

Erewash

Borough Council

Taxi Licensing Policy

**Hackney Carriage/Private Hire Drivers
and Vehicles**

April 2025

DRIVERS

**Erewash Borough Council
Hackney Carriage & Private Hire Driver Licensing Policy**

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1. INTRODUCTION

1.1 Powers and duties

This statement of licensing policy is written pursuant to the powers conferred by Local Government (Miscellaneous Provisions) Act 1976 ('The 1976 Act'). This legislation, together with provisions of the Town Police Clauses Act 1847 (the 1847 Act) places on Erewash Borough Council its duty to carry out its licensing function in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of hackney carriage and private hire drivers, vehicles and operators.

The grant of all licences shall be considered in the light of this policy, relevant legislation and guidance subject to the licensing conditions contained therein.

1.2 Role of hackney carriage & private hire vehicles

Hackney Carriages and Private Hire Vehicles have a specific role to play in an integrated transport system. They can provide services in situations where public transport is either unavailable (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.3 Objectives of the policy

The aim of the licensing policy is primarily to regulate the taxi and private hire vehicle trade and to protect the public, as well as to ensure that the public have reasonable access to taxi and private hire vehicle services because of the part they play in the transport system. In setting out its policy, Erewash Borough Council seeks to promote the following objectives;

- Protection of public health and safety
- Raising awareness amongst the licensed trade and general public, of issues involving the safeguarding of children and vulnerable adults
- Establishment of a professional and respected hackney carriage and private hire trade
- Access to an efficient and effective public transport service
- Vehicle safety, comfort and access
- Protection of the environment
- Promoting the vision of Erewash Borough Council
- Public education of the licensed trade

Its purpose, therefore, is to ensure the taxi and private hire trade is operated by "fit and proper" persons and to prevent licences being awarded to, or used by those who are not suitable persons, taking into account any criminality, driving records, driving experience, mental and physical fitness. The council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons 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.

It will also ensure that hackney carriage and private hire vehicles licensed by the authority are safe for public use, by ensuring that roadworthy, clean, comfortable, reliable and properly insured vehicles are available for those that require them.

In formulating this policy the Council has been mindful of the need to justify each requirement against the risk it seeks to address, or objective it aims to promote. Where the cost of implementing a proposed requirement was not commensurate with the perceived benefit in either of these areas, the introduction was not pursued.

1.4 Departure from the Policy

In exercising its discretion in carrying out its regulatory functions the Council will have regard to this policy document and its objectives.

Notwithstanding the existence of this policy, each application or enforcement issue will be considered on its own merits. Where it is necessary for the council to depart substantially from its policy, clear and compelling reasons will be given and recorded for so doing, and a record will be kept of all such decisions.

1.5 Best Practice guidance

This policy has been developed after consulting with both the trade and wider interested parties. In formulating this policy we have also taken into consideration the following:

- Department of Transport 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010
- The Statutory Taxi and private Hire Vehicle Standards 2020
- The Institute of Licensing Guidance on Suitability of Applicants and Licensees in the Hackney and Private Hire Trades
- Derbyshire Constabulary
- The Council's Corporate Plan
- Current Legislation
- Child Protection Services (Safeguarding)
- Guidance on the Rehabilitation of Offenders Act 1974(2014)
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders 2013
- Regulators' Code 2014

In undertaking its licensing function the Council will also comply with other relevant legislative requirements, including:

- Transport Acts 1985 and 2000
- Crime and Disorder Act 1998
- Environmental protection Act 1990
- Equality Act 2020
- Road Traffic Acts 1988 and 1991
- Health Act 2006
- Human Rights Act 1998

1.6 Implementation

This policy will take effect from July 2021 and will be reviewed after 5 years. Revisions in the interim will be considered as appropriate.

1.7 Delegated powers

All officers of the Council's Licensing Section, authorised under the Council's Scheme of Delegation, are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Vehicle Driver Licensing Policy and enforcement conditions made under the policy. Such authorised powers include the issue of warnings, notices and any other enforcement related sanction approved by the Council, and decisions on other procedural matters.

Under the Council's constitution, the Licensing & Public Protection Committee has the authority to discharge non-executive regulatory functions with respect to hackney carriage and private hire vehicle licensing. This function is further delegated to the Licensing Panel Sub Committee comprising of 5 elected members drawn from the Licensing & Public Protection Committee who determine grants, refusals, revocations and suspensions relating to taxi and private hire licensing.

The Director of Community Services, in consultation with the chair or vice-chair of the Licensing & Public Protection Committee, are specifically delegated by the Council to suspend or revoke licences (with immediate effect to protect public safety) in urgent situations, including when an arrest relating to serious offences have been made or laid out.

1.8 Definitions

- The 'Council' means Erewash Borough Council and 'Borough' means the district of the Council
- 'Taxi' means a hackney carriage licensed by the Council under the 1847 Act
- 'Private Hire Vehicle' means a private hire vehicle licensed by the Council under the 1976 Act
- 'Driver' means a driver licensed by the Council under the 1847 Act and the 1976 Act and 'badge' means the badge owned and issued by Council for the purposes of identifying the driver
- 'Operator' means a person licensed by the Council under the 1976 Act to operate Private Hire Vehicles
- 'Vehicle' means a licensed Taxi or Private Hire Vehicle
- 'Licence' means a Taxi and Private Hire Vehicle Driver's Licence issued by the Council under the 1847 Act and the 1976 Act
- 'TPCA 1847' means the Town Police Clauses Act 1847
- 'LGMPA 1976' means the Local Government (Miscellaneous Provisions) Act 1976
- 'Authorised Officer' means any officer of the Council authorised in writing by the Council for these conditions
- Reference to days is clear days unless working day is specified
- DVLA means the Driver and Vehicle Licensing Agency

1.9 Consideration of applications

The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete. For drivers and operators' the breaches of licensing conditions and convictions at **Section 3** will be applied as part of the application process.

2. LICENSED DRIVERS

2.1 Driver requirements

All applicants for a licence must satisfy the council that they are fit and proper people to be granted a drivers' licence, and must remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is in force. The council considers that licensed drivers are put in a position of trust, and therefore the licensing authority must ensure that applicants/licence holders are, and remain, fit and proper to hold a licence. This requirement is held within sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (part II).

The term "fit and proper" for the purposes of hackney carriage and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, the licensing authority is effectively asking the following question:

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 day or night?

Throughout the application process applicants must fully disclose any information that is requested by the council. This includes information regarding previous convictions, warnings and reprimands, current police investigations and pending criminal proceedings. The authority may, in the course of the application, consult the police, children and adult safeguarding boards, other licensing authorities and other statutory agencies.

In order to assess the suitability of an applicant the licensing authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are only issued to 'fit and proper' persons. The council will take into consideration the following factors:

- Period of holding a driving licence
- Standard of driving/driving ability including penalty points on licence
- Criminality
- Medical fitness
- Knowledge of licence conditions and matters related to the work of a licensed driver
- Right to work in the UK
- Previous licensing history (if any) of former licence holders
- Knowledge of safeguarding and discrimination issues relating to the licence

2.2 Hackney Carriage/Private Hire Driver's Licence application

This policy should be used by anyone wishing to obtain a hackney carriage/private hire vehicle driver's licence which will enable them to drive a hackney carriage or private hire vehicle. These licences are normally valid for three years, although in certain circumstances a licence for a lesser period may be issued.

Do you qualify for a licence?

To be considered for a licence you must:-

- Have held a full current driver's licence for at least 12 months and undergo a DVLA licence check.
- Undergo a practical driving assessment.
- Be a fit and proper person and subscribe to the online Disclosure and Barring Update Service (DBS) after your initial DBS check.
- Have the right to work in the United Kingdom.
- Pass a medical examination under Group 2 medical standards, undertaken by your own doctor or a doctor with full access to your medical records.
- Pass a 'knowledge test' which contains questions on the licence conditions, Highway Code, local area, disability awareness and safeguarding issues.
- Take a Safeguarding training course as prescribed by the council.

Age limits for drivers

There are no minimum or maximum age limits for applicants who wish to hold a Hackney Carriage/Private Hire vehicle driver's licence with Erewash Borough Council. However, applicants must have held a full driving licence for at least 12 months. Applicants must also satisfy all other checks and requirements of the application process, including regular medical checks as outlined in section 2.8.

2.3 DVLA Driving licence

You must have held a full driving licence issued in the UK, the European Community (EC), or one of the other countries in the European Economic Area (EEA) for at least 12 months which authorises you to drive a motor car.

The council requires all drivers who hold an EC/EEA driving licence to obtain a GB driving licence within 6 months of the grant of their hackney carriage and private hire vehicle drivers licence.

The driving licence should show your current address and we will not accept any Driving Licence which shows any other address. Please note it is a criminal offence not to notify the DVLA of a change of address. You could be fined up to £1000.

The Council will require your driving licence details as held by DVLA Swansea, and for this purpose you are required to complete the 'DAVIS' form of authorisation contained within the application pack. You must then sign up to this process which will allow the council to make periodic checks with the DVLA.

