



GOSPORT

Borough Council

Introduction

The operation of a successful Hackney Carriage and Private Hire vehicle service is essential to the economic well-being of the Borough. It is equally important that the service provided by the Trade be properly regulated in order to instil confidence in the travelling public who wish to use the service. Whilst the Council no longer limits the number of vehicles that it licences, it does continue to regulate the condition of those vehicles to ensure the safety of the public.

The Council therefore has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by the Hackney Carriage and Private Hire Vehicle Conditions adopted by the Council. These conditions clearly identify what is required of the trade and ensure that council officers take a consistent approach in their application.

VEHICLES

1. The proprietor of any vehicle licensed by the Council shall, at the request of any authorised officer of the Council, produce for inspection the vehicle licence and any other documentation as required.
2. The vehicle must comply with the following requirements (stretched limousines or novelty vehicles may be subject to amended or additional conditions, see section 43 and 46):
 - i. suitable in type and design for use as a licensed vehicle and capable of carrying not less than four and no more than eight passengers;
 - ii. in a suitable mechanical and physical condition;
 - iii. All vehicles must have at least 4 wheels and must carry a spare wheel to the same specification as the road wheels, or a space saver wheel or any approved manufacturer's device including an inflation kit.
 - iv. safe;
 - v. seats are of adequate comfort
 - vi. must be right hand drive
 - vii. only a vehicle with at least four doors will be considered for a licence. The doors must be of sufficient size to allow easy access and egress to seats for passengers, passengers must have clear access to the exit doors without the need to move or to climb over seating. This should not require the passenger to use a static tip-up seat mechanism (see section on "Exceptional Vehicles").
 - viii. where necessary there must be satisfactory provision of a suitable luggage gate or similar structure to ensure passenger safety.
 - ix. On initial application vehicles may be no older than 5 years since the date of first registration.
 - x. where a vehicle is already licensed this plate can be transferred onto a new vehicle, replacing the old vehicle. The new vehicle must be newer than the vehicle it is being transferred from (this is calculated by the vehicle date of registration), but must still be less than 5 years old from first date of registration.
 - xi. the vehicle wheelbase measured from the centre of front and rear wheels must be minimum distance is 2540 mm (100ins).



- xii Measurements of seats in vehicle:
 - i. Single seats should measure minimum of 16ins (401mm)
 - ii. Rear bench seat should measure across from the widest point a minimum of 48ins (1220mm)
 - iii. Distinct seats across the rear of the vehicle should also measure minimum of 16in (401mm) equalling minimum 48ins (1220mm)

If you have any uncertainty regarding your vehicles ability to meet any of the requirements please contact the licensing section of the council for clarification.

Fitness

3. Every vehicle upon initial application or annual renewal shall be presented with an engineer's report. The engineer's report form must be completed by a Department for Transport approved vehicle examiner, who is completely independent of the vendor, owner, driver or operator of the vehicle. The date of the engineer's report must be within 3 months prior to the expiry of any existing licence.
4. Vehicles over 6 years old will be required to undertake and engineer's report at 6 monthly intervals.
5. The proprietor of a licensed vehicle shall report as soon as is reasonably practicable to the Council, and in any case within seventy two hours, the occurrence of any accident to such vehicle causing material damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of the passengers.
6. No person shall use a licensed vehicle on taxi/private hire business unless the plate issued by the Council is affixed to the outside rear of the vehicle in such a manner as to be plainly and distinctly visible (except where a vehicle plate dispensation has been granted in respect of the vehicle). Window plates where issued must be displayed at all times.
7. If a proprietor transfers a licensed vehicle to another person, they shall within fourteen days give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred.
8. The legal requirement is that all licensed hackney vehicles should be subject to an MOT test once a year. For private hire vehicles the requirement is for an annual MOT test after the vehicle is **four** years old.

