriage has been prebooked.

<b>1</b>	<p><b>Disabled passenger</b></p> <p>Any disabled passenger, including wheelchair users.</p>
<b>2</b>	<p><b>Duties</b></p> <ul style="list-style-type: none"> <li>• To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired</li> <li>• Not to make, or propose to make, any additional charge for complying with the above duty</li> </ul>
<b>3</b>	<p><b>Defences</b></p>



1. The driver of the PHV or prebooked Hackney Carriage has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

### Section 168 (Hackney Carriages)

<b>1</b>	<p><b>Disabled passenger</b></p> <p>Assistance dog users.</p>
<b>2</b>	<p><b>Duties</b></p> <ul style="list-style-type: none"> <li>• Carry the disabled person's dog and allow it to remain with that person</li> <li>• Not make, or propose to make, any additional charge for doing so</li> </ul>
<b>3</b>	<p><b>Defences</b></p> <p>There are no defences for this section.</p>

### Section 170 (PHV Only)

	<p><b>Disabled passenger</b></p> <p>Assistance dog users.</p>
	<p><b>Offences</b></p> <ul style="list-style-type: none"> <li>• A driver commits an offence by</li> <li>• Failing or refusing to carry out a booking accepted by the operator</li> <li>• If the booking is made by, on or behalf of, a disabled person</li> <li>• The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog</li> <li>• Making, or proposing to make, an additional charge for carrying an assistance dog</li> </ul>
<b>3</b>	<p><b>Defences</b></p> <ul style="list-style-type: none"> <li>• There are no defences for this section.</li> </ul>

### Duties on drivers of designated wheelchair accessible Hackney Carriages and PHVs

#### Section 164A

<b>1</b>	<p><b>Disabled passenger</b></p> <p>Any disabled passenger, apart from wheelchair users.</p>
<b>2</b>	<p><b>Duties</b></p> <ul style="list-style-type: none"> <li>• To carry the passenger</li> <li>• To carry their mobility aids</li> <li>• To take reasonable steps to carry the passenger in safety and reasonable comfort</li> <li>• To provide reasonable mobility assistance</li> <li>• Not to make, or propose to make, any charge for carrying out the above duties</li> </ul>
<b>3</b>	<p><b>Defences</b></p> <ul style="list-style-type: none"> <li>• That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)</li> </ul>

	<ul style="list-style-type: none"> <li>• It would not have been possible or reasonable for the mobility aids to be carried safely in the vehicle</li> <li>• It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle</li> <li>• The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger</li> </ul>
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### Section 165

<b>1</b>	<b>Disabled passenger</b> Wheelchair users.
<b>2</b>	<b>Duties</b> <ul style="list-style-type: none"> <li>• To carry the passenger while in the wheelchair</li> <li>• If the passenger chooses to sit in a passenger seat, to carry the wheelchair (e.g. in the boot of the vehicle)</li> <li>• To carry their mobility aids</li> <li>• To take necessary steps to carry the passenger in safety and reasonable comfort</li> <li>• To provide reasonable mobility assistance</li> <li>• Not to make, or propose to make, any charge for carrying out the above duties</li> </ul>
<b>3</b>	<b>Defences</b> <ul style="list-style-type: none"> <li>• It would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle</li> <li>• It would not have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle</li> </ul>

### Section 165A

This applies to a PHV or where the Hackney Carriage has been prebooked.

<b>1</b>	<b>Disabled passenger</b> Any disabled passenger, including wheelchair users.
<b>2</b>	<b>Duties</b> <ul style="list-style-type: none"> <li>• To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired</li> <li>• Not to make, or propose to make, any additional charge for complying with the above duty</li> </ul>
<b>3</b>	<b>Defences</b> <ul style="list-style-type: none"> <li>• The driver of the prebooked taxi has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle</li> </ul>

### Section 168 (Hackney Carriages)

<b>1</b>	<b>Disabled passenger</b>
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	Assistance dog users.
<b>2</b>	<b>Duties</b> <ul style="list-style-type: none"> <li>• Carry the disabled person's dog and allow it to remain with that person</li> <li>• Not make, or propose to make, any additional charge for doing so</li> </ul>
<b>3</b>	<b>Defences</b> <ul style="list-style-type: none"> <li>• There are no defences for this section.</li> </ul>

### Section 170 (PHV Only)

<b>1</b>	<b>Disabled passenger</b> Assistance dog users.
<b>2</b>	<b>Offences</b> <ul style="list-style-type: none"> <li>• Failing or refusing to carry out a booking accepted by the operator</li> <li>• If the booking is made by, on or behalf of, a disabled person</li> <li>• The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog</li> <li>• Making, or proposing to make, and additional charge for carrying an assistance dog</li> </ul>
<b>3</b>	<b>Defences</b> <ul style="list-style-type: none"> <li>• There are no defences for this section.</li> </ul>

### Offences on PHV operators

#### Section 167A

<b>1</b>	<b>Disabled passenger</b> Any disabled passenger, including wheelchair users.
<b>2</b>	<b>Offences</b> <ul style="list-style-type: none"> <li>• Failing or refusing to accept a booking for the vehicle if: <ul style="list-style-type: none"> <li>The booking is made by, on or behalf of, a disabled person</li> </ul> </li> <li>• The reason for the failure or refusal is: <ul style="list-style-type: none"> <li>That the person is disabled or</li> <li>To prevent the driver from being made subject to a duty at sections 164A, 165, or 165A</li> </ul> </li> <li>• Making, or proposing to make, and additional charge for carrying out any duty on the driver under sections 164A, 165, or 165A</li> </ul>
<b>3</b>	<b>Defences</b> <ul style="list-style-type: none"> <li>• It was reasonable not to have accepted the booking due to a lack of suitable vehicles</li> </ul>