2.4 Practical driving assessment

All new applicants wishing to drive for Erewash Borough Council must pass a practical driving assessment test and produce the pass certificate at the licensing office. The assessment does not have to be undertaken before the application, but must be achieved before a driver's licence can be issued. As a professional driver you have a greater responsibility to ensure that your passengers have a

comfortable, safe and enjoyable journey. This test is designed to improve driving standards and ensure a professional service is offered by our drivers who will take pride in their trade and the service they give to customers.

Drivers of wheelchair accessible vehicles must be suitably trained on how to use the equipment in their licensed vehicles, and how to handle a person in a wheelchair. They must, therefore, undertake one of the wheelchair assessments listed below. The pass certificates must be provided to the council on application and before any additional driver may drive the wheelchair accessible vehicle.

New applicants to Erewash Borough Council must undertake one of the practical driving assessments listed below;

a) The Blue Lamp Trust

Tel: 0333 7000157 and say you want to take the Taxi Driving Assessment. Open Monday to Friday 09:30 – 15:00.

Webpage: www.bluelamptrust.org.uk

Email: info@bluelamptrust.org.uk

Cost: Standard test: £87 (subject to change)

Wheelchair assessment: £40 (subject to change)

b) Diamond Advanced Motorists

Tel: 020 8253 0120 and say you want to take the Taxi Driving Assessment. Open Monday to Friday 09:30 - 16:00.

Webpage: www.advancedmotoring.co.uk/taxi-test

Email: help@adnavcedmotoring.co.uk

Cost: Standard Test: £85 (subject to change)

Enhanced (wheelchair) Test: £95 (subject to change)

Please note: Drivers may also be asked to take an additional assessment if required by the council Licensing Committee's Driver's Panel in cases where it is felt that the driver requires additional training (e.g. accumulation of penalty points).

2.5 Disclosure & Barring Service - criminal record check

Under the Rehabilitation of Offenders Act 1974, Taxi and Private Hire vehicle drivers are classed as an exempt occupation. Therefore all convictions can be taken into consideration, even if they are considered spent, in determining an applicant's fitness and propriety. All convictions, except protected cautions and convictions, must be declared on the application form, and failure to do so will be treated as a dishonest act.

A check of the barred lists is also undertaken by this council. In the interests of public safety, the licensing authority will not normally issue a licence to any individual that appears on either barred lists. Should the council consider there to be exceptional circumstances, which means that, based on other available information and the balance of probabilities, they consider an individual named on a barred list to be "fit and proper", the reasons for reaching this conclusion should be recorded.

- New applicants must complete an 'enhanced' Disclosure & Barring Service application form. These can be obtained from the Civic Centre, Long Eaton - please ring the Licensing Section 0115 907 2244 ext. 3120. This form must be completed and submitted by appointment to the Licensing Section at Erewash Borough Council, accompanied by the appropriate proof of identity. A list of acceptable documents for proof of identity will be included with the DBS form.
- Please ensure the form is filled in **black pen** and mistakes are crossed through with any alterations written adjacent. Do not use a white corrector pen. The machinery used to scan the forms is unable to read these alterations, so inevitably causing a delay in the processing. NB. Please ensure that all addresses are provided for a five year period, on a separate sheet if necessary.
- On the day of your appointment pay the criminal record check fee of £40.00 (subject to change) to **Erewash Borough Council**. Please telephone the Customer Contact Centre to pay by Debit/Credit card or alternatively, pay at the Cashiers Counter in the Reception area, Civic Centre, Long Eaton. The Council will then be invoiced by the Disclosure & Barring Service accordingly.
- The form will then be countersigned by a licensing officer after you have read and understood the Disclosure & Barring Service Privacy Policy in respect of standard and enhanced DBS checks. This tells you how we will use and protect any information we hold about you as part of your standard or enhanced disclosure application. It also explains what your rights are as an applicant in accordance with Data Protection legislation. The Privacy Policy can be found at [Standard and Enhanced DBS Check Privacy Policy - GOV.UK \(www.gov.uk\)](http://www.gov.uk/standard-and-enhanced-dbs-check-privacy-policy)
- The DBS will then send you a disclosure certificate; this can take up to 8 weeks or more to be processed by the DBS and the police. Please note that the council will not receive a copy of the certificate so your copy must be produced to the Licensing Section. Once this disclosure has been received, the application will be determined subject to the guidelines adopted by the Council. No application will be granted until a DBS certificate has been received. For enquires regarding the progress of your application contact the DBS (Disclosure & Barring Service) by telephoning 0870 9090 811 and quote the following customer reference number 20042500005. Alternatively, the progress of your DBS application can be tracked online by visiting: <https://secure.crbonline.gov.uk/enquiry/enquirySearch.do>
- **Once you have received your disclosure certificate from the DBS you must then subscribe to their online update service for a cost of £13 a year. This will allow you to keep your criminal record certificate up to date, and take it from role to role within the same workforce, where the same type and level of check is required. Being subscribed to the service will also mean that employers will be able to carry out free, online checks of an individual's disclosure certificate (with your consent) to check that it is up to date, and you will not be required to submit a new certificate unless the certificate status changes. Speak to a licensing officer if you require more information on this service.**

- It is mandatory for all drivers to be signed up to the DBS online service. The council will check your criminal record at least every six months. We may also carry out further checks if we have reasonable cause to do so.
- The driver must notify the council immediately if their subscription to the DBS online service lapses. A new DBS certificate will then have to be applied for. If the online check is due then a driver's licence may be suspended until a satisfactory check can be carried out. The applicant will be responsible for any associated fees.

Applicants with periods of residency outside of the UK

In addition to a DBS check, if an applicant has spent six continuous months or more residing overseas the council will require evidence of a criminal record check or 'certificate of good character' from the country/countries visited covering the period that the applicant was overseas since the age of 18. This will normally take the form of a document from the relevant Government department or Embassy which provides a comprehensive criminal record. This document must be in English and provide contact details of the Government department or Embassy in order that officers may verify its authenticity. All costs in respect of this documentation will be borne by the applicant. This documentation will be in addition to the DBS certificate.

In circumstances where the applicant is unable to provide such a document, or officers have concerns that an applicant's criminal record requires closer scrutiny, the application will normally be referred to the Licensing Driver's Panel for determination. The applicant will then be given the opportunity to explain their circumstances and produce any other relevant documentation in support of their application.

For more information please consult the Home Office Guidance for contacting overseas bodies for criminal records checks or contact the Licensing Section for further clarification <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

2.6 National Register of taxi licence revocations and refusals (NR3)

Licensing authorities are required to satisfy themselves that those holding Hackney carriage/private hire vehicle driver licences are 'fit and proper' to do so. This is done firstly during the determination of an application for a licence, and then at any time during the currency of a licence. For example, when evidence is obtained that suggests that a licensed individual is not a fit and proper person to hold a licence, the licensing authority is entitled to suspend, revoke or refuse to renew a licence.

This authority provides information to the National Register of Taxi Licence Revocations and Refusals (Known as NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage and private hire driver's licence revoked or an application refused. Therefore, where a licence is revoked, or an application refused, the authority will automatically record this decision on the NR3 system, and the information will be retained on NR3 for a period of 25 years.

The information recorded on NR3 will be limited to:

- Name

- Date of birth
- Address and contact details
- National insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective

All applications for a new drivers' licence or licence renewal at this authority will automatically be checked on the register. If a search of NR3 indicates a match with the applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received will be only used in respect of the specific licence application and will not be retained beyond the determination of that application. Each application will still be considered on its own merit, but NR3 will help ensure that decisions can be based on all the information that is relevant to an application.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulations (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the council's statutory licensing functions of ensuring that drivers are 'fit and proper' to hold a drivers' licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

2.7 Right to work in the UK (Immigration Act 2016)

The Immigration Act 2016 amended existing licensing regimes in the UK to seek to prevent illegal working in the taxi and private hire sector. With effect from 1 December 2016 the provisions of the Act prohibit all licensing authorities across the UK from issuing to anyone who is disqualified by reason of their immigration status, and they discharge this duty by conducting immigration checks.

The provisions mean that driver and operator licences must not be issued to people who are illegally living in the UK, who are not permitted to work, or are permitted to work but are subject to a condition that prohibits them from holding such a licence.

The council will therefore check all applicants' right to work as part of their application, and they must submit documentary evidence showing they have the right to work in the UK. Examples of documents may include:

- A passport confirming that the holder is a British citizen or citizen of the United Kingdom
- A passport or national identity card showing the holder is a national of the European Economic Area or Switzerland
- Passport or other travel documentary endorsed to show that the holder is allowed to stay in the UK and undertake paid employment
- Full UK birth/adoption certificate
- An immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment.

This list is not exhaustive and other documents may be accepted – further information may be obtained from the licensing section on request.

If the right to work is for a limited period, then the licence will only be issued up until the expiry of the right to work in the UK. The licence holder will then be required to submit evidence of their application to remain in the UK if they wish to continue to work as a hackney carriage/private hire driver after this date.

If a licence holder's right to work is withdrawn at any time, the licence holder is required to notify the council immediately. In addition, the Home Office will notify the council that the right to work is withdrawn and the licence will lapse.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in their application their 9 digit share code (provided to them when accessing the service at <https://www.gov.uk/view-right-to-work>) which, along with the applicant's date of birth (provided within the application form) will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the driving of a hackney carriage or private hire vehicle. An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online.