Specific Conditions for:

Hackney Carriages

10. A sign shall be displayed on the roof of each licensed hackney carriage bearing the word "taxi" and must shine red to the rear, such sign to be approved by the Council.
11. Licensed hackney vehicles will be required under S.37 of the Disability Discrimination Act 1995 to carry guide, hearing and certain other assistance dogs accompanying disabled people, and to do so without additional charge, the dog must be allowed to remain with the passenger. Drivers who have a medical condition preventing them from carrying dogs, must obtain a medical exemption certificate from the Licensing Officer to display in their licensed vehicle.
12. All licensed Hackney Carriage vehicles shall be wheel chair accessible vehicles except the existing 30 plates which can continue to be saloon vehicles.

Taximeters

13. All Hackney Carriage vehicles and those Private Hire vehicles fitted with a taximeter must use a meter approved by the Public Carriage Office. These vehicles must display the council's current tariff card at all times.

Private Hire Vehicles

14. "Pre-booking only" stickers to be displayed on each of the passenger doors.
15. Private Hire vehicles must not display on or above the roof of any sign, notice, mark illumination or other feature, which may suggest that the vehicle is a taxi (HCV).
16. The vehicle should not be of such a design and appearance as to lead any person to believe that the vehicle is a taxi (HCV).
17. If a taximeter is installed in a private vehicle it must be calibrated to the current Licensing Authority Taxi Tariff.

DRIVERS

18. Applicants for Private Hire/Hackney Carriage or dual driver licences must submit a Disclosure and Barring Service check at the enhanced level via the Disclosure and Barring Service with their initial application, and thereafter, every three years. The applicant must present their DBS Certificate to the Licensing Authority.
19. A certificate of "Good Conduct" will be required from applicants who from the age of 10 have spent any period of 3 months or more outside of the UK prior to the application, (excluding time spent in HM forces). Applicants should obtain the certificate of good conduct from the appropriate Embassy. A certified translation will be required if the original document has not been written in English
20. Applicants must be able to demonstrate they have an entitlement to work in the UK that will be verified during the application process. Details may be checked or shared with the Home Office for verification.
21. Each person making an initial application for a driver's licence shall be required to complete and pass a Hackney Carriage/Private Hire driving assessment through Gosport Borough Council's approved accredited providers, at the applicant's own expense. A candidate will only be allowed three consecutive attempts in any 12 month period in connection with the application.
22. All new driver applicants will be required to undertake and pass the current knowledge test. Should drivers wish to change the type of licence they hold at any time, they may be required to undertake a further knowledge test. All new driver candidates will be required to demonstrate during the licensing process that they have an acceptable command of English.
23. An applicant must have held a full current UK or European Community driving licence for at least two years. A UK driving licence must be obtained within one year of their Hackney Carriage or Private Hire licence being granted.
24. All applicants are required to undertake a DVLA driving record check annually.
25. Where the Council revoke or refuse to renew any licence under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 they shall give to the driver within twenty-one days, notice of the grounds on which the licence has been revoked, or on which they have refused to renew such licence. The driver shall on demand return to the Borough Council the driver's badge issued to him/her in accordance with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976.
26. If it appears that for public safety reasons we are required to revoke the licence with immediate effect, notice will be given to the driver under section 61(2), (a) which includes a statement that this is so, along with an explanation why the revocation takes effect, when the notice is given to the driver.

27. Every driver must wear the badge provided by the Council in such a position and manner as to be plainly and distinctly visible.
28. A medical certificate to DVLA Group 2 standards shall be produced on making the initial application. Additional group 2 medical certificates will be required in accordance with the Group II medical standard. The medical certificate must be completed and signed by the applicant's registered GP's surgery. The medical certificate must be provided at the applicant's own expense. The Council's medical referee will independently assess the medical certificate.
29. Drivers must inform the Council if they are suffering from a serious illness. In the event of a driver suffering a serious illness, the Local Authority may require a medical certificate of fitness to return to work, all certification must comply with DVLA group 2 medical standards.

Drivers Appearance

30. The personal appearance and hygiene of all drivers is important to the comfort of the passengers and is in the best interests of the Trade in general. The authorised officer must be satisfied that an acceptable standard is maintained by all drivers in as much as a driver shall at all times be clean and respectable in their appearance and behave in a civil and orderly manner.
31. All drivers shall at all times whilst operating a vehicle licensed as a hackney carriage or private hire vehicle, conduct themselves in an orderly manner and with civility and propriety towards every person, and shall comply with every reasonable requirement of the person hiring the vehicle.