### Section 170

<b>1</b>	<b>Disabled passenger</b> Assistance dog users.
<b>2</b>	<b>Offences</b> Failing or refusing to accept a booking for the vehicle if the reason for the failure or refusal is: <ul style="list-style-type: none"><li>• That the person will be accompanied by an assistance dog</li><li>• To prevent the driver from being made subject to a duty at section 170</li><li>• Making, or proposing to make, and additional charge for carrying an assistance dog</li></ul>
<b>3</b>	<b>Defences</b> <ul style="list-style-type: none"><li>• There are no defences for this section.</li></ul>

## Hackney Carriage Driver's Licence Conditions

<b>Definitions</b>
<p>'Authorised Officer' means any officer authorised in writing by the council for the purposes of these conditions, and any statutory requirements relating to taxi licensing.</p> <p>'The Council' means Gedling Borough Council.</p> <p>"Hackney Carriages" or "vehicle" has the same meaning as in the Town Police Clauses Act 1847.</p> <p>'Proprietor' means the person or persons or body named in the licence as the Proprietor of the Hackney Carriage and includes part Proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.</p>

<b>1</b>	<p><b>Assignment of Licence</b></p> <p>The Licensee shall not assign or in any way part with the benefit of the Licence. It is personal to the Licensee.</p>
<b>2</b>	<p><b>Deposit of Licence with Hackney Carriage Proprietor</b></p> <p>The Licence shall be delivered to and deposited with the Proprietor of the Hackney Carriage or with the Operator, if applicable.</p>
<b>3</b>	<p><b>Drivers Badge</b></p> <p>The driver shall;</p> <ul style="list-style-type: none"> <li>• at any time while the vehicle is plying for hire or being hired the driver will wear, in a conspicuous position so as to be clearly visible, one of two drivers badges issued by the Council.</li> <li>• mount the identity badge holder inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two drivers badges issued by the Council is to be mounted in the holder at any time while the vehicle is plying for hire or being hired.</li> <li>• return their badges to the Council as soon as the Licence ceases to be in force.</li> </ul>
<b>4</b>	<p><b>Conduct of Driver</b></p> <p>The driver shall;</p> <ul style="list-style-type: none"> <li>• afford all reasonable assistance with passengers luggage.</li> </ul>

	<ul style="list-style-type: none"> <li>• be clean and respectable in their dress and person and behave in a civil and orderly manner.</li> <li>• take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.</li> <li>• not, without the express consent of the hirer, drink or eat in the vehicle whilst it is being hired.</li> <li>• at no time cause or permit the noise emitted by any device in the vehicle which they are driving, to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.</li> <li>• not smoke or permit passengers to smoke in the vehicle at any time.</li> <li>• not use or permit passengers to use E-Cigarettes, Personal vaporizers or Electronic Nicotine Delivery Systems within the vehicle at any time</li> </ul>
5	<p><b>Prompt Attendance</b></p> <p>The driver of a Hackney Carriage who has agreed, or has been hired to be in attendance with the Hackney Carriage at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend.</p>
6	<p><b>.Destination</b></p> <p>The driver of a Hackney Carriage when hired to a particular destination shall not, without reasonable cause, unnecessarily prolong in distance, or in time, the journey for which the Hackney Carriage has been hired.</p>
7	<p><b>Passengers</b></p> <ul style="list-style-type: none"> <li>• the driver shall not convey or permit to be conveyed in a Hackney Carriage, a greater number of persons than that prescribed in the Licence for the vehicle.</li> <li>• The driver shall not allow more than one passenger to be conveyed in front of the Hackney Carriage.</li> <li>• The driver shall not, without the consent of the hirer of the Hackney Carriage, convey or permit to be conveyed any other person in the vehicle.</li> <li>• The driver may, at their discretion, convey animals or pets, provided that the driver shall not refuse to convey assistance dogs.</li> </ul>
8	<p><b>Licence renewals and declarations</b></p> <p>For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12-month period. The licence holder will also undertake a DVLA check.</p> <p>The licence holder will also be required to sign up to the online DBS system to enable the Council to undertake an online Disclosure and Barring Services (DBS) check at the time of renewal in the case of a licence issued for 1 year,</p>

	<p>or at the time of the 12- or 24-month declarations in the case of a licence that has been granted for a period greater than 12 months.</p> <p>The licence holder will provide evidence to the Council if they are unable to sign up to the online DBS service and if the evidence is accepted by the Council the licence holder will be required to complete a DBS application form and apply by post.</p> <p>If this condition is not complied with, the Director has delegated authority to suspend the licence, after giving a 7-day notice period, until the declaration has been fully completed.</p>
<p><b>9</b></p>	<p><b>Medicals</b></p> <p>The licence holder shall notify the Council as soon as is reasonably practicable of any change to their medical circumstances which could affect them meeting the DVLA Group 2 Medical Standard.</p> <p>The DVLA Group 2 Medical standard can be found at <a href="http://www.gedling.gov.uk">www.gedling.gov.uk</a></p>
<p><b>10</b></p>	<p><b>Statement of Fares</b></p> <p>The driver of a Hackney Carriage shall ensure that a statement of fares or rates of fares currently in force in the district shall be displayed at all times and shall not be concealed or rendered illegible at any time while the Hackney Carriage is plying, or being used, for hire.</p>
<p><b>11</b></p>	<p><b>Taxi Meters and Data Systems</b></p> <p>When the Licensee is driving a vehicle equipped with a taximeter they shall:-</p> <ul style="list-style-type: none"> <li>• when the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter.</li> <li>• at the commencement of the journey when the vehicle is being used as a Hackney Carriage and is hired by distance, bring the machinery of the taximeter into action so that the word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.</li> <li>• be entitled to demand and take for the hire of the vehicle, when used as a Hackney Carriage by distance the rate of fare indicated in the statement displayed inside the vehicle in accordance with Condition 7B of the Council's Conditions for a Hackney Carriage Vehicle, provided always that the Licensee shall not take or demand a fare greater than that shown on the face of the taximeter.</li> <li>• ensure that during the time the vehicle is hired by distance the display of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated.</li> <li>• not wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle, in accordance with Condition 7B of the Council's Conditions for a Hackney Carriage Vehicle Licence, to be concealed or rendered illegible at any time.</li> </ul> <p>The driver of a Hackney Carriage shall not tamper with or permit any person other than an authorised officer to tamper with any taxi meter, fittings or seals provided in the Hackney</p>

