

*Please ask for:*

Lisa Young

*Direct dial:*

(023) 9254 5340

*Fax:*

(023) 9254 5587

*E-mail:*

Lisa.young@gosport.gov.uk

29 June 2015

## **S U M M O N S**

**MEETING:** Licensing Board  
**DATE:** 7 July 2015  
**TIME:** 6pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Lisa Young

LINDA EDWARDS  
BOROUGH SOLICITOR

---

### **MEMBERS OF THE BOARD**

The Mayor (Councillor Farr) (ex officio)  
Chairman of P & O Board (Councillor Hook ) (ex officio)

Councillor Allen (Chairman)  
Councillor Mrs Morgan (Vice Chairman)

Councillor Ms. Ballard	Councillor Geddes
Councillor Mrs Batty	Councillor Murphy
Councillor Beavis	Councillor Ronayne
Councillor Ms. Diffey	Councillor Scard
Councillor Mrs Forder	Councillor Mrs Searle

### **FIRE PRECAUTIONS**

(To be read by the Chairman if members of the public are present)

**In the event of the fire alarm sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.**

**IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**NOTE:**

- i. Councillors are requested to note that, if any Councillor who is not a Member of the Board wishes to speak at the Board meeting, then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off or switched to silent for the duration of the meeting.

**AGENDA**

RECOMMEN  
DED MINUTE  
FORMAT

**PART A ITEMS**

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST

*All Members present are reminded to declare, at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest in any item(s) being considered at this meeting.*

3. MINUTES OF THE MEETINGS OF THE BOARD HELD ON 24 MARCH 2015 AND 21 MAY 2015 (copies herewith)
4. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday, 3 July 2015. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday, 3 July 2015).*

6. UPDATE FROM THE POLICE ON LICENSING ACT 2003

*Presentation by Jason Pearce*

Ian  
Rickman  
5509

7. GOSPORT BOROUGH COUNCIL HACKNEY CARRIAGE AND PRIVATE HIRE CONDITIONS ("CONDITIONS")  
*To seek approval from the Licensing Board to implement the revised Conditions.*

Sarah  
Hardy  
5553

8. ANY OTHER ITEMS  
*which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.*
9. EXCLUSION OF THE PUBLIC

Licensing Board  
7 July 2015

*That in relation to the following items the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information within Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the cases, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the report.*

**PART B ITEMS  
FOLLOWING THE EXCLUSION OF PRESS AND PUBLIC**

Item No.	Item	Paragraph no.1 of Part I of Schedule 12A of the Act	
10.	Application for a Private Hire Drivers Licence	Paragraph 1 The report contains personal data which is identified as sensitive material.	PART II Contact Officer Ian Rickman Ext. 5609

<b>Board/Committee:</b>	Licensing Board
<b>Date of meeting:</b>	7th July 2015
<b>Title:</b>	Gosport Borough Council Hackney Carriage and Private Hire Conditions ("Conditions")
<b>Author:</b>	Housing Services Manager
<b>Status:</b>	FOR DECISION

**Purpose**

**To seek approval from the Licensing Board to implement the revised Conditions.**

**Recommendation**

- To adopt the revised Conditions as set out in Appendix B.
- That the revised Conditions take effect from 1<sup>st</sup> September 2015.

**1. Background**

- 1.1 As the licensing authority for Hackney Carriage and Private Hire drivers and vehicles, this Council is able to apply reasonable conditions to the licences that it grants. The current Conditions were last revised in 2008.
- 1.2 The Licensing Board considered at the meeting on 24<sup>th</sup> March 2015 a report from the Head of Environmental Health proposing a number of amendments be made to the current Conditions. The proposed amendments were summarised in Appendix A of the report (for the meeting of 24<sup>th</sup> March 2015). The most significant amendment proposed was the removal of the upper age restriction on vehicles presented for renewal (of the vehicle licence).
- 1.3 The Licensing Board resolved at the meeting on 24<sup>th</sup> March 2015 that the revised Conditions as set out in Appendix B be adopted, subject to consultation with the Taxi trade.