Found Property

32. All drivers shall immediately having finished a hiring, or as soon as possible afterwards, carefully search the vehicle for any property that has been left inside. If you find any property, or any property is handed to you, you must take it to the nearest Police reception facility to deposit as found property at the earliest opportunity.
33. All drivers should be fully aware of the current seat belt regulations and adhere to them.

For more information about the law relating to seat belts for children, visit www.childcarseats.org.uk

Specific Conditions for:

Hackney Carriage Drivers

34. In no circumstances must Hackney Carriages be left unattended while the driver carries out activities away from the rank except for short comfort breaks.

PRIVATE HIRE OPERATORS

35. Applicants for private hire operators licences must submit a DBS to an enhanced level in accordance with condition 16 above.
36. A record shall be kept of all journeys undertaken by each vehicle operated by the licence holder, such record to include the name and address of the client.
37. The words “taxi” or “cab” or similar words likely to mislead members of the public must not be included in the title describing the operator’s undertakings and from any advertising material, unless the proprietor of the vehicle is also the proprietor of a Hackney Carriage company licensed by Gosport Borough Council and registered as such.
38. Upon initial enquiry the client should be properly informed of what charges will be incurred and the fact that the booking is in respect of a private hire vehicle.
39. If for any reason a surcharge is to be imposed on the normal fare, the hirer will be informed of the intent at the time of booking.

GENERAL INFORMATION

40. Applications for renewal of licences must be made to the Council at least 6 weeks before the expiration of the existing licence, where the renewal process involves the attainment of a DBS Certificate.
41. Drivers and where appropriate operators must notify the licensing officer within 28 days of any criminal convictions or cautions received during the period of the current licence.
42. All licence holders must notify the Council within 2 weeks of any a change of address.

NOVELTY VEHICLES

43. In order to widen the licensing regime without compromising public safety, a system to licence Novelty Vehicles under the Private Hire provisions has been adopted. A Novelty Vehicle is a vehicle that cannot meet one or more of the existing licensing conditions. The vehicle will be subject to those existing licensing conditions that can reasonably be applied together with any additional conditions identified by the Licensing Board to address the exceptional nature of the vehicle. A complete application must be made for the vehicle prior to the Licensing Board including MOT certificate, log book/V5c document, insurance certificate, engineers report etc.) to provide a degree of confidence in the condition of the vehicle on initial application.

Interpretation Novelty Vehicle

For the purposes of this policy and license conditions a novelty vehicle is defined as follows:-

- a) any vehicle that has been specially constructed adapted or converted by a low volume specialist vehicle manufacture or modifier;
- b) any vehicle that has been specially modified from it's original design or specification
- c) any vehicle that, in the opinion of the Head of Environmental Health because of its specialist design/styling or origin requires to be classed as a Novelty Vehicle;
- d) any vehicle granted a licence under the Novelty Vehicle provision, will only be able to be operated in accordance with the business model submitted to and approved by the Board.

EXECUTIVE VEHICLES

44. There is no legal definition of Executive vehicle; however, there is common acceptance that an Executive vehicle would be a relatively expensive vehicle that includes additional features designed to increase the comfort of the driver and passengers, which exhibits the qualities of luxury, prestige, and refinement. Vehicles qualifying for executive status must be of a high-end vehicle specification, and must still meet the private hire vehicle criteria. The Head of Environmental Health shall decide in their absolute discretion whether a vehicle is an Executive vehicle. Those vehicles classed as Executive will qualify for a plate dispensation.
45. Where a vehicle is classified as an Executive Vehicle, Novelty Vehicle or Stretched Limousine, an application for a dispensation may be made to the Licensing Officer to allow for the rear plate to be kept in the boot of the vehicle. This will apply to specific contract work only and will be at the discretion of the Licensing Officer. Window plates will be issued once an application for dispensation has been granted and must be displayed in the front windscreen at all times.

STRETCHED LIMOUSINES

46. Where practicable the existing Hackney Carriage and Private Hire conditions of this Council will apply to Stretched Limousines. The following additional or alternative conditions will also apply.