The Home Office online right to work checking service sets out what information and/or documentation applicants will need to access the service. Applicants who are unable to obtain a share code from the online service should submit documents to the licensing authority as set out above.

2.8 Medical examinations

In line with Department for Transport recommendations, a medical examination to DVLA Group 2 standards is required for our licensed drivers to assess an applicant's fitness to drive a licensed vehicle before a licence can be issued. Hackney carriage and private hire drivers, together with bus drivers and lorry drivers, are all required to meet Group 2 standards. In most cases the medical standards for Group 2 drivers are substantially higher than for Group 1 drivers, this is because of the size and weight of the vehicle or the length of time an occupational driver typically spends at the wheel. Taxi drivers are also expected to carry members of the public who have expectations of a safe journey, and they may have to assist disabled passengers and handle heavy luggage.

The examination must be undertaken by your own General Practitioner or another GP from the same practice. (Another doctor from a different practice may undergo an examination but **ONLY** if the doctor has full access to your medical records).

The doctor must then sign the medical and a declaration that they have had access to the applicant's medical records, and that he/she is considered fit/unfit to drive a vehicle under Group 2 medical standards. D4 medical forms and declaration forms are included in the application pack or can be obtained from the Town Hall, Long Eaton. The medical form submitted to the licensing section must be no more than **3 months** old or it will be refused. The cost of the medical must be borne by the applicant.

If the licensing authority is not satisfied as to the medical fitness of an applicant, the council may request that the applicant provides further medical assessments from their doctor or a consultant's written report. Where there remains doubt as to the medical fitness of a driver, the matter will be referred to a meeting of the Driver's Licensing Panel who will make a final decision in light of the medical evidence available.

Applicants for a Hackney Carriage/Private Hire Driver's Licence will be required to undertake a medical at the following intervals:

- On initial application
- Then, If under 45 years of age on initial application, a medical at 45, then every five years up to the age of 65 (i.e. 50, 55, 60) unless restricted to a shorter period for medical reasons
- If over 45 years of age on initial application, every five years up to the age of 65, unless restricted to a shorter period for medical reasons.
- At the age of 65 medicals will be required annually without an upper age limit.
- If a driver is diagnosed with a medical condition which may affect his or her driving at any time, the Council may require either more frequent medical checks and/or supporting evidence from specialists or consultants.

Licence holders must inform the licensing section of any changes or deterioration of their health that may affect ability to drive as soon as is practicable. The driver may be asked to obtain further medical confirmation from their medical practitioner to confirm that they remain fit to drive under Group 2 medical requirements.

Guidance for Diabetes treated with tablets/insulin injections

The current Group 2 medical form asks if a driver is treated with tablets or insulin if diagnosed with diabetes. If the answer is yes for either then the driver needs to adhere to the following procedure on an **annual** basis when a full medical is not required by the council.

If diagnosed as requiring treatment by insulin or managed by tablets, which would carry a risk of inducing hypoglycaemia, the driver will need to inform the council as soon as possible and provide confirmation from their doctor or diabetic nurse/consultant of:

- The date of being diagnosed
- That there has not been any severe hypoglycaemic event in the previous 12 months
- The driver has full hypoglycaemic awareness
- The driver must show adequate control of the condition by regular blood glucose monitoring, at least twice daily and at times relevant to driving
- The driver must demonstrate an understanding of the risks of hypoglycaemia and there are no other declaring complications of diabetes

The driver must then obtain a statement from their doctor and make a declaration themselves before submitting the information to the council. **In these cases a statement and declaration may be required on an annual basis during the term of the driver's licence.**

The appropriate forms are available from the licensing section.

- Medical statement for drivers with tablet-controlled diabetes
- Medical statement for drivers with diabetes using insulin

2.9 Driver knowledge tests

The council recognises that hackney carriage and private hire vehicle drivers require a working knowledge of the Erewash district as a whole and the surrounding area, and an understanding of the laws and conditions they are required to comply with. To this extent, and to maintain the high standards that the council expects of its licensed drivers, a licence will not be granted unless the applicant undertakes and passes a driver's knowledge test.

The test comprises of a four-part written paper consisting of multiple – choice questions and questions requiring a written answer, in order to test the applicant's basic numeracy and the ability to read, write and understand English.

- Part 1 contains questions on the Council's Hackney Carriage/Private Hire Driver and vehicle licence conditions.
- Part 2 covers Disability Awareness and Safeguarding issues.
- Part 3 covers Local Area and geographical knowledge
- Part 4 contains questions about the Highway Code.

Safeguarding guidance can be found on the Council's website at <https://www.erewash.gov.uk/taxi-licensing-section/safeguarding.html>

A fee is payable to undertake the knowledge test and you will need to make arrangements with the Licensing Officer to take the test. The knowledge test will last for one hour and are normally held when required at Long Eaton Town Hall. Only 7 candidates are permitted to take the test at any one time so anyone failing the test should ensure that they book a re-test as soon as possible if they wish to take the test at the next, earliest opportunity.

You must answer at least 70% of the questions from **each** section correctly in order to pass the test. If you fail the examination a retest fee will be incurred and any further tests must be retaken up to a period of three months following the first test. Please note that failure to attend the knowledge test at the appointed time may result in a further fee being incurred unless there are exceptional circumstances relating to your non-attendance. Any person found to be cheating on the knowledge test will be immediately disqualified and their application refused.

Please note that if you fail to obtain 70% in **any** of the 4 sections in the knowledge test then the whole test must be re-taken.

Any candidate failing the examination three times will have to reapply as a new applicant after a period of 6 months has elapsed. Application fees will be returned minus any administrative fees incurred.

2.10 Safeguarding training

Licensing authorities must consider the role that those in the taxi and private hire trade can play in spotting and reporting the potential abuse, exploitation or neglect of children and vulnerable adults. As with any specific part of society it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse, and know where to turn if they suspect that a child is or vulnerable adult is at risk of harm or is in immediate danger.

To this end, all new applicants for a hackney carriage /private hire drivers' licence must undertake appropriate safeguarding training with the council prior to gaining a licence.

This training will be specified by the council and a fee may be required. If a driver has undertaken an equivalent training course with another authority it will be considered by the council and the applicant may not have to take the course recommended by the council.

Every driver will have to complete safeguarding refresher training every 3 years in line with the renewal of their hackney carriage/private hire drivers' licence. An application will be considered incomplete until a valid certificate is received.

Safeguarding training is undertaken so that all drivers are aware of what to do if they believe a child or vulnerable person is at risk of harm or exploitation. If the risk is immediate they should call the police otherwise they should:

- Contact the safeguarding lead at the council, or inform the licensing team
- Call Crime Stoppers on 0800 555 111

2.11 The application process

In summary, to complete the application process you will require the following:

- A full, current driving licence with the correct address listed.
- A practical driving assessment pass certificate issued by either The Blue Lamp Trust or Diamond Advanced Motorists
- A completed 'Enhanced' Disclosure & Barring Service form. You will also need to bring in the required proof of identity as stated on the guidance e.g. passport, birth certificate, marriage certificate etc. You may also need a further means of identification. The following are acceptable – bank or credit card statement or a utility bill showing name and address. (See current fees list attached).
- Proof of the Right to Work in the UK, usually a passport or national identity card, birth certificate or immigration document
- A completed D4 medical form signed by your own doctor, (or GP with full access to your medical records) and the doctor's signed declaration form
- You will need to take and pass a knowledge test – arrangements to be made with the licensing officer dealing with your application. (See current fees list attached).

- Attend a safeguarding training course as prescribed by the licensing authority.

You will also require:

- A completed Driver application form – this will include a ‘DAVIS’ form of authorisation which will be used to check your driver details with DVLA Swansea. You must then sign up to this process which will allow the council to make periodic checks with the DVLA.
- 1 ‘passport type’ photograph for use on the driver’s badge to be issued in the event of the application being approved.
- The correct licence fee (see current fees list attached). Cheques should be made payable to Erewash Borough Council. Alternatively, you may pay by debit or credit card via our contact centre, or at Town Hall receptions.

To make an application you must first contact the licensing section on 0115 9071106 make an appointment to collect an application pack from Long Eaton Town Hall at the address at the bottom of the page.

If you then wish to proceed with the application, you must complete the relevant forms and then make another appointment to see an officer to make the formal application. **You will not be seen without an appointment.** Payment for the application and DBS check must be made on the day.

On attending your appointment an officer will discuss the application procedure and outline the licensing requirements and conditions. Please **attend the appointment by yourself so we can assess any language problems that may be evident.**

Language proficiency

We expect all licensed drivers to have a sufficient command of the English language, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. Drivers will also be expected to be able to identify situations where there may be passenger safeguarding concerns and to possess sufficient communication skills to report those concerns. The ability to converse effectively in English also helps avoid job related misunderstandings such as wrong directions, fare disputes, collecting the wrong customer and misunderstanding a customer’s assistance needs. Where officers have concerns regarding the applicant’s language ability the application may be referred to the Drivers Licensing Panel for determination.

Applications can only be accepted if made in person, postal applications will NOT be accepted and will be returned.