	<p>Carriage, provided that any necessary repairs may be carried out subject to prior notification to the Council.</p> <p>Vehicles <u>must</u> be presented for inspection by the Council as soon as is reasonably practicable following any adjustments or repairs to the taxi meter.</p> <p>The driver shall ensure that when the vehicle is not undertaking a hire journey, no fare is recorded on the face of the meter.</p> <p>On commencement of a journey the driver shall bring the meter into action and keep the meter in action until the termination of the hiring.</p> <p>The driver shall cause the meter to be properly illuminated throughout any part of the hiring which is during the hours of darkness and at any other time if requested to do so by the hirer of the Hackney Carriage.</p> <p>The meter switch must be independent of the roof sign illumination switch.</p> <p>The driver must not charge a fare higher than that displayed on the meter at the termination of the journey.</p>
<b>12</b>	<p><b>Proceeding to Ranks</b></p> <p>The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired;</p> <ul style="list-style-type: none"> <li>• proceed with reasonable speed to one of the stands appointed by the Council.</li> <li>• if a stand, at the time of their arrival, is occupied by the full number of Hackney Carriages authorised to occupy it, proceed to another stand.</li> <li>• on arriving at a stand not already occupied by the full number of hackney carriages authorised to occupy it, park the carriage immediately behind the carriages already on the stand so as to face the same direction.</li> <li>• from time to time when any other hackney carriage immediately in front is driven off or moved forward cause their carriage to be moved forward so as to fill the place previously occupied by the hackney carriage driven off or moved forward.</li> </ul>
<b>13</b>	<p><b>Lost Property</b></p> <p>Any property left in a Hackney Carriage shall, within twenty-four hours, be taken by the driver, to the nearest police station.</p>
<b>14</b>	<p><b>Change of Address</b></p> <p>The driver shall give notice to the Council of any change of their address, during the period of the licence, within seven days of such change taking place.</p>
<b>15</b>	<p><b>Convictions, Motoring Offences and Charges Pending</b></p> <p>The driver shall, within 48 hours, disclose to the Council, in writing preferably by email at:</p>



[licensing@gedling.gov.uk](mailto:licensing@gedling.gov.uk) or by using the link on the Council's website at: [www.gedling.gov.uk](http://www.gedling.gov.uk), details of any arrest and release, pending charges, convictions and motoring offences incurred by them during the period of the Licence.

**16 Accidents**

The Proprietor shall within seventy-two hours of any accident involving the vehicle, report in writing such occurrence to the Council.

**Penalties**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

N.B. These conditions are additional to the statutory requirements relating to Hackney Carriages contained in the Town Police Clauses Act 1847 (and any byelaws made thereunder) and the Local Government (Miscellaneous Provisions) Act 1976.

## Private Hire Driver's Licence Conditions

<b>Definitions</b>
<p>"Authorised Officer" means any Officer authorised in writing by the Council for the purposes of these conditions.</p> <p>"The Council" means Gedling Borough Council.</p> <p>"Proprietor" means the person or persons or body named in the licence as the Proprietor of the Private Hire Vehicle and includes part Proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.</p> <p>"Private Hire Vehicle" or "Vehicle" means the private hire vehicle licensed by the Council under the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>"The Operator" means a person holding a Licence to operate Private Hire Vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>"1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.</p>

<b>1</b>	<p><b>Assignment of Licence</b></p> <p>The Licensee shall not assign or in any way part with the benefit of the Licence. It is personal to the Licensee.</p>
<b>2</b>	<p><b>Deposit of Licence with Hackney Carriage Proprietor</b></p> <p>The Licence shall be delivered to and deposited with the Proprietor of the Private Hire Vehicle or with the Operator, if applicable.</p>
<b>3</b>	<p><b>Drivers Badge</b></p> <p>The driver shall;</p> <ul style="list-style-type: none"> <li>• at any time while the vehicle is plying for hire or being hired the driver will wear, in a conspicuous position so as to be clearly visible, one of two drivers badges issued by the Council.</li> <li>• mount the identity badge holder inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two drivers badges issued by the Council is to be mounted in the holder at any time while the vehicle is plying for hire or being hired.</li> <li>• return their badges to the Council as soon as the Licence ceases to be in force.</li> </ul>
<b>4</b>	<p><b>Conduct of Driver</b></p> <p>The driver shall;</p>

	<ul style="list-style-type: none"> <li>• afford all reasonable assistance with passengers' luggage.</li> <li>• be clean and respectable in their dress and person and behave in a civil and orderly manner.</li> <li>• take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.</li> <li>• not, without the express consent of the hirer, drink or eat in the vehicle whilst it is being hired.</li> <li>• at no time cause or permit the noise emitted by any device in the vehicle which they are driving, to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.</li> <li>• not smoke or permit passengers to smoke in the vehicle at any time.</li> <li>• not use or permit passengers to use E-Cigarettes, Personal vaporizers or Electronic Nicotine Delivery Systems within the vehicle at any time</li> </ul>
5	<p><b>Prompt Attendance</b></p> <p>The driver of a Private Hire vehicle who has agreed, or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend.</p>
6	<p><b>Destination</b></p> <p>The driver of a Private Hire vehicle when hired to a particular destination shall not, without reasonable cause, unnecessarily prolong in distance, or in time, the journey for which the vehicle has been hired.</p>
7	<p><b>Passengers</b></p> <ul style="list-style-type: none"> <li>• The driver shall not convey or permit to be conveyed in a Private Hire vehicle a greater number of persons than that prescribed in the Licence the vehicle.</li> <li>• The driver shall not allow more than one passenger to be conveyed in the front seat of the Private Hire vehicle, unless more than one seat is provided for passengers.</li> <li>• The driver shall not, without the consent of the hirer of the Private Hire vehicle convey or permit to be conveyed any other person in the vehicle.</li> <li>• The driver may, at their discretion, convey animals or pets, provided that the driver shall not refuse to convey guide dogs for the blind.</li> </ul>
8	<p><b>Licence renewals and declarations</b></p> <p>For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12-month period. The licence holder will also undertake a DVLA check.</p>