## **2. Report**

- 2.1 Consultation with the taxi trade on the proposed amendments to the Conditions, has since been undertaken.
- 2.2 One representation was received and this is attached as Appendix C. Mr S was happy with the removal of age restrictions on the vehicles; however he felt that the restriction on new vehicles being under three disadvantaged new applicants. He pointed out that in the past the age was 5 years at first plating. He also felt that the need for a knowledge test for private hire drivers was unnecessary.
- 2.3 Regarding the age of new vehicles, when considering the change to the current conditions it was recognised it may have financial implications for the drivers, but this is the current standard. It was felt keeping the standard at this level was necessary and proportionate for public safety and ensuring the overall standard of the fleet.
- 2.4 Knowledge tests for private hire drivers not only ensure that applicants have a knowledge of the borough they wish to work in, but also give the licensing team the opportunity to assess whether the applicant has the necessary skills to interact with customers.

## **3. Risk Assessment**

- 3.1 The aim of local authority licensing regime in respect of taxis and Private Hire vehicles/operators/drivers is to protect public safety.
- 3.2 It is important that the Councils Hackney Carriage and Private Hire Conditions are kept up to date to accurately reflect the legislative and policy changes effecting local Taxi and Private Hire services. Failure to review the Hackney Carriage and Private Hire Conditions and revise the same where necessary and proportionate may provide grounds for a judicial review and could affect the protection of the safety of the travelling public in the Borough.

## **4. Conclusion**

- 4.1 New draft conditions were presented to the Board at its on 24<sup>th</sup> March 2015 meeting. At this meeting it was resolved by the Board that the Private Hire and Hackney Taxi Trade should be consulted on these draft conditions, subject to some amendments.
- 4.2 Consultation has now taken place. One representation was received and having been considered, no change is required to the proposed amended Conditions as set out in Appendix B.

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	Contained in the report
<b>Service Improvement Plan implications:</b>	
<b>Corporate Plan</b>	
<b>Risk Assessment</b>	
<b>Background papers:</b>	
<b>Appendices/Enclosures:</b>	
Appendix A	Summary of Changes
Appendix B	The draft Gosport Hackney Carriage and Private Hire Conditions –July 2015
Appendix C	Comment Received
<b>Report author/Lead Officer:</b>	<b>Ian Rickman Head of Environmental Health Ext.5509</b>

**Summary of proposed changes proposed by the draft Gosport Hackney  
Carriage and Private Hire Conditions – as amended March 2015**

**GENERAL**

- 1) Medical and criminal check information has been updated.  
Clarification regarding delegated Authority has been provided.

**VEHICLE PLATEHOLDERS**

- 2) The condition to hold valid tax and insurance has been removed.  
(Legislation).
- 3) The condition to be comfortable has been clarified to mean in respect of  
seating. (Comfort).
- 4) A new condition that all vehicles must be right hand drive added. (Safety).
- 5) The requirement regarding tinted windows has been removed. (Legislation)

**FITNESS**

- 6) The condition regarding engineers report has been reworded simplified and  
amended to better suit renewal procedures. Engineers' reports for vehicles  
over 8 years old are to be required 6 monthly rather than quarterly, same as  
vehicles over 6 years old. (Technology).
- 7) The testing requirement of not more than 3 times per year has been  
removed. (Legislation).
- 8) The condition to enable authorised officers to inspect vehicles has been  
removed. (Legislation)
- 9) Revocation details have been removed (this is dealt with by delegations and  
legislation).
- 10) Accident reporting has been removed. (Legislation).
- 11) Not using a licensed vehicle without the plate has been removed  
(Legislation)
- 12) Mot requirements have been removed (Legislation).
- 13) Only having one licence per vehicle is removed (Unnecessary).
- 14) Number of persons licensed to be displayed on the plate has been removed  
(Unnecessary)
- 15) Condition for expiry date on plate removed and plate size shape etc  
removed (all plates are issued by the Council)



- 16) Vehicle adaptations to carry extra passengers removed (Legislation)
- Requirement to affix plate removed (Legislation).
- 17) Condition regarding internal plates removed (cost savings & not in legislation).
- 18) Condition regarding seats reworded (Clarity).
- 19) Carrying of offensive weapons requirement removed (Legislation).
- 20) Requirement regarding transfers removed (Legislation).
- 21) Vehicle locations removed (Legislation).
- 22) Advertising requirements removed (Legislation).