If you require any further information or advice about your application you should contact the Licensing Officer in writing or by telephone between 9am and 2pm Monday to Friday or email at the following address:-

**Licensing Section
Erewash Borough Council
The Civic Centre
Derby Road
Long Eaton**

Derbyshire
NG10 1HU

Tel: 0115 9072244 X 3120

Email: licensing@erewash.gov.uk

3. PREVIOUS CONVICTIONS POLICY

3.1 Relevance of convictions and cautions

The council is committed to ensuring that its licensed drivers, operators and vehicle proprietors are, and remain, fit and proper to hold a licence with this authority. In relation to the consideration of convictions, cautions, warnings and reprimands, the council has adopted the policy as set out in **section 3.5**. This policy will apply to all new applicants for driver, operator and vehicle licences, and to all existing licence holders.

Applications or renewals that are submitted with information indicating a past criminal record, or any other concern, may be referred to the licensing Driver's Licensing Panel who will make the final assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at **3.5**. Where the circumstances demand, the Driver's Licensing Panel may depart from the guidelines.

Generally, where a person has more than one conviction, this will raise serious concerns about their safety and suitability to be a licensed hackney carriage/private hire driver. The council must only license safe and suitable individuals, and once a pattern or trend of repeated offending becomes apparent, a licence will not be granted or renewed.

The policy at **3.5** will also be used to determine the suitability of an existing licence holder should information be received during the term of that licence that would make it necessary for the licensing authority to consider action against the licence holder. If a licence holder is deemed to fall short of the fit and proper standard at any time, the licence may be revoked or not renewed on application.

In assessing whether the applicant is fit and proper to hold or retain a licence, the council will consider each case on its own merits. It will take into account convictions and cautions, whether spent or unspent, but only in so far as they are relevant to the application for a licence. The overriding requirement for the council when carrying out this function is the protection of the public and all who use hackney carriage and private hire services, and to ensure that public safety is not compromised.

The council may depart from the policy where it considers it appropriate to do so. This will normally happen where a licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*.

In seeking to safeguard the safety of the public, the licensing authority will be concerned to ensure;

- That the applicant is a fit and proper person in accordance with sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

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 Driver's Licensing Panel or delegated officer is 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 therefore include information that goes beyond criminal convictions.

The standards of safety and suitability are not set as a base minimum. They are set high to give the public the assurance it requires when using taxi services. The council does not have to strike a balance between the drivers' right to work and the impact on his/her family and the public's right to protection. The council is thus entitled and bound to treat the safety of the public as the paramount consideration.

Any offences or behaviour not covered explicitly by the policy at 3.5 will not prevent the council from taking into account those offences when considering if the applicant is a "fit and proper" person.

3.2 Rehabilitation of Offenders Act 1974 (as amended)

Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation depends on the sentence imposed, and not the offence committed.

Despite the above, the principles of the Act do not apply to applicants for hackney carriage and private hire vehicles driver's licences. This is because the driving of taxis is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

Although the Act does not prevent judicial authorities (inclusive of the licensing authority) from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a fit and proper person to hold a licence.

Therefore, the council will have regard to all relevant convictions, particularly where there is a long history of offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

3.3 Powers of the council

Sections 60, 61 and 62 of the Local Government Miscellaneous Provisions Act 1976 allows the council to suspend, revoke or refuse to renew a licence if the applicant has been convicted of an offence involving dishonesty, indecency,

violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government Act 1976; or any other reasonable cause.

The council is entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the council or other licensing authorities, and information disclosed by the police under the Common Law Disclosure Scheme or other similar arrangements. Examples of such information sources that may be used include social care information, benefits payments etc.

In determining safety and suitability, the council is entitled to take into account all matters concerning that applicant or licensed driver. They are not only concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than just simply criminal convictions or other evidence of unacceptable behaviour, and the general character of the individual will be considered. This can include, but is not limited, to the individual's attitude and overall temperament.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

Where the applicant has been convicted of a criminal offence the council cannot review the merits of the conviction (Nottingham City Council v Mohammed Farooq (1988))

3.4 Consideration of applications

In assessing whether the applicant is a 'fit and proper person' to hold a licence, the Council will consider each case on its own merits.

Any application containing convictions, cautions, or any information considered relevant to the application will be considered at the time of application in accordance with the previous convictions policy outlined at **section 3.5**.

Existing Licence holders convicted of an offence or who are awarded DVLA penalty points during the period of their current licence will be subject to the same policy relating to the relevance of convictions/driving offences as though they were a new applicant and will be referred to the Drivers Licensing Panel for consideration when required by the policy.

Applications may be referred to the Drivers Licensing Panel for determination if an applicant has any convictions.

Applications/licence holders will be referred for determination by the Drivers Licensing Panel in the following circumstances:-

- Where the applicant has a total of eight or more valid penalty points for offences connected with the driving or keeping of a motor vehicle

- Where the applicant has five or more valid penalty points in respect of any one conviction for an offence connected with the driving or keeping of a motor vehicle.

Valid penalty points are those points still showing on the applicants/licence holders DVLA driving licence.

Options when considering an application

When determining an application the council have the following options;

- Approve the application or take no further action
- Refuse the application/revoke the licence/suspend the licence
- Issue a warning letter regarding further behaviour

Appeals

Any applicant refused a driver's licence, or who has had their licence suspended or revoked on the grounds that the council is not satisfied they are a fit and proper person to hold such a licence, has a right to appeal to South Derbyshire Magistrate's Court within 21 days of the notice of refusal issued by the council (Local Government (Miscellaneous Provisions) Act 1976 (Part II)).

3.5 General Convictions Policy for licensed drivers

Listed below are some general principles relating to the determination of applications which will normally be followed where convictions are admitted or otherwise identified.

It is important to recognise that matters which have not resulted in a criminal conviction as such (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can be and will be taken into account by the council. In addition, complaints where there was no police involvement may also be considered. Within this policy, any reference to "conviction" will also include matters that refer to criminal behaviour, but which have not resulted in a conviction.

If an outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of criminal behaviour or character trait, then in the interests of public safety the application will be put on hold until proceedings are concluded, or the application may be refused. Such cases will either be referred to the licensing Driver's Licensing Panel with a view to refusal or immediate revocation.

In addition to the nature of the offence or other behaviour, the quantity of incidents and the period over which they were committed may also be considered. Patterns of repeated behaviours are likely to cause greater concern than isolated occurrences, as such patterns can demonstrate a propensity for such behaviour or criminality.

In relation to single convictions, the following time periods should elapse following completion of the sentence (or date of conviction if a fine is imposed) before a licence may be granted. Nevertheless, solely remaining free of conviction may not necessarily be adequate evidence that a person is a fit and proper person to hold a driver's licence.

Crimes resulting in death

Where an applicant or licensed driver has been convicted of a crime which resulted in the death of another person, or was intended to cause the death by serious injury of another person they will **NOT** be licensed. These offences will include;

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving and /or involving alcohol or drugs
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above

No time period is thought sufficient to have elapsed since the offence and the application will be **REFUSED** in all cases.

Exploitation

Where an applicant or licensed driver 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, they will **NOT** be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse but this is not an exhaustive list.

No time period is thought sufficient to have elapsed since the offence and the application will be **REFUSED** in all cases.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until a period of at least **TEN YEARS** have elapsed since the completion of any sentence imposed. These offences will include;

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual, or grievous bodily harm
- Robbery
- Riot
- Assault on police
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Common assault
- Affray
- Any offence that may be categorised as domestic violence
- Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above

Possession of a weapon

Where an applicant has a conviction for the possession of a firearm or any other weapon related offence, a licence will **NOT** be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed.

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will **NOT** be granted.

No time period is thought sufficient to have elapsed since the offence and the application will be **REFUSED** in all cases. Offences include;

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and/or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003)
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene gestures/ indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit offences which replace the above

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. Offences involving dishonesty include;

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Fare overcharging
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

Drugs

Where an applicant has any conviction 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 be granted until at least **TEN YEARS** have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least **FIVE YEARS** have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed.

Other offences

Consideration may only be given to the grant of a licence if at least **FIVE YEARS** have elapsed since the completion of any sentence imposed for the following offences shown below;

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above

3.6 Motoring Offences

Road safety is a major priority to the council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour whilst driving will weigh heavily against a licence being granted or retained.

Hackney carriage and private hire vehicle drivers are professional drivers charged with the responsibility of carrying the general public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that motoring offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviour of a safe road user and one that is suitable to drive professionally.

Drink driving/driving under the influence of drugs/causing a death while driving

Where an applicant has a conviction for drink driving, driving under the influence of drugs or causing a death while using a motor vehicle a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence or driving ban imposed. In those circumstances involving drugs, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence will not be granted until at least **FIVE YEARS** have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Major traffic offences

A major traffic or vehicle related offence is one which is not listed separately above and is not covered below in 'minor traffic offences', and includes failure to provide a specimen for analysis and driving without due care and attention. It also includes driving without insurance or any offence connected with motor insurance. An isolated conviction, without disqualification for such an offence, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within **12 months** prior to the date of application, the application will normally be refused.

Where an applicant has more than one conviction for a major traffic offence or similar offence, a licence will not be granted until at least **FIVE YEARS** have elapsed since the completion of any sentence imposed.

A list of offences to which this section relates is attached as Appendix I.