	<p>The licence holder will also be required to sign up to the online DBS system to enable the Council to undertake an online Disclosure and Barring Services (DBS) check at the time of renewal in the case of a licence issued for 1 year, or at the time of the 12- or 24-month declarations in the case of a licence that has been granted for a period greater than 12 months.</p> <p>The licence holder will provide evidence to the Council if they are unable to sign up to the online DBS service and if the evidence is accepted by the Council the licence holder will be required to complete a DBS application form and apply by post.</p> <p>If this condition is not complied with, the Director has delegated authority to suspend the licence, after giving a 7-day notice period, until the declaration has been fully completed.</p>
<b>9</b>	<p><b>Medicals</b></p> <p>The licence holder shall notify the Council as soon as is reasonably practicable of any change to their medical circumstances which could affect them meeting the DVLA Group 2 Medical Standard.</p> <p>The DVLA Group 2 Medical standard can be found at <a href="http://www.gedling.gov.uk">www.gedling.gov.uk</a></p>
<b>10</b>	<p><b>Lost Property</b></p> <p>Any property left in a Hackney Carriage shall, within twenty-four hours, be taken by the driver, to the nearest police station.</p>
<b>11</b>	<p><b>Change of Address</b></p> <p>The driver shall give notice to the Council of any change of their address, during the period of the licence, within seven days of such change taking place.</p>
<b>12</b>	<p><b>Convictions, Motoring Offences and Charges Pending</b></p> <p>The driver shall, within 48 hours, disclose to the Council, in writing preferably by email at: <a href="mailto:licensing@gedling.gov.uk">licensing@gedling.gov.uk</a> or by using the link on the Council's website at: <a href="http://www.gedling.gov.uk">www.gedling.gov.uk</a>, details of any arrest and release, pending charges, convictions and motoring offences incurred by them during the period of the Licence.</p>
<b>13</b>	<p><b>Accidents</b></p> <p>The Proprietor shall within seventy-two hours of any accident involving the vehicle, report in writing such occurrence to the Council.</p>

## Penalties

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

N.B. These conditions are additional to the statutory requirements relating to Hackney Carriages contained in the Town Police Clauses Act 1847 (and any byelaws made thereunder) and the Local Government (Miscellaneous Provisions) Act 1976.

## Hackney Carriage Vehicle Licence Conditions

<b>Definitions</b>
<p>"The Council" means the Gedling Borough Council.</p> <p>"Authorised Officer" means any Officer authorised in writing by the Council for the purpose of these conditions and any statutory requirements relating to taxi licensing.</p> <p>"Hackney Carriages" or "vehicle" has the same meaning as in the Town Police Clauses Act 1847.</p> <p>"1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>"Proprietor" means the person or persons or body named in this licence as the Proprietor of the vehicle and includes a part Proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.</p> <p>"Technical Test" means such test as the Council may prescribe to assess the mechanical fitness and suitability of the vehicle.</p> <p>"Licence Plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage Vehicle duly licensed by the Council.</p> <p>"Vehicle Specification" means the specification document agreed by the Council. A copy of the vehicle specification be found on <a href="http://www.Gedling.gov.uk">www.Gedling.gov.uk</a> under taxi licensing, or a copy can be requested from the Reception Desk at the Civic Centre offices.</p> <p>The Proprietor shall observe and perform the following terms and conditions:-</p>

### Vehicle

<b>1</b>	The vehicle shall be maintained throughout the Licence period so as to comply at all times with the Vehicle Specification approved by the Council, and the interior and exterior of the Hackney Carriage shall be kept in a clean condition and maintained in a safe condition throughout the duration of the Licence.
<b>2</b>	Any damage to a Hackney Carriage shall be reported to the Council by the Proprietor within seventy-two hours of such damage in accordance with the 1976 Act and until such damage is repaired to the satisfaction of the Authorised Officer of the Council, the vehicle shall not be used for hire.
<b>3</b>	The Proprietor shall permit an Authorised Officer or any Constable to inspect the vehicle at all reasonable times. If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a Hackney Carriage, the Proprietor shall, after being notified in writing, present the vehicle for inspection at such place within the District of Gedling as is specified in such notice
<b>4</b>	Without prejudice to the provisions of Condition 1C of these conditions, the Proprietor shall present the vehicle for inspection and testing at such time and at such place within the district of Gedling as specified in a notice served upon the Proprietor by the Council

	requiring the Proprietor so to do. Provided that the Council shall not, under the provisions of this paragraph, require the Proprietor to present the vehicle for inspection and testing on more than two separate occasions during any one period of twelve months.
<b>5</b>	If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a Hackney Carriage upon completion of the inspection required by Condition 1 C or 1 D of these Conditions, they may immediately suspend the vehicle Licence. The Proprietor shall forthwith upon being required to do by the Authorised Officer, cause the Licence Plate to be removed from the vehicle and handed to the Authorised Officer or Constable who shall keep it in their custody until such time as they are satisfied as to the condition of the vehicle, whereupon the Licence Plate shall be returned to the Proprietor.
<b>6</b>	The Hackney Carriage Vehicle Licence shall be valid for a period of six months, where the vehicle is over 3 years of age.
<b>7</b>	The Hackney Carriage Vehicle Licence shall be valid for a period of twelve months, where the vehicle is 3 years of age or under and has mileage of less than 36,000 miles
<b>8</b>	If, on inspection, the vehicle fails the technical test, the vehicle must be submitted for re-inspection within fourteen days. If the Proprietor fails to comply with this time limit an additional fee as set out in the Council's Scale of Fees at the time, will be payable when the vehicle is finally inspected.
<b>9</b>	There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances such equipment to be carried in such a position in the vehicle so as to be readily available for immediate use in an emergency.
<b>10</b>	The vehicle is to carry a set of replacement fuses of various amp rating and replacement bulbs – to include headlight, tail light, side light, brake light, indicator light and rear number plate light as minimum.
<b>11</b>	The proprietor shall ensure that a Hackney Carriage that is mechanically unable to proceed shall not remain on the stand longer than is necessary to call for assistance to remove that Hackney Carriage from that stand.
<b>12</b>	Space saver tyres are allowed provided: <ul style="list-style-type: none"> <li>• the type of space saver tyre is an original part of the vehicle's design and manufacture.</li> <li>• the space saver tyre is limited to use in an emergency situation only at a maximum speed of 50 mph. Distance and mileage is to comply with manufacturers instructions.</li> </ul>