### **SPECIFIC CONDITIONS FOR HACKNEY CARRIAGES**

- 23) The roof sign requirement has been removed (Legislation).
- 24) The guide dog requirement has been removed (Legislation).
- 25) Work records requirement removed (Legislation).

### **TAXIMETERS**

- 26) Taxi meter requirements removed (Legislation).

### **PRIVATE HIRE VEHICLES**

- 27) Pre-booking stickers requirement simplified.
- 28) Design requirements (Private Hire) (simplified).
- 29) Requirement not to have taxi meters removed (Board decision).
- 30) Following Board decision, should Private Hire vehicles have taximeters condition added to require it to be set to current GBC tariff.

### **DRIVERS**

- 31) Foreign residency check and applicant criminal check requirement updated.
- 32) Proof of right to work in UK added (reputational risk)
- 33) Driving assessment requirement updated.
- 34) Requirement for referees removed (doesn't add value).
- 35) Knowledge test requirement updated.

- 36) Driving licence, period held inserted (Public Safety).
- 37) DVLA licence check inserted (Public Safety)
- 38) Cost of licence requirement removed (Unnecessary).
- 39) Inspection of documents requirement removed (Legislation).
- 40) Condition relating to suspension removed (Case Law) and detail about the law removed.
- 41) Drivers badge display requirement updated.
- 42) Medical requirement updated

#### **DRIVERS APPEARANCE**

- 43) Driver's appearance condition updated.

#### **FOUND PROPERTY**

- 44) Found property condition updated.

#### **SEAT BELTS**

- 45) Seat belt condition updated.

#### **SPECIFIC CONDITIONS FOR: HACKNEY CARRIAGE DRIVERS**

- 46) Unattended vehicle condition updated.

#### **PRIVATE HIRE OPERATORS**

- 47) Updated information regarding referees, criminal records checks and business records
- 48) 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.
- 49) Condition regarding bookings removed (Legislation).
- 50) Requirements about booking conditions and advertising removed (Legislation).
- 51) The fees / fares section has been removed (Legislation).
- 52) The advertising requirement for increases in fees has been removed (Legislation).

#### **GENERAL INFORMATION**

- 53) Detail regarding applications has been removed as it is unnecessary as a condition.
- 54) Executive Hire and Exceptional Vehicles have been replaced with Executive and Novelty Vehicles.

**The draft Gosport Hackney Carriage and Private Hire Conditions – Revised  
March 2015**



**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.

The application process requires an applicant to submit an application for a Disclosure Barring Service (DBS) criminal record check at an enhanced level on their initial application and every three years thereafter (see condition 16).

The Council also now requires all medical certification to be to Group 2 standard as prescribed by the DVLA.

# **GOSPORT BOROUGH COUNCIL**

## **ENVIRONMENTAL HEALTH SECTION**

### **HACKNEY CARRIAGE & PRIVATE HIRE CONDITIONS**

#### **VEHICLE PLATEHOLDERS**

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 the certificate of the policy of insurance or security in respect of the vehicle.
2. The vehicle must comply with the following requirements (stretched limousines or novelty vehicles may be subject to amended or additional conditions):
  - i) suitable in type and design for use as a licensed vehicle and capable of carrying not less than four nor 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, a space saver wheel or any approved manufacturer's device including any inflation kit".
  - (iv) safe;
  - (v) all 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) where a vehicle is already licenced 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.
  - (x) the vehicle wheelbase measured from the centre of front and rear wheels must be minimum distance is 2540 mm (100ins).



(xi) 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 engineers report form must be completed by a Department for Transport approved vehicle examiner. The engineers report must not be dated any later than 3 months prior to the expiry of any existing licence.
4. Two engineers report tests a year, i.e. every 6 months, will be required for vehicles that have reached six years of age.
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 under normal conditions, of 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 persons carried therein.
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).
7. If a proprietor transfers a licensed vehicle to another person, he shall within fourteen days after such transfer 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 three years old.

### ***Specific Conditions for:***

## ***Hackney Carriages***

9. 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.
10. 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.

All Licensed Hackney vehicles shall be wheel chair accessible vehicles except existing plates 1 -50.

## ***Taximeters***

11. All Hackney vehicles and those private hire vehicles fitted with taximeters must be approved by the Public Carriage Office. These vehicles must display a tariff card at all times.