Minor traffic offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs and has not resulted in injury to any person or damage to any property (including vehicles). 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 offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least **12 months**.

In particular, the application will normally be refused where the applicant has **9 or more valid penalty points** on their DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last **12 months**.

A list of offences to which this section relates is attached as Appendix II.

Disqualification

Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of **2 YEARS** free from conviction has elapsed from the restoration of the DVLA licence.

Where several minor traffic offences have 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 **12 MONTHS** free from conviction must have elapsed from the restoration of the DVLA licence.

In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a hackney carriage or private hire driver's licence

because different criteria apply and an applicant will normally be expected to show a period of **12 MONTHS** free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

Hybrid traffic offences

Offences of this type listed 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 less penalty points for the offence.

A list of offences to which this section relates is attached as Appendix III. Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 – hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (for example plying for hire), a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed.

Appendix I

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident.
- AC20 Failing to give particulars or to report an accident within 24 hours.
- AC30 Undefined accident offences.

- BA10 Driving while disqualified by order of court.
- BA30 Attempting to drive while disqualified by order of court.

- CD10 Driving without due care and attention.
- CD20 Driving without reasonable consideration for other road users.
- CD30 Driving without due care and attention or without reasonable consideration for other road users.

- DD40 Dangerous driving.
- DD90 Furious Driving
- DG40 In charge of a vehicle while drug level is above the specified limit
- DR40 In charge of a vehicle while alcohol level above limit.
- DR50 In charge of a vehicle while unfit through drink.
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive.
- DR61 Failure to provide a specimen for drug analysis in circumstances other than driving or attempting to drive.
- DR70 Failing to provide a specimen for a breath test.
- DR90 In charge of a vehicle when unfit through drugs.

- IN10 Using a vehicle uninsured against third party risks.

- LC20 Driving otherwise than in accordance with a licence.

- LC30 Driving after making a false declaration about fitness when applying for a licence.
- LC40 Driving a vehicle having failed to notify a disability.
- LC50 Driving after a licence has been revoked or refused on medical grounds.

- MS50 Motor racing on the highway.
- UT50 Aggravated taking of a vehicle.
- TT99 Indicates a disqualification under the totting up procedure of 12 or more points within a three year period

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2

(e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4

(e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6

(e.g. IN10 becomes IN16)

Appendix II

MINOR TRAFFIC OFFENCES

CU10 Using a vehicle with defective brakes.

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.

CU30 Using a vehicle with defective tyre(s).

CU40 Using a vehicle with defective steering.

CU50 Causing or likely to cause danger by reason of load or passengers.

MS10 Leaving a vehicle in a dangerous position.

MS20 Unlawful pillion riding.

MS30 Play street offences.

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test.

MS60 Offences not covered by other codes

MS70 Driving with uncorrected defective eyesight.

MS80 Refusing to submit to an eyesight test.

MS90 Failure to give information as to identity of driver, etc.

MW10 Contravention of Special Road Regulations (excluding speed limits).

PC10 Undefined contravention of Pedestrian Crossing Regulations.

PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle.

PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle.

SP10 Exceeding goods vehicle speed limit.

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles).

SP30 Exceeding statutory speed limit on a public road.

SP40 Exceeding passenger vehicle speed limit.

SP50 Exceeding speed limit on a motorway.

SP60 Undefined speed limit offence.

TS10 Failing to comply with traffic light signals.

TS20 Failing to comply with double white lines.

TS30 Failing to comply with a "Stop" sign.

TS40 Failing to comply with direction of a constable or traffic warden.

TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white line).

TS60 Failing to comply with school crossing patrol sign.

TS70 Undefined failure to comply with a traffic direction sign.

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2

(e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4
(e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6
(e.g. PC10 becomes PC16)

Appendix III

HYBRID TRAFFIC OFFENCES

CU10 Using a vehicle with defective brakes.

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.

CU30 Using a vehicle with defective tyre(s).

CU40 Using a vehicle with defective steering.

CU50 Causing or likely to cause danger by reason of load or passengers.

SP10 Exceeding goods vehicle speed limit.

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles).

SP30 Exceeding statutory speed limit on a public road.

SP40 Exceeding passenger vehicle speed limit.

SP50 Exceeding speed limit on a motorway.

SP60 Undefined speed limit offence.

Other non - endorsable motoring offences i.e. no MOT on vehicle

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2
(e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4
(e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6
(e.g. CU10 becomes CU16)

4. DRIVER'S LICENCE CONDITIONS

The holder of a taxi/private hire vehicle driver's licence shall comply with the following conditions. The conditions are made pursuant to the provisions of The Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976.

Definitions:

'The Council' means the Erewash Borough Council and Borough means the district of the council.

'Private Hire vehicle' means a Private Hire Vehicle licensed by the council under the 1976 Act.

'Taxi' means a hackney carriage vehicle licensed by the council under the 1847 Act.

'Driver' means a driver licensed by the council under the 1847 Act and the 1976 Act, and 'Badge' means the badge owned and issued by the council for the purposes of identifying the driver of a licensed vehicle.

'Authorised Officer' or 'Licensing and Enforcement Officer' means any Officer of the Council authorised in writing for the purposes of these Conditions.

'Plate' and 'Disc' mean the plate and disc owned and issued by the council for the purposes of identifying a vehicle as a taxi or private hire vehicle as appropriate.

'Vehicle' means a licensed taxi or private hire vehicle.

4.1 Driver's badge/vehicle plates

The driver must at all times, when driving a licensed vehicle, wear the driver's badge issued by the council in a prominent, visible place on the outer clothing, whilst carrying out the duties of a licensed driver. Drivers may wear their badge in the following ways:

- A clip badge attached to the clothing in a prominent position
- A plain lanyard worn around the driver's neck
- An armband with a transparent pouch to be worn on the left arm, where the driver's badge can be fitted into and is clearly visible to passengers

The driver's badge remains the property of the council. Upon expiry of the licence (whether an application to renew has been made or not) the badge must be returned to the council within 7 days of expiry or other such time as the council may specify.

The badge must be returned immediately if the licence is suspended, revoked or becomes invalid for any reason (e.g. expiry)

The driver shall report any loss of his/her badge to the Council in writing as soon as he/she becomes aware of the loss and no more than 7 days after the event. A duplicate may be issued upon receipt of the appropriate fee.

The driver shall ensure that the licence plates granted in respect of that vehicle and showing that vehicle's registration number are clearly displayed as prescribed to the front and rear of the vehicle.

The driver shall not assign or in any way part with the benefit of the licence. It is personal to the licensee.

The driver shall not for any reason cause or permit the vehicle licence plate or signage to be concealed, obscured or defaced.

4.2 Conduct of Driver

The driver shall:-

- a) Behave in a civil, polite and orderly manner at all times, and shall take all reasonable precautions to ensure the safety of persons/passengers using the vehicle. They must also comply with all reasonable requests by passengers.
- b) Be professional at all times, be courteous and respectful towards all members of the public, including fellow drivers and operators. Discriminatory behaviour and offensive language on the grounds of race, religion, gender, age, disability or sexual orientation will not be tolerated.
- c) Not refuse (without reasonable cause) to carry any passenger.
- d) Be clean and presentable in his/her dress and person and possess good standards of personal hygiene so as to reflect the professionalism of the taxi/private hire trade in Erewash.
- e) A smart dress code should always be observed. Examples of acceptable dress are: shirts/blouses with collars, polo shirts, smart t-shirts without distinctive branding or logo, and smart trousers or skirts. Knee length shorts may be worn in periods of hot weather.
- f) Vest tops, sportswear such as football shirts, denim jackets, baseball caps and ripped jeans/clothing are not acceptable. Driving Bare-chested is also not permitted. Words or graphics on any clothing that is of an offensive or suggestive nature are not permitted. Sandals with no heel straps, flip flops and footwear not secured around the heel of the foot are not suitable.
- g) Be able to communicate clearly and have a good understanding of the English language and be able to read and write clearly in English to an agreed standard to pass the knowledge test.
- h) Not smoke, vape or use e-cigarettes or allow any person conveyed within the vehicle to smoke, vape or use e-cigarettes at ANY time, and to ensure that the vehicle displays a 'No Smoking' sign in at least one compartment of the vehicle.
- i) Not eat or drink in the vehicle whilst it is being let for hire without the express consent of the hirer, nor consume alcohol under any circumstances in the vehicle.
- j) Not play any radio or any sound reproducing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without the consent of the hirer.