- SL1. The vehicle must not be over 5 years old on first application for licensing. Vehicles over 8 years old will be subject to the licensing regime adopted for Exceptional Vehicles in addition to the special conditions for Stretched Limousines.
- SL2. DVLA V5 or equivalent shall be produced to authenticate registration.
- SL3. A Department for Transport (DfT), Single Vehicle Approval (SVA) documentation shall be produced to prove vehicle compliance with EC Type Approval Standards.
- SL4. The VIN plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- SL5. The applicant shall confirm, by a badge or other appropriate documentation the conversion dealer.
- SL6. The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism.
- SL7. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).
- SL8. Every seat shall have fitted a suitable seat belt or restraint for each passenger.
- SL9. The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the Council.
- SL10. There shall be no passengers carried in the front compartment.
- SL11. A plate on the door pillar shall confirm the total weight of the vehicle.
- SL12. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.
- SL13. A stretched limousine vehicle will be subject to twice-yearly mechanical examination, at an authorised testing station. Vehicles licensed under the Exceptional scheme will be subject to mechanical inspection at 4 monthly intervals.
- SL14. Tinted glass shall conform to the legal requirements as laid down by the Vehicle and Operators Services Agency (VOSA).

SL15. The vehicle shall display the licence plate issued by the Council on the rear of the vehicle. Unless a dispensation has been granted by the ESM, in this case only a window plate will be required to be on display. The requirement to display “Pre Booking Only” stickers will not be applied to such vehicles.

SL16. The driver of the vehicle must display in a prominent position a Private Hire Drivers Licence badge issued by this Council when operating the vehicle.

PENALTY POINTS SYSTEM

47. The adoption of the Penalty Points System (PPS) does not however compromise the Council’s ability to enforce breaches of statute or local conditions in the Courts should an offence warrant such action. The PPS serves as an “early warning” system to drivers and owners or operators who fail to meet the requirements of the conditions. This approach will assist the trade in maintaining its high standards. Details of the PPS are as follows:

i. Issuing of Points.

- a) Penalty points will be applied by officers of the Council upon completion of investigation of relevant breaches of the Council’s Hackney Carriage and Private Hire conditions or other relevant statutory provisions where breaches of those conditions or other relevant statutory provisions are identified.
- b) Penalty points when issued will be confirmed in writing to the relevant licence holder. There will be a 21 day period provided to allow for any Appeal to be made against the points issued.
- c) The number of penalty points issued will be in accordance with the attached table.
- d) The Council retains the discretion to issue penalty points to drivers, driver/owners and operators for a single contravention if the circumstances warrant it.
- e) The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator.
- f) Imposition of penalty points is at the discretion of officers of the Council and is not negotiable. The scheme does have an Appeals Procedure.
- g) Penalty points issued under this scheme will have a “life” of twelve months, and then will be deemed spent. The system is based upon a rolling twelve month period.

- h) Penalty points will be issued by the Head of Environmental Health. The officer investigating the breach of conditions or statute will not issue penalty points.
- i) The relevant Manager will determine any appeals in relation to the imposition of penalty points. Only written appeals will be considered. An Appeal against the revocation or suspension of a licence must be made to the Magistrates Court as per paragraph 2e.

ii. **Action on accumulation of 12 points**

- a) On accumulation of 12 or more penalty points in a rolling twelve month period a driver/owner will be required to appear before a Licensing Board to determine if that driver is a fit and proper person to hold a licence.
- b) The council will advise drivers, driver owners and operators in writing when any points are accumulated.
- c) Where a letter is sent to a driver a copy of the letter will be forwarded to the relevant vehicle owner or operator.
- d) Any driver, driver/owner or operator subject to revocation has a right of Appeal to the Magistrates Court against the revocation.

iii **Record availability.**

Drivers, vehicle owners and operators may see their penalty points record at any time.

Vehicle owners and licensed operators may view driver's records subject to a written request that identifies the reason for the request. All such requests will be agreed by the Head of Environmental Health.