### **Licence Plate and Drivers Badge**

<b>13</b>	The licence plates issued by the Council shall at all times be kept affixed to the outside of the front and rear of the vehicle, in an upright position, either on or immediately above or below the bumper in such a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plates are clearly visible by daylight from the road on both the front and rear of the vehicle
<b>14</b>	The Licence Plate referred to in Condition 2A of these Conditions shall remain the property

	of the Council and shall be returned forthwith to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham. NG5 6LU on expiry of the Licence unless the Council has granted a further Hackney Carriage Licence in respect of the vehicle, if the Proprietor no longer holds a Hackney Carriage Licence issued by the Council which is in force in respect of the vehicle.
15	The Proprietor of a licensed Hackney Carriage, shall report the damage, loss or theft of any Plate to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham as soon as such damage or theft becomes known.
16	In the event of a Plate being stolen, the Proprietor shall make a report immediately to the local police station.
17	Replacement Plates will be issued for a fee determined by the Council and payable by the Proprietor.
18	The proprietor is to ensure the identity badge holder is mounted inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two Drivers badges issued by the Council of the person driving the vehicle is to be mounted in the holder at any time while the vehicle is plying for hire or being used for hire.

### Documentation

19	At all times the Proprietor shall during the currency of this Licence, keep in force in relation to the user of the vehicle as a Hackney Carriage, a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972 to include hire and reward.
20	On being so required by an Authorised Officer, the Proprietor of the vehicle shall produce to that Officer for examination, the Certificate of insurance issued by the Insurer in respect of the vehicle for the purposes of Part VI of the Road Traffic Act 1972 and/or proof of ownership of the vehicle and/or the full current MOT Certificate for the vehicle.
21	Provided that if the Proprietor fails to produce the said documents to that Officer, the Proprietor shall, within five days of such a request, produce them to that Officer or to any other Authorised Officer at the Licensing Section, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU.
22	The Proprietor shall notify the Council in writing of any change of address (including a change of business address) during the period of the Licence within seven days of such a change taking place.

### Advertisements

23	<p>Any advertisement on the vehicle shall be confined to a notice fixed to any of the side door panels of the vehicle containing the following information:-</p> <ul style="list-style-type: none"> <li>• Name of Operator and</li> <li>• Telephone number of Operator.</li> </ul> <p>The design of the notices shall be approved by the Council.</p>
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No other advertising material shall be exhibited on the vehicle without the prior written approval of the Council's Environment and Licensing Committee.

## Taxi Meters and Data Systems

24	Taximeters fitted to Gedling Borough Council Hackney Carriages must be of a type previously approved for use under the Measuring Instruments (taximeters) Regulations 2006, and any vehicle presented to the Council after 1 April 2016 for a Hackney Carriage licence must be fitted with calendar controlled taximeter, locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by any person.
25	Some meters can be controlled by remote control. The use of remote controls is not permitted in vehicles licensed by Gedling Borough Council.
26	Where fitted, taximeters must be maintained in a safe condition in accordance with manufacturer's guidelines. All taximeters should be fitted in a position, approved by the Council's vehicle tester, where they are not obstructed by other fixtures or fittings within the vehicle and in a place where they are clearly visible to all passengers conveyed in the vehicle.
27	The meter must comply with the Council's Hackney Carriage Fares Scale. A copy of this Scale must be displayed in your vehicle where it is visible to all passengers.
28	You must have the meter satisfactorily tested by an Authorised Officer of the Council before it is used. With effect from 1st April 2016, any meter fitted to a Hackney Carriage must be calendar controlled and sealed.
29	The meter must be accurate, be capable of showing that the vehicle is or is not hired.
30	When the meter is working, the fare must be clearly legible. This fare must be unambiguous and must not exceed the rate as given in the Council's Hackney Carriage Fares Scale.
31	The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
32	You must report any failure of the meter to the Council by 10.00am the next working day.
33	The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts their journey.
34	A GPS taxi management & dispatch system consisting of a mobile data head and a central dispatch system manufactured may be fitted in accordance with the manufacturer's instructions. The GPS system is not a taximeter. It can be used alongside the vehicle's approved taximeter but must not replace it.

## Roof Signs

35	The Proprietor of the Hackney Carriage provided with a taxi meter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say;
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	<ul style="list-style-type: none"> <li>• the front of the sign shall bear the words "FOR HIRE" in plain letters at least one and a half inches in height and the back of the sign shall bear the initials "GBC" or the words "GEDLING BOROUGH COUNCIL" and the plate number</li> <li>• the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire</li> <li>• the sign shall be capable of being lit internally so that it is illuminated when the Hackney Carriage is "FOR HIRE" but not so illuminated otherwise</li> <li>• the roof sign shall be affixed to the roof of the vehicle in a proper manner and position at all times.</li> <li>• the Proprietor of the Hackney Carriage shall maintain so far as is reasonably applicable such sign in efficient working order at all times.</li> <li>• no other signs shall be displayed on the roof of the vehicle unless by prior written approval from the Councils Environment &amp; Licensing Committee.</li> </ul>
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## Fares

<b>36</b>	The Proprietor of the Hackney Carriage herein licensed shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council and notified to the Proprietor. Such rate or fare shall be calculated by distance and time and may be subject to variation from time to time.
<b>37</b>	The Proprietor of the Hackney Carriage shall cause the current table of fares, as fixed from time to time by the Council, to be exhibited inside the carriage. The Proprietor shall not cause the fares table to be concealed or rendered illegible at any time while the vehicle is plying for hire or being used for hire. (Additional copies of the fares may be obtained from Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU).
<b>38</b>	The fare charged shall be for the hire of the Hackney Carriage and there shall be no extra charge for luggage.