- k) At no time cause or permit the noise from any radio or similar device in the vehicle to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
- l) The driver shall not carry in the vehicle more persons than the number specified on the vehicle licence. Children are classed as ONE passenger whatever their age.
- m) The driver will not permit any other person to be conveyed or picked up without the consent of the hirer.
- n) The driver will attend all bookings punctually unless prevented or delayed with good reason.
- o) The driver will always drive to a destination by the shortest available route unless a different route has been agreed with the hirer.
- p) Not without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the vehicle has been hired.
- q) Use only the designated Taxi ranks within the zone for which the vehicle is licensed (Hackney Carriage vehicles only).
- r) The driver must not solicit, by calling out or by any other means, any person to hire or to be carried for hire. The driver will only carry passengers who have been collected at a rank, been flagged down by a customer in the appropriate zone, or who have been booked through an operator. (Hackney Carriage drivers only).
- s) The driver will ensure the vehicle is presented in a clean and roadworthy condition for each booking/journey.
- t) Drivers of Private hire vehicles are not permitted to ply for hire. They must not solicit, by calling out or otherwise, any person, and must not accept an offer for the hire of the vehicle except where that offer has first been communicated to the driver via a PDA device or telephone or radio.
- u) The driver must carry a reasonable quantity of luggage if required, and provide reasonable assistance in loading or unloading luggage from or to the entrance of any dwelling, station or other place at which, or near to which, the driver picks up or sets down the passenger, and without any additional charge (unless medically exempt from providing assistance).
- v) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert and vigilant to safeguarding matters relating to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb immediately outside their destination if it is safe and legal to do so.
- w) The driver shall display prominently within the vehicle a notice including the licence number of the vehicle advising passengers whom they should contact at the Council in the event of their being dissatisfied with the service provided.
- x) The driver of a wheelchair accessible vehicle must obtain the appropriate wheelchair assessment certificate from (see section 2.4 for further details).
- y) Drivers must make sure that any Hackney Carriage/Private Hire vehicle driven by them is fully insured for use as a Hackney Carriage/Private Hire vehicle at all times and has a valid vehicle test certificate.

4.3 Wheelchair passengers/Carrying assistance dogs

Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to disabled residents to enjoy a high quality of life; therefore newly licensed hackney carriage vehicles are required to be wheelchair accessible. The provisions of the Equality Act 2010 will also apply to vehicles, drivers and Licensing Authority.

Passengers in wheelchairs

The Equality Act 2010 places a duty on drivers of designated* wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs.

Designated* vehicles are those listed by the licensing authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'.

Drivers of vehicles designated by us as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

The duties are;

- To carry the passenger while in a wheelchair
- Not to make additional charge to do so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

The Act defines mobility assistance as:

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while remaining in the wheelchair.
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

It is an offence for a driver of a designated wheelchair accessible vehicle not to comply with the above requirements. Drivers are also expected to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp or securing a wheelchair within the passenger compartment.

The Council publishes and maintains a list of wheelchair accessible vehicles on their website under sections 165 and 167 of the Equality Act 2010. Under this definition a 'designated vehicle' is any vehicle capable of carrying a passenger in the wheelchair on a journey.

The Council can exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

Such drivers may apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence as proof they cannot comply with the Equality Act 2010. Exemption certificates must be displayed in the vehicle at all times the driver is working.

If a hackney carriage or a private hire vehicle is using a meter, the meter should NOT be left running whilst the driver performs any of the above duties. Drivers cannot charge extra for a fare simply because the passenger is a wheelchair user.

Duty to carry guide dogs and assistance dogs

The carrying of passengers' pets shall be at the discretion of the driver or operator. However this discretion does not apply to guide dogs for the blind, hearing dogs and the various assistance dogs which must be carried in all cases by drivers/operators and not incur any further cost to the passenger.

The driver must not refuse a booking on by or on behalf of a person with disabilities who is accompanied by an assistance dog unless the driver has a medical exemption granted by the licensing authority and is displaying the Exemption Certificate in the approved manner on or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle as agreed with the passenger, but so as not to present a hazard to the driver of the vehicle.

Drivers may be advised to carry a blanket/towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about dog hair being left in the vehicle.

4.4 Seat belt laws for taxis and private hire vehicles

Hackney Carriage drivers are exempt from wearing a seatbelt whilst carrying passengers or plying for hire in their own council district. Private Hire drivers are only exempt from wearing a seat belt whilst carrying passengers.

All passengers, including children, should use the seatbelts fitted. Children over 14 years of age are deemed adults. A child over 1.35 metres in height or 12 to 13 years of age must wear the seatbelts fitted.

For children under 3 years of age the correct child restraint must be used in the front and rear seats. If one is not available then the child may travel unrestrained in the rear seats.

For children over 3 years and above, until they reach EITHER their 12th birthday OR 1.35 metres in height, the correct child restraint must be used in the front and rear seats if one is available. If the correct child restraint is not available then the child must use the adult seatbelts fitted

A correct child restraint is a baby carrier, child seat, harness or booster seat suitable for the child's weight. It is the driver's responsibility to ensure that children are restrained correctly in accordance with the law.

4.5 Lost and found property

Every driver should immediately after the setting down of passengers, or as soon as practicable after, carefully search the vehicle for any property which may have been accidentally left in the vehicle.

If any property is left in the vehicle after a booking the driver must take all reasonable steps to locate the owner, especially where the property is identifiable or valuable (at no cost to the person who has lost the property). If this is not possible then the driver must contact his/her operator (if applicable), and inform them of the incident so that they will have knowledge of the item(s) lost should they be contacted by the owner of the property.

It is also advisable that any found property is reported to the council on the next working day so that the licensing section may answer any queries we receive regarding the property. We then may be in a position to inform the caller where to locate their property after liaison with the driver/operator.

Please note that the police no longer deal with lost/found property and found property can no longer be deposited at your nearest police station unless it is a passport or it is suspected that the item(s) are linked to crime. If that is the case then you are advised to contact the police on 101, or 999 in an emergency.

Items likely to be linked to crime may include high value items such as jewellery or laptops and large amounts of cash, illegal drugs or needles, knives, firearms or ammunition, hazardous or unidentifiable substances or other items that may pose a danger or harm to others.

4.6 Notifications to the Council

Vehicle accidents

If at any time the vehicle is involved in an accident, however minor, that causes damage to the vehicle, the driver/operator must notify the council as soon as is reasonably practicable, and in any event **WITHIN 72 HOURS** by telephone or email. If the vehicle damage is only superficial you may be asked to bring the vehicle into the council for officers to inspect the damage and to assess whether the vehicle may still be driven as a licensed vehicle pending any insurance claim.

Following any accident or damage to the vehicle, the council may require that the vehicle is inspected at the council's vehicle inspection depot. A licensing officer acting under delegated authority may suspend the vehicle licence until it has been suitably repaired and undergone an inspection at the council depot.

Change of details

If the driver changes any of his personal details such as name, address or contact telephone number during the licence period, whether permanent or temporary, he/she will notify the council within **SEVEN DAYS** by telephone or email.

Change of operator

Any driver who changes the operator with whom they work must notify the council with the details within **SEVEN DAYS** by telephone or email.

Illness/serious injury

The driver (or family member) must inform the council within **SEVEN DAYS** of any serious illness or injury (e.g. heart attack, stroke, broken limbs, etc.) sustained and may be required to undergo a further medical examination or produce written confirmation from his/her own medical practitioner or hospital consultant as to his/her continued fitness to drive a licensed vehicle.

The driver must cease driving any vehicle and contact the council immediately if they know of any medical condition, which may affect their driving ability and the health and safety of themselves and passengers.

Convictions, Cautions and Fixed Notices

The driver must give written notification to the council (email accepted) within **48 HOURS** if the driver is subject to any of the following;

- Arrest for any alleged offence (whether charged or not)
- A charge or conviction for any criminal offence
- A caution for any offence
- Is subject to any investigation by the police
- Is formally interviewed at a police station for any offence
- Issue of Magistrates Court summons
- Any form of warning or order under criminal law, including harassment or anti-social behaviour orders or similar
- Any acquittal following a criminal case heard by a court
- A Fixed Penalty Notice for any matter
- Any motoring offence
- Fixed Penalty Notices (endorsements under The Road Traffic Act 1988)
- Driver Awareness Course

Failure by the licence holder to disclose any offence that the licensing authority is subsequently advised of would be a breach of the licence conditions and may be seen as behaviour that questions the honesty and suitability of the driver, regardless of the outcome of the initial allegation/investigation. This may result in the suspension or revocation of the hackney carriage/private hire vehicle driver's licence at a Driver's Panel meeting which would determine whether the driver is deemed a 'fit and proper person'.

4.7 Fares and journeys

- a) If the Hackney Carriage/ Private Hire vehicle is fitted with a meter, the driver shall not start to record the fare until the hirer is seated and the destination has been stated.
- b) Shall not cause the fare recorded to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- c) The driver shall cause the meter to be properly illuminated throughout any part of the hiring.
- d) The driver shall not tamper with or permit or cause any person to tamper with any taxi meter with which the vehicle is provided, with the fittings thereof or with the seals.

- e) Whilst acting as a driver of a hackney carriage and plying for hire, the driver shall charge and cause to be paid the fare calculated at the rate set out in the table of fares determined by the Council (subject to any discount at his/her discretion or any agreement with the hirer).
- f) The driver shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a meter and there has been no previous agreement as to the fare, the fare shown on the face of the meter shall be required.
- g) In the event of a journey commencing in, but ending outside the Erewash Borough Council area the driver may agree a fare with the hirer. If no such agreement was made then the fare to be charged should be no greater than that fixed by the council on the hackney carriage tariff.
- h) The current hackney carriage tariff of fares must be displayed within the vehicle where it can be easily seen by passengers.
- i) The driver shall, upon the request of the passenger, issue a written receipt for the fare paid for the journey.
- j) No driver of a hackney carriage will ply for hire outside of their designated 'zone' i.e. Ilkeston or Long Eaton.
- k) The driver/operator of a private hire vehicle may agree a fare with the hirer prior to the journey, but the hirer cannot be then subsequently charged more than the agreed fare.