PENALTY POINTS SCHEME

<u>Offence/Breach of Condition</u>		<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
1	Providing false or misleading information on licence application form, or failing to provide relevant information.	6*	✓	✓
2	Driver not holding a current Hackney Carriage/Private Hire Driver Licence.	12*	✓	✓
3	Failure to notify the Council of change of address within 7 calendar days.	3*	✓	✓
4	Refusal to accept hiring without reasonable cause (e.g. drunk or rude customer) [HC].	4*	✓	
5	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6*	✓	
6	Private hire drivers touting.	9*	✓	✓
7	Failure to hold current vehicle excise licence.	4*		✓
8	Using unlicensed vehicle or vehicle without insurance	12*		✓
9	Failure to produce relevant documents within timescale when requested by Authorised Officer.	4*	✓	✓
10	Unsatisfactory condition of vehicle, interior or exterior.	4	✓	✓
11	Failure to complete the 6 monthly vehicle check (vehicles over 6 years of age)	6		✓
12	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.	4*		✓
13	Using a vehicle subject to a suspension order issued by the licensing officer or a police officer	12	✓	✓
14	Using a vehicle for which the licence has been suspended or revoked.	12	✓	✓
15	Failure to report within 72 hours accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition.	4	✓	✓
16	Overloading of licensed vehicle (including exceeding the licensed number of passengers).	6*	✓	

<u>Offence/Breach of Condition</u>		<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
17	Failure to display external licence plate as required.	4*		✓
18	Carrying an offensive weapon in the vehicle.	1-12	✓	
19	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence within 14 days.	4*		✓
20	Failure to provide information when requested on vehicle garaging arrangements.	4		✓
21	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle.	3		✓
22	Failure to carry top sign bearing the word "Taxi" except for when carrying out or returning from a private booking where part of the journey is outside of the Borough. [HC]	4	✓	
23	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day. [HC]	4		✓
24	Failure to produce on request records of drivers work activity. [HC]	4		✓
25	Using a non approved taximeter. [HC]	6	✓	✓
26	Obstruction of an authorised officer or police officer wishing to examine a taximeter. [HC]	6	✓	✓
27	Failure to display "Pre booking only" stickers appropriately (PHV only).	3		✓
28	Displaying any feature on private hire vehicle that may suggest that it is a Taxi.	6		✓
29	Using a vehicle the appearance of which suggests that it is a Taxi.	6		✓
30	Installation of a taximeter in a private hire vehicle.	6		✓
31	Driver not holding a current DVLA Licence.	12*	✓	✓
32	Failure to wear driver's badge.	4*	✓	
33	Failing to notify/advise licensing authority of a change in medical circumstances (Licensed Hackney Carriage/Private Hire drivers).	6	✓	✓
34	Unsatisfactory appearance of driver. [PHD]	3	✓	
35	Failure to observe rank discipline. [HC]	3*	✓	
36	Failure to maintain proper records of private hire vehicle.	3		✓

<u>Offence/Breach of Condition</u>		<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
37	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced.	6*		✓
38	Misleading use of the words "Taxi" or "Cab" on advertising materials	3		✓
39	Failure to advise on request charges. [PH]	3	✓	✓
40	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4*		✓
41	Unsatisfactory behaviour or conduct of driver.	3-9*	✓	
42	Failure to notify the Council of any motoring or criminal convictions or cautions during period of current licence.	6	✓	✓
43	Failure to display internal licence plate where issued.	4	✓	✓
44	Inappropriate use of specialist equipment provided for disabled or wheelchair client accessibility.	3-6	✓	✓

- Matters identified with an asterisk are direct contraventions of the Local Government (Miscellaneous Provisions) Act 1976 or other statutory requirements and may result in prosecution in addition to any points penalty imposed.
- Ticks indicate potential recipients of penalty points for infringements. N.B. certain infringements may result in drivers, driver owners and/or operators receiving penalty points.
- Certain matters are specific to Hackney Carriages [HC], Private Hire Drivers [PHD] or Private Hire Operators [PHO].
- Points may be awarded to one or several persons depending upon the nature of the infringement, however each case must be determined on its own merits.