## ***Private Hire Vehicles***

12. “Pre–booking only” stickers should be displayed on each of the passenger doors.
13. There shall not be displayed on or above the roof of any vehicle any sign, notice, mark illumination or other feature, which may suggest that the vehicle is a taxi.
14. The vehicle should not be of such a design and appearance as to lead any person to believe that the vehicle is a taxi
15. If a taximeter is installed in a private vehicle it must be calibrated to the current Licensing Authority Taxi Tariff.

## **DRIVERS**

16. Applicants for private hire/hackney 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 on every three years. The applicant must present their DBS Certificate to the Licensing Authority once it has been received.
17. A certificate of “Good Conduct” will be required for applicants who have not been wholly resident in the UK from the age of 10, (excluding time spent in HM forces) for a period of more than 3 months prior to application. Applicants should obtain the certificate of good conduct from the appropriate Embassy or Legation. A certified translation will be required if the original document has not been written in English

18. Applicants must be able to demonstrate they have an entitlement to work in the UK that will be verified during the application process.
19. Each person making an initial application for a driver's licence shall be required to complete and pass a taxi/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 calendar year in connection with the application.
20. "All new driver candidates 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"
21. An Applicant must have held a full current UK drivers' licence for at least two years – this also applies to European Community (EC) licence holders who must then be granted a UK driving licence within one year of their licence being granted.

All applicants are required to undertake a DVLA driving record check annually.

22. 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.

If it appears that the interests of public safety require the revocation of the licence to have immediate effect and the notice given to the driver under section 61(2), (a) includes a statement that this is so and an explanation why, the revocation takes effect when the notice is given to the driver.

23. Every driver shall wear the badge provided by the Council in such a position and manner as to be plainly and distinctly visible. Each badge should display a photograph of the driver wearing it, for ease of identification by the public.
24. 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 applicants registered GP. The medical certificate must be provided at the applicant's own expense. The Council's medical referee will independently assess the medical certificate.



25. 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

26. 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.
27. 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

28. All drivers shall immediately after you have finished 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 local Police Station to deposit as found property at the earliest opportunity.
29. 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](http://www.childcarseats.org.uk)

## **Specific Conditions for:**

### ***Hackney Carriage Drivers***

30. 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**

31. Applicants for private hire operators licences must submit a DBS to an enhanced level in accordance with condition 16 above.
32. 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.
33. 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.
34. Upon initial enquiry the client should be properly informed of what charges shall be incurred and the fact that the booking is in respect of a private hire vehicle.
35. If for any reason a surcharge is to be imposed on the normal fare, the hirer shall be informed of the intent at the time of booking.

## **GENERAL INFORMATION**

36. 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.
37. 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.
38. All licence holders must notify the Council of their address within 2 weeks of any a change of address.

## **NOVELTY VEHICLES**

39. 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 or 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.). This is to provide a degree of confidence in the condition of the vehicle on initial application.

#### 39.1 Interpretation Novelty Vehicle

39.2 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 its original design or specification
- c) any vehicle that, in the opinion of the ESM 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

- 40. 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 ESM shall decide in his absolute discretion whether a vehicle is an Executive Vehicle. Those vehicles classed as executive will qualify for a plate dispensation.
- 41. 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

- 42. **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.

#### **43. Penalty Points System**

The adoption of the Penalty Points System 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 penalty points system 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 Penalty Points System are as follows

The scheme will be operated as follows:

#### **3. 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 however 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 Environmental Services Manager The officer investigating the breach of conditions or statute will not issue penalty points.
- i) The Housing Services 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.

## **2. 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 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 this 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 suspension/ revocation.

### **3. 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**

	<b><u>Offence/Breach of Condition</u></b>	<b><u>Maximum Points Applicable</u></b>	<b><u>Driver</u></b>	<b><u>Vehicle Owner or Operator</u></b>
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. (1)	4*		✓
8	Using unlicensed vehicle or vehicle without insurance (1)	12*		✓
9	Failure to produce relevant documents within timescale when requested by Authorised Officer. (2, 41, 46)	4*	✓	✓
10	Unsatisfactory condition of vehicle, interior or exterior. (3)	4	✓	✓
11	Failure to complete the 6 monthly vehicle check (vehicles over 6 years of age) (5)	6		✓
12	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required. (6) (74)	4*		✓