Working hours

Licensed drivers are advised to fulfil their responsibility to ensure that they do not work excessive hours that may affect their ability to drive. They must try to have a break lasting at least 45 minutes after driving for a maximum of four and a half hours. A break can be divided into two periods of fifteen and thirty minutes over the four and a half period.

4.8 Hackney Carriage ranks

The driver of a hackney carriage, when using a rank provided by the Council, shall station the vehicle immediately behind the vehicle or vehicles in the rank so as to face the same direction. If the vehicle or vehicles in front subsequently drive away or move forward a space then you must move your vehicle forward to fill that space (other than obstructing appointed entrances or other points of exit or entry).

A hackney carriage that is mechanically unable to proceed shall be removed from a rank as soon as is practically possible.

The driver of a hackney carriage, when standing at a rank or plying for hire, shall not, by calling out or otherwise, encourage people to hire their vehicle and shall not make use of the services of any other person for that purpose.

Private hire vehicles are not permitted to stop or pick up/drop off passengers at any taxi rank at any time.

Rank locations – Long Eaton

Market Place

6 spaces in yellow - separate bays – 24 hours

Cross Street/Main Street

8 spaces in yellow but not separate bays. Road signage states no parking except taxis between 8pm and 5am

Train Station

5 spaces marked in yellow stating 'taxis only' - but not separate bays. No road signage as on private land – 24 hours

Beaconsfield Street

8 spaces marked on road in bays in yellow stating 'taxis only' – separate bays with road signage – 24 hours

Rank locations – Ilkeston

Market Place

6 spaces on Market Street marked in yellow stating 'taxis only' but not in bays, 6 spaces in front of library not marked. Road signage stating taxis only except for market days - 24 hours except for market days

Wharncliffe Road

2 spaces marked in white stating 'taxis only' but not in bays. No road signage – between 9pm and 5am

Albion Centre

5 spaces in vertical bays marked in yellow stating 'taxis only' with signage stating only taxis

Train Station

3 spaces in 'Taxi Bay' marked in yellow – but on British Rail land

4.9 Licence Renewal procedure

The driver **MUST** apply to the Council in writing on the appropriate form with the appropriate documentation (see below) and fee 14 days before the expiry date of the current licence if he requires the licence to be renewed for a further period.

- Application form
- Driving licence
- 1 X passport sized photographs
- Medical form & medical consent form (if applicable)
- Fee
- Safeguarding training certificate (if applicable)

Any application received within the **14 day** period will still be treated as a renewal but this may delay the issue of the licence. If the licence is not issued before the expiry date of the previous licence the driver will be unlicensed and must not continue to drive.

Any renewals received after the expiry date will be treated as a new application and **NOT** a renewal. The applicant will need to undertake all checks and tests before the application will be considered complete.

One reminder letter will be sent for renewal of badges no later than 2 months before expiry date. **N. B. Only one reminder will be sent – it is the driver's responsibility to renew his or her licence. It is an offence to drive after the expiry date.**

Failure to have an up-to-date medical or remain subscribed to the DBS update service may result in your renewal application being suspended. Temporary badges will not be issued and drivers will be unable to work as a licensed Hackney Carriage/Private Hire driver until a new badge has been issued when all the appropriate checks are completed.

4.10 Compliance and enforcement

To encourage a responsible hackney carriage/private hire trade, Erewash Borough Council will operate a robust but fair disciplinary enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals and businesses to safeguard their livelihoods without undue interference, the council will only intervene when it is deemed necessary and proportionate to do so.

The council will liaise with other regulatory bodies in carrying out its enforcement procedure and responsibilities. These agencies will include officers from other local authorities, the police, HM Customs and Excise, Home Office, DVSA and appropriate safeguarding teams.

The council will respond to complaints made by the public and referrals from other agencies and bodies.

Periodically taxis and private hire vehicles and their drivers may be subject to a spot check. The spot check will always be carried out by council licencing enforcement officers, the police or by an authorised vehicle tester in the presence of the enforcement officer. Spot checks are normally carried out at the roadside, on a rank, or at a safe designated area set aside for that purpose. If a vehicle has serious faults and does not pass the spot check, then the vehicle licence may be suspended and the plates removed.

Driver's Panel hearings

Licence holders may be referred to attend a Driver's Licensing Panel (comprising members of the Licensing Committee) for committing relevant offences, failure to comply with any part of this policy, or for any other such conduct which impacts on their fitness to be a licence holder, the Panel may then take such action as is appropriate.

Options when considering an application

When determining an application the council have the following options;

- a) Take no further action
- b) Issue a warning letter regarding further behaviour
- c) Suspend the licence pending completion of a driving assessment or other assessment

d) Revoke the licence

If you require any further information or advice about this policy you should contact the Licensing Officer in writing or by telephone between 9am and 2pm Monday to Friday or email at the following address:-

**Licensing Section
Erewash Borough Council
The Civic Centre
Derby Road
Long Eaton
Derbyshire
NG10 1HU**

Tel: 0115 9071110

Email: licensing@erewash.gov.uk

VEHICLES & PRIVATE HIRE OPERATORS

**Erewash Borough Council
Hackney Carriage & Private Hire Vehicle Licensing Policy**

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1. VEHICLE SPECIFICATIONS

1.1 General information for applications

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a hackney carriage or private hire vehicle licence. These vehicles provide a necessary service to the public, but the safety of passengers when using these vehicles is of paramount importance. It is therefore considered appropriate to set certain standards for the mechanical fitness of the vehicle, and the internal and external appearance of the vehicle.

All licensed vehicles must comply in all respects with the requirements set out below in the council's terms and conditions as appropriate for the type of vehicle (hackney carriage or private hire). This is in addition to all requirements of the Road Traffic Act legislation which relates to all motor vehicles in force at the time of licensing.

This policy sets out the minimum standards of vehicle specifications which apply in respect of all vehicle licence applications. The licensing authority retains the right to grant or refuse the issue or re-issue of any vehicle licence on assessment of the vehicle application.

In general vehicles will be licensed for the carriage of up to four passengers, but applications in relation to wheelchair accessible vehicles, and larger or modified vehicles that can accommodate up to eight passengers will be accepted.

For the licensing of 'stretch' limousines and 'special event vehicles please refer to section 5 of this policy. Special Event Vehicles may include decommissioned emergency vehicles such as fire engines, vintage vehicles, or other non-standard vehicles converted and used for special events.

Vehicle type approval

Licensing authorities have a wide range of discretion over the types of vehicle they may licence as hackney carriage or private hire vehicles. Best practice guidance suggests that councils should specify as many different types of vehicle as possible. They are, however, encouraged to make use of the 'type approval' regulations within any specifications they may determine.

All vehicles must therefore have an appropriate 'type approval' which is either a;

- European Community Whole Vehicle Type approval
- British National Type Approval
- British Single Vehicle Approval (SVA) or subsequent and Individual Vehicle Approval (IVA)

As a general guide most large volume production vehicles produced in the UK and EU States after 1987 will satisfy British and/or European Whole Vehicle Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate IVA and/or Department of Transport Approval and such documentation must be submitted with any application.

Vehicle Insurance write-off categories

New insurance write-off categories were introduced in October 2017, with Cat N and Cat S classifications replacing the old Cat C and Cat D groupings. The categories are now listed as;

- A. Scrap
- B. Break
- S. Structurally damaged but repairable
- N. Non-structurally damaged but repairable

The changes have not affected the Cat A and B classifications. Cat A cars have to be crushed, and none of their parts can ever legally be reused. Cat B cars also have to have their body shells crushed, but can be broken up for parts before that happens, with salvageable components being resold.

What is Cat S and Cat N damage?

When a car is involved in an insurance claim following an accident, or is damaged as a result of fire, flood or during a theft, its insurance company will assess it to judge if it's worth repairing. In so doing, they will assign it a category, which determines how it should be viewed, and how it must be treated.

A **Cat S** car is one which has sustained substantial structural damage during a crash – items such as chassis and suspension. While the car can safely be repaired and put back on the road, Cat S cars must be re-registered with the DVLA before being put back on the road.

Cat S vehicles will NOT be licensed by the council for public safety reasons.

A **Cat N** classification encompasses all non-structural and minor damage, such as general bodywork, lights or electrics. As with Cat S cars, Cat N vehicles can be put back on the road, however, unlike Cat S cars, there is no need to re-register it with the DVLA – though you will still need to inform them that your car has been written-off.

Cat N vehicles may be accepted as licensed vehicles provided the following conditions are met;

- A VIC (Vehicle Identity Check) is produced
- A full list of all the necessary repairs carried out on the vehicle is submitted
- The vehicle is presented for inspection at the vehicle depot with the above documentation
- If possible. A photograph of the vehicle before any repair work is carried out
- No vehicle will be accepted for licensing that has been written off on more than one occasion

The Licensing Section retains the right to grant or refuse the issue or re-issue of any vehicle licence on assessment of the vehicle application.