## Hackney Carriage Undertaking Private Hire Work

<b>39</b>	If a Hackney Carriage is to undertake private hire work via bookings received from a licensed operator, the proprietor should notify the Council of the operator's company name through which the vehicle is run. If the Hackney Carriage proprietor changes the operator through whom they run the vehicle, then the change must be notified to the Council within 48 hours of such a change.
<b>40</b>	Regardless of how the Proprietor operates the vehicle, once a vehicle is licensed by the Council as a Hackney Carriage, the vehicle remains a Hackney Carriage until such time the licence has either: <ul style="list-style-type: none"> <li>• expired</li> <li>• suspended</li> <li>• revoked</li> <li>• surrendered</li> </ul>

	The vehicle must therefore be fitted with a compliant meter, roof light, identity badge holder and licences plates, first aid kit, fire extinguisher and replacement bulbs and fuses as specified at all times.
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### Hackney Carriage Drivers

41	The Proprietor shall not in the district act as a driver of a vehicle unless they have obtained a current combined Hackney Carriage/Private Hire Vehicle Drivers Licence issued by the Council.
42	The Proprietor shall not in the district; <ul style="list-style-type: none"> <li>• employ or use any person as the driver of the vehicle for the purpose of any hiring unless the person concerned is the holder of a current Hackney Carriage/Private Hire Drivers Licence issued by the Council</li> <li>• permit any other person to act as the driver of a vehicle for the purpose of any hiring unless the person concerned has a current combined Hackney Carriage/Private Hire Vehicle Drivers Licence issued by the Council.</li> </ul>
43	The Proprietor shall maintain a list of the names and addresses of all persons employed or otherwise used by them for the purposes of driving the vehicle and shall on request inform the Council of the content of such a list.

### Radios

44	The Proprietor shall ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition and maintained in proper working order.
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### Transfers

45	The Proprietor shall not assign or in any way part with the benefit of the Licence. If they transfer their interest in the Hackney Carriage Vehicle to any other person they shall, not less than fourteen days before such transfer, give notice in writing thereof to the Council specifying the name and address to whom the vehicle is to be transferred. If, for any reason the Proprietor does not wish to retain the Hackney Carriage Vehicle Licence, they must immediately surrender and return the Licence and Plate if appropriate to the Planning and Environment Department, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham.
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### Complaints/Compliments

46	A notice, provided by the Council, must be displayed in the vehicle during the licence period informing passengers how they can make a complaint or compliment regarding a licensed driver or vehicle.
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## Penalties

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

N.B. These conditions are additional to the statutory requirements relating to Hackney Carriages contained in the Town Police Clauses Act 1847 (and any byelaws made thereunder) and the Local Government (Miscellaneous Provisions) Act 1976.

## Private Hire Vehicle Licence Conditions

### Definitions

"The Council" means the Gedling Borough Council.

"Authorised Officer" means any Officer authorised in writing for the purpose of these conditions and any statutory requirements relating to private hire licensing.

"Private Hire Vehicle" or "vehicle" means the private vehicle licensed by the Council under the Local Government (Miscellaneous Provisions) Act 1976.

"Proprietor" means the person or persons or body named in the licence as the Proprietor of the Private Hire Vehicle and includes a part Proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Technical Test" means such test as the Council may prescribe to assess the mechanical fitness and suitability of the vehicle.

"Plate" means the Licence Plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council.

"1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.

"Vehicle Specification" means the specification document agreed by the Council. A copy of the vehicle specification be found on [www.Gedling.gov.uk](http://www.Gedling.gov.uk) under taxi licensing, or a copy can be requested from the Reception Desk at the Civic Centre offices.

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

### Vehicle

<b>1</b>	The vehicle shall be maintained throughout the Licence period so as to comply at all times with the Vehicles Specification approved by the Council, and the interior and exterior of the private hire vehicle shall be kept in a clean condition and maintained in a safe condition throughout the duration of the Licence.
<b>2</b>	Any damage to a private hire vehicle shall be reported to the Council by the Proprietor within seventy-two hours of such damage in accordance with the 1976 Act and until such damage is repaired to the satisfaction of the Authorised Officer of the Council, the vehicle shall not be used for hire.
<b>3</b>	The Proprietor shall permit an Authorised Officer or any Constable to inspect the vehicle at all reasonable times. If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a private hire vehicle, the Proprietor shall, after being notified in writing, present the vehicle for inspection at such place within the District of Gedling as is specified in such notice.
<b>4</b>	Without prejudice to the provisions of Condition 1C of these conditions, the Proprietor shall