13	Using a vehicle subject to a suspension order issued by the licensing officer or a police officer (7)	12	✓	✓
14	Using a vehicle for which the licence has been suspended or revoked. (8)	12	✓	✓
15	Failure to report within 72 hours accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition. (9 & 64)	4	✓	✓
16	Overloading of licensed vehicle (including exceeding the licensed number of passengers). (14 & 17)	6*	✓	
17	Failure to display external licence plate as required. (15)(75)(76)(77 SL18)	4*		✓
18	Carrying an offensive weapon in the vehicle. (18)	1-12	✓	
19	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence with in 14 days. (19)	4*		✓
20	Failure to provide information when requested on vehicle garaging arrangements (20)	4		✓
21	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle. (22, 23, 24 & 25)	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. (26) [HC]	4	✓	
23	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day. (27) [HC]	4		✓
24	Failure to produce on request records of drivers work activity. (27) [HC]	4		✓



25	Using a non approved taximeter. (28) [HC]	6	✓	✓
26	Obstruction of an authorised officer or police officer wishing to examine a taximeter (29) [HC]	6	✓	✓
27	Failure to display “Pre booking only” stickers appropriately (PHV only) (32)	3		✓
28	Displaying any feature on private hire vehicle that may suggest that it is a Taxi. (33)	6		✓
29	Using a vehicle the appearance of which suggests that it is a Taxi. (34).	6		✓
30	Installation of a taximeter in a private hire vehicle. (35)	6		✓
31	Driver not holding a current DVLA Licence. (40)	12*	✓	✓
32	Failure to wear driver’s badge. (44)(77 SL19)	4*	✓	
33	Failing to notify/advise licensing authority of a change in medical circumstances (Licensed Hackney Carriage/Private Hire drivers). (46)	6	✓	✓
34	Unsatisfactory appearance of driver. (49) [PHD]	3	✓	
35	Failure to observe rank discipline. (53) [HC]	3*	✓	
36	Failure to maintain proper records of private hire vehicle. (58)	3		✓
37	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced. (59 & 60)	6*		✓
38	Misleading use of the words “Taxi” or “Cab” on advertising materials (61)	3		✓
39	Failure to advise on request charges (62) [PH]	3	✓	✓
40	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or	4*		✓

	suspension of such licence.			
41	Unsatisfactory behaviour or conduct of driver. (50)	3-9*	✓	
42	Failure to notify the Council of any motoring or criminal convictions or cautions during period of current licence. (72)	6	✓	✓
43	Failure to display internal licence plate where issued. (16)	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.
- Figures in brackets relate to the specific Hackney Carriage and Private Hire Vehicle licensing condition(s) issued by the Council.
- 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.

## Response from Trade

**From:** [mrvygore@gmail.com](mailto:mrvygore@gmail.com) [<mailto:mrvygore@gmail.com>] **On Behalf Of** Paul Stanley  
**Sent:** 09 April 2015 11:16  
**To:** Environmental Health  
**Subject:** New private hire - hackney terms & conditions

Hi Helen

You asked for any comments/observations on the new conditions. I have some observations:

Very pleased with the removal of age restrictions on the vehicles - this age flexibility coupled with the pristine vehicle requirement will be a great help to us.

The ability to replace current plated vehicle with a vehicle under five years is also a great help - however why the restriction on newly plated being under three years? Seems to be disadvantaging new applicants. Not sure of the logic of this. Going back a few years it was always 5 years at first plating.

The knowledge test for private hire would seem un-necessary there is a requirement for fares to be agreed beforehand in the terms and conditions and if there is any problem the driver can contact the office for the fare.

Other than that i would concur with the conditions.

Thanks for the opportunity to comment.

*Regards*

*Paul Stanley  
Director  
Bridge Cars Ltd  
Unit B5 Sanderson Centre  
Lees Lane  
Gosport  
PO12 3UL  
Tel 02392 356957*

---

"This transmission is intended for the named addressee(s) only and may contain sensitive or protectively marked material up to RESTRICTED and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All GCSx traffic may be subject to recording and/or monitoring in accordance with relevant legislation" This email has been scanned for content and viruses.

---

This email has been scanned for email related threats and delivered safely by Mimecast.  
For more information please visit <http://www.mimecast.com>