	present the vehicle for inspection and testing at such time and at such place within the district of Gedling as specified in a notice served upon the Proprietor by the Council requiring the Proprietor so to do. Provided that the Council shall not, under the provisions of this paragraph, require the Proprietor to present the vehicle for inspection and testing on more than two separate occasions during any one period of twelve months.
<b>5</b>	If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a private hire vehicle upon completion of the inspection required by Condition 1C or Condition 1D of these Conditions, they may immediately suspend the vehicle Licence. The Proprietor shall forthwith upon being required to do by the Authorised Officer, cause the Licence Plate to be removed from the vehicle and handed to the Authorised Officer or Constable who shall keep it in their custody until such time as they are satisfied as to the condition of the vehicle, whereupon the Licence Plate shall be returned to the Proprietor.
<b>6</b>	The Private Hire Vehicle Licence shall be valid for a period of six months, where the vehicle is over 3 years of age.
<b>7</b>	The Private Hire Vehicle Licence shall be valid for a period of twelve months, where the vehicle is 3 years of age or under and has mileage of less than 36,000 miles
<b>8</b>	If, on inspection, the vehicle fails the technical test, the vehicle must be submitted for re-inspection within fourteen days. If the Proprietor fails to comply with this time limit an additional fee as set out in the Council's Scale of Fees at the time, will be payable when the vehicle is finally inspected.
<b>9</b>	There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle so as to be readily available for immediate use in an emergency.
<b>10</b>	The vehicle is to carry a set of replacement fuses of various amp rating and replacement bulbs – to include headlight, tail light, side light, brake light, indicator light and rear number plate light as minimum.
<b>11</b>	Space saver tyres are allowed provided: <ul style="list-style-type: none"> <li>• the type of space saver tyre is an original part of the vehicle's design and manufacture.</li> <li>• the space saver tyre is limited to use in an emergency situation only at a maximum speed of 50 mph. Distance and mileage is to comply with manufacturers instructions.</li> </ul>

### **Licence Plate and Identity Badge**

<b>12</b>	The licence plates issued by the Council shall at all times be kept affixed to the outside of the front and rear of the vehicle, in an upright position, either on or immediately above or below the bumper in such a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plates are clearly visible by daylight from the road on both the front and rear of the vehicle
<b>13</b>	The Licence Plate referred to in Condition 2A of these Conditions shall remain the property of the Council and shall be returned forthwith to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham. NG5 6LU on expiry of the

	Licence unless the Council has granted a further Private Hire Licence in respect of the vehicle, if the Proprietor no longer holds a Private Hire Licence issued by the Council which is in force in respect of the vehicle.
14	The Proprietor of a licensed Private Hire vehicle, shall report the damage, loss or theft of any Plate to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham. NG5 6LU as soon as such damage or theft becomes known.
15	In the event of a Plate being stolen, the Proprietor shall make a report immediately to the local police station.
16	Replacement Plates will be issued for a fee determined by the Council and payable by the Proprietor.
17	The proprietor is to ensure the identity badge holder is mounted inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two Drivers badges issued by the Council of the person driving the vehicle is to be mounted in the holder at any time while the vehicle is plying for hire or being used for hire.

### Documentation

18	At all times the Proprietor shall during the currency of this Licence, keep in force in relation to the user of the vehicle as a private hire vehicle, a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972 to include hire and reward.
19	On being so required by an Authorised Officer, the Proprietor of the vehicle shall produce to that Officer for examination, the Certificate of insurance issued by the Insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1972 and/or proof of ownership of the vehicle and/or the full current MOT Certificate for the vehicle.
20	Provided that if the Proprietor fails to produce the said documents to that Officer, the Proprietor shall, within five days of such a request, produce them to that Officer or to any other Authorised Officer at the Licensing Section, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU.
21	The Proprietor shall notify the Council in writing of any change of address (including a change of business address) during the period of the Licence within seven days of such a change taking place.

### Advertisements

22	<p>Any advertisement on the vehicle shall be confined to a notice fixed to any of the side door panels of the vehicle containing the following information:-</p> <ul style="list-style-type: none"> <li>• Name of Operator and</li> <li>• Telephone number of Operator.</li> </ul> <p>The design of the notices shall be approved by the Council.</p> <p>No other advertising material shall be exhibited on the vehicle without the prior written approval of the Council's Environment and Licensing Committee.</p>
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<b>23</b>	For the purposes of Condition 22 of these Conditions the word "taxi" or "cab" whether in singular or plural, or any word of a similar meaning or appearance to either of those words and whether alone or in combination with any other word or words shall not appear in any such advertisement.
<b>24</b>	The foregoing provisions of Condition 22 shall not apply to a sign or notice displayed on or from the vehicle which is prescribed under any enactment.
<b>25</b>	The Proprietor of any private hire vehicle shall not display or cause or permit to be displayed on or above the roof of such vehicle any sign, notice, mark, illumination or other similar feature.

### Private Hire Drivers

<b>26</b>	The Proprietor shall not in the District act as a driver of a vehicle unless he has obtained a current Hackney Carriage/Private Hire Driver's Licence issued by the Council.
	<p>The Proprietor shall not in the District:-</p> <ul style="list-style-type: none"> <li>• Employ or use any person as the driver of the vehicle for the purpose of any hiring, unless the person concerned has a current Hackney Carriage/Private Hire Drivers Licence issued by the Council.</li> <li>• Permit any other person to act as the driver of a vehicle for the purpose of any hiring, unless the person concerned has a current Hackney Carriage/Private Hire Driver's Licence issued by the Council.</li> </ul>
<b>27</b>	The Proprietor shall maintain a list of the names and addresses of all persons employed or otherwise used by them for the purposes of driving the vehicle and shall on request inform the Council of the contents of such a list.

### Radios

<b>28</b>	The Proprietor shall ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition and maintained in proper working order.
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### Transfers

<b>29</b>	The Proprietor shall not assign or in any way part with the benefit of the Licence. If they transfer their interest in any vehicle to any other person they shall, not less than fourteen days before such transfer, give notice in writing thereof to the Council specifying the name and address to whom the vehicle is to be transferred. If, for any reason the Proprietor does not wish to retain the Private Hire Vehicle Licence, they must immediately surrender and return the licence and Plate if appropriate to the Planning and Environment Department, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU.
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### Complaints/Compliments

<b>30</b>	A notice, provided by the Council, must be displayed in the vehicle during the licence period informing passengers how they can make a complaint or compliment regarding a licensed
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driver or vehicle.

## **Penalties**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

## Private Hire Operators Licence

<b>1</b>	<p>The Operator shall keep details of all bookings accepted either from the hirer or another Operator and shall immediately record them on a booking system approved by the Council* at the time the booking is received the details listed below:</p> <ul style="list-style-type: none"> <li>• name of hirer</li> <li>• phone number of hirer, unless they refuse to provide it</li> <li>• date &amp; time the booking was made</li> <li>• date &amp; time pick up required</li> <li>• location of pick up</li> <li>• destination</li> <li>• how the booking was received</li> <li>• the booking price if quoted</li> <li>• identity of person accepting hiring</li> <li>• identity of vehicle used for booking</li> <li>• time job completed</li> </ul> <p>*The approved booking system must be able to record and store, as a minimum, all the details listed above.</p>
<b>2</b>	The Operator shall keep the records for a period of not less than two years or longer if required to do so by an authorised officer of the Council.
<b>3</b>	Any computerised system used must be able to produce a printed record of the details specified above and made available to any authorised officer of the Council or Police Officer on request.
<b>4</b>	Where the Private Hire Operator accepts a booking and dispatches a Hackney Carriage all these conditions apply.
<b>5</b>	If the Operator also operates Public Service Vehicles (PSV) they must notify the hirer before such a vehicle is dispatched to fulfil a booking that the vehicle is not licensed by the Council.

6	<p>The Operator shall maintain at their premises, particulars of all vehicles operated by them which shall include the following:-</p> <ul style="list-style-type: none"> <li>• The licence plate number;</li> <li>• The registration number;</li> <li>• The name and address of the proprietor;</li> <li>• The name(s) and address(es) of the driver(s) of above vehicles;</li> <li>• The badge number(s) of the driver(s).</li> <li>• Licences for all vehicles and drivers.</li> </ul> <p>The above records are to be produced on request to any Police Officer or authorised officer</p>
7	<p>The Operator shall maintain at the premises a record of all complaints received by them and shall record them on a complaints system approved by the Council* at the time the complaint is received. A full record of the complaint including as a minimum the following information:</p> <ul style="list-style-type: none"> <li>• date and time the complaint is made.</li> <li>• name and contact details of the complainant.</li> <li>• nature of the complaint – (to include date, time and location).</li> <li>• driver / vehicle / staff details to whom the complaint relates.</li> <li>• name of business manager to whom the complaint was passed.</li> <li>• the date and time the complaint was passed to the business manager.</li> <li>• the action taken to resolve the complaint and the time taken for it to be actioned.</li> <li>• whether the complaint was referred to the Council.</li> </ul> <p>*The approved recording system must be able to record and store, as a minimum, all the details listed above.</p> <p>The Operator shall keep the records for a period of not less than two years, or longer if required to do so by an authorised officer of the Council.</p> <p>The above records are to be produced on request to any Police Officer or authorised officer of the Council.</p>

11	<p>The Operator must telephone the Police and contact the Council in writing or by email as soon as reasonably practicable, and in any case within 1 working day of any complaints received about:</p> <ul style="list-style-type: none"> <li>• sexual impropriety relating to any part of their business</li> <li>• behaviour which may compromise the safety and welfare of children and vulnerable people relating to any part of their business</li> <li>• behaviour which poses an imminent danger to the public or of any safeguarding issue relating to any part of their business</li> </ul>
12	<p>In the event that the Operator formally disciplines or dismisses a driver, or a member of staff connected to the operational aspect of the business, for whatever reason, then the details must be reported to the Council, in writing, within seven days.</p>
13	<p>The Operator shall ensure all staff who undertake bookings and/or dispatcher duties have received suitable and sufficient training and instruction concerning the use of:</p> <ul style="list-style-type: none"> <li>• the system used to receive and record bookings and the dispatching of vehicles</li> <li>• the recording and process of dealing with and handling complaints received by the operator</li> </ul>
14	<p>A training log is to be held by the Operator for each person who undertakes the role of bookings and/or dispatcher duties. The training logs are to be produced on request by an authorised officer.</p>
15	<p>The Operator shall keep a record of all staff employed by them and will record that they have had sight of at least a basic Disclosure and Barring Service (DBS) check for each member of staff.</p>
16	<p>Every Operator of Private Hire vehicles who accepts a booking for a Private Hire vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.</p>
17	<p>The holder of an Operator's Licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.</p>
18	<p>No Operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.</p>
19	<p>The Operator in their capacity as Operator and without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 shall use their best endeavours to ensure that drivers of vehicles owned, controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's Licence and that vehicles shall conform to their Private Hire Vehicle Licence.</p>

20	If the provision is made by the Operator on their premises for the reception of members of the public proposing to hire a vehicle, they will ensure that their premises are at all times in a clean and tidy condition.
21	The maximum number of Private Hire vehicles which the Operator may operate is that shown on the licence. The Operator may not operate vehicles in excess of this number unless they have first paid the required fee to the Council.
22	<p>For licences issued for more than one year but less than five years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12-month period.</p> <p>The licence holder will also be required to sign up to the online DBS system and to enable the Council to undertake an online Disclosure and Barring Services (DBS) check at the time of renewal in the case of a licence issued for 1 year, or at the time of the 12- or 24-month declarations in the case of a licence that has been granted for a period, greater than 12 months.</p> <p>The licence holder will provide evidence to the Council if they are unable to sign up to the online DBS service and if the evidence is accepted by the Council the licence holder will be required to complete a DBS application form and apply by post.</p> <p>If this condition is not complied with, the Director has delegated authority to suspend the licence, after giving a 7-day notice period, until the declaration has been fully completed</p>
23	Any advertisement indicating that a vehicle can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the District, or on or near any such premises, indicating that the vehicle can be hired at those premises shall <b>NOT</b> include the word "taxi" or "cab" whether in singular or plural or any word of similar meaning or appearance to either of those words and whether alone or as part of another word.

## Penalties

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part 11 of the Act, shall be guilty of an offence and liable to summary conviction to a fine currently not exceeding £1,000 (One thousand pounds). In addition, such action may lead to the suspension or revocation of an existing Licence or the failure to renew such a Licence.

NB1: Your attention is drawn to the various provisions contained in the 1976 Act, which you are advised to obtain and read carefully.

NB2: For the purposes of these conditions any person assisting the delivery of all functions of the operators Private Hire business are bound by and included in these conditions