Environmental considerations

The Department of Transport guidance states that vehicle licensing policies should support local environmental concerns and initiatives, and they can do this

by setting vehicle emission standards or promoting cleaner fuels. It is clearly important that emissions from all hackney carriage and private hire vehicles are reduced as far as possible, although there are no immediate plans by the council to introduce any stricter emissions test other than those currently required for an MOT. This position will be kept under review and may be reconsidered in future if supported by further evidence or legislation. LPG conversions and electric/hybrid vehicles will be permitted for licensed hackney carriage and private hire vehicles, and emissions from licensed vehicles may be reduced further by encouraging better maintenance of vehicles and the implementation of the council's age limits for licensed vehicles.

Taxis and private hire vehicles are, in some cases, an essential form of transport in Erewash and many people depend on taxis for trips that transport like buses are not providing or which are unavailable. Some licensed vehicles may be able to achieve higher occupancy rates than a private saloon car and so to some extent, already play their part in helping to meet environmental improvements in the Borough. The council will, however, support other initiatives to reduce the environmental impact of licensed vehicles.

For this reason there is no minimum engine size specified in the council's conditions, and the council will keep this element of the standards under review, taking into account local and national air quality concerns.

To reflect advances in modern engine efficiency and the fact that the Brake Horse Power (BHP) produced by engines as a ratio to the capacity is now more efficient, vehicles that meet the following criteria will be permitted. This allows for smaller engines (less than 1600cc) with turbines which are more fuel efficient rather than some of the larger cubic capacity engines.

Approximate conversions means that a 1250cc petrol engine or a 1400cc turbo diesel will be sufficient in the calculations given below. The power output in Kilowatts can be found on the Vehicle Registration Document (V5C) and manufacturer's handbook. This will be used as a definitive figure.

Petrol Engine: 74HP (75Ps or 55Kw)
Diesel Engine: 59HP (60ps or 44Kw)

Please contact the Licensing Section if you require further guidance or advice on meeting the council's specifications for vehicle engine size.

Air Quality Taxi and Private Hire Vehicles Database

The Council provides data to DEFRA in line with the Air Quality (Taxi and Private Hire Vehicles Database) Regulations 2019. The 2019 Regulations have been introduced to assist authorities that are introducing charging Clean Air Zones to differentiate between taxis, private hire vehicles and normal private vehicles in order to charge the correct fee if a vehicle enters their Clean Air Zone. All applicants for vehicle licences are notified via a privacy statement on the application form.

It is mandatory for Licensing Authorities to share this data and the data is shared with DEFRA on a minimum weekly basis via a secured portal. The data sent to DEFRA is limited to:

- The vehicle registration mark of the vehicle;
- The issue date of the licence;

- The expiry date of the licence;
- Confirmation that the vehicle is a hackney carriage or private hire vehicle;
- Licence number;
- Whether the vehicle is a wheelchair accessible vehicle.

Information will be processed in accordance with the Data protection Act 2018 (DPA) and General Data Protection Regulation (GDPR). Any provision of Data to DEFRA is necessary to comply with the statutory obligation placed on the council by the 2019 regulations. Data will be retained by DEFRA for a period of seven years and will not be transferred outside of the UK.

Details of how the Council will deal with requests by other licensing authorities for further information about entries on the database will be processed in line with Data protection/GDPR legislation. As the Council does not yet have a Clean Air Zone, the Licensing Authority will not be requesting further information from other Licensing Authorities.

Limitations on hackney carriage vehicle licences

The primary objective of the council's licensing of the hackney carriage and private hire trade is the protection of the public. The council believes that the public should have reasonable access to these hackney carriage and private hire services, because of the part they play in the local transport system. Disabled and vulnerable groups are particularly reliant on these vehicles as a means of safe, alternative transport.

The grant of a hackney carriage may be refused, for the purpose of limiting the number of licensed hackney carriages, if the licensing authority is satisfied that there is no significant unmet demand for the services of these vehicles in the area to which the licence would apply. This is set out in section 16 of the Transport Act 1985, and any local authority that does restrict the number of licences for hackney carriages is required to justify their policy by means of a consultation/survey at 3 yearly intervals.

At present, Erewash Borough Council does not limit the number of hackney carriage licences. If in the future it takes the view that a quantity restriction can be justified in principle, the level at which the limit is set shall be determined by means of such a consultation/survey.

There are no powers for licensing authorities to limit the number of private hire vehicles they may licence.

Criminality checks for Vehicle proprietors (non – drivers)

Although a vehicle proprietor may not hold a licence to drive a hackney carriage/private vehicle driver's licence, they clearly have an interest in the use of the licensed vehicle. Vehicle proprietors are responsible for the maintenance of the vehicle, so as not to impact on public safety, and also to ensure that the vehicle is not used for illegal or illicit activities.

Licensed vehicles are used to transport people in many circumstances, and are utilised at all times of the day and night, in any given location. Taxis, therefore, could provide a transportation system for illegal purposes or any form of contraband, or people who are involved in or are the victims of illegal activity, including vulnerable people who are at risk of being abused or exploited.

Accordingly, the council will strive to ensure the overall safety of the public by applying the same standards to vehicle proprietors as it does for licensed drivers. They will therefore be subject to the same criminal convictions policy as licensed drivers as outlined in the council's driver licensing policy. In essence the 'fit and proper' test will be applied to all vehicle proprietors who do not hold a hackney carriage/private hire vehicle drivers licence with the licensing authority.

In summary vehicle proprietors who are not currently licensed by the council as drivers must apply for a Basic Disclosure & Barring Service (DBS) check as part of their vehicle application (this will not apply to temporary insurance replacement vehicles). If the vehicle licence is applied for in the name of a partnership or company then the council may ask that each director or partner in that company undergo the same criminality checks.

Zonal system for hackney carriage vehicles

Erewash currently operates a 'zonal' system for all hackney carriage vehicles. The two zones available are identified as 'Ilkeston' and 'Long Eaton'. When applying for, or renewing a vehicle licence the applicant must specify on the application form the zone in which they wish to operate before any vehicle plates are issued.

When vehicle plates are issued the licence number given for the vehicle will be either prefixed by an **'I' for the Ilkeston zone**, or by an **'L' for the Long Eaton zone**. Vehicles can only ply for hire or use the designated taxi ranks in their specified zone.

Please note that should the vehicle proprietor wish to change zones at any time other than the annual renewal of the licence, they would incur the costs of creating new plates for the vehicle and administration fees. Before replacement plates can be issued for change of zone, the previous plates must be returned to the licensing section for safe keeping, until the natural expiry of the licence.

Intended use – hackney carriage vehicles

The Council expects Hackney Carriage Vehicles to be used for plying for hire within the Erewash district. If carrying out pre-booked work, the vehicle is expected to be used predominantly to carry out bookings where the journey is wholly or partly within the district. The council understands that hackney carriage vehicles may operate outside of the district if undertaking pre-booked journeys and nothing in this policy prohibits this.

Applicants for new vehicle licences will be expected to inform the council that they have a bona fide intention to ply for hire within a zone of the administrative area of Erewash Borough Council under the terms of the licence for which the application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within a zone of the administrative area of Erewash Borough Council will not be granted a hackney carriage licence authorising them to do so. Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") gives the authority a broad discretion to refuse to renew a licence for any reasonable cause.

Even where the applicant intends to ply for hire to a material extent in the administrative area of Erewash Borough Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

The above procedures will also apply to applications for vehicle licence renewals and any transfer of vehicle proprietor.

In all cases, when considering applications for hackney carriage proprietors licences, the Council will place public safety above all other considerations. Each application will be decided on its own merits.

Exempt vehicles not required to be licensed

- **Funeral vehicles** - vehicles used wholly for funerals by a funeral director will not require licensing
- **Wedding vehicles** – vehicles used solely for weddings will not require licensing
- **Non – emergency ambulances** - formal patient transport service vehicles do not require licensing
- **Unpaid volunteer drivers' vehicles** – genuine volunteer drivers who give their own time with no commercial benefit do not require licensing
- **Care and support workers' vehicles** – the provision of transport services by care and support workers will not require licensing
- **Childminders' vehicles** – where a childminder uses their own vehicle to transport children in their care it will not require licensing
- **Rental and courtesy cars** – most informal courtesy cars offered by rental companies or garages will not require licensing

Unauthorised use of licensed vehicles

Once a vehicle has been licensed as a hackney carriage or private hire vehicle, every driver of that vehicle, whether it is used for business or pleasure purposes, must hold a current hackney carriage/private hire vehicle driver's licence (section 46 TPCA).

The proprietor or driver of a hackney carriage or private hire vehicle shall not permit the vehicle to be driven or used by any other person who does not hold a current hackney carriage/private hire vehicle driver's licence issued by Erewash Borough Council. This includes any spouse, family member or relative that do not hold the appropriate licence.

1.2 Liquid petroleum Gas (LPG)

Installations and conversions must be carried out by an approved dealer. An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association's Code of Practice. This certificate is required by the council to ensure that the vehicle is considered safe by an approved body.

A follow up inspection must be carried out in accordance with the certificate, and a new certificate must be obtained and presented to the council within seven days of the expiry of the original test certificate.

Any licence holder wishing to convert their licensed vehicle to run on LPG must notify the Council prior to any conversion taking place. Once the conversion has taken place, the licence holder must provide the Council with a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector. The licence will be suspended until the changes have been made, and the licence plate must be returned to the Council.

A fully serviceable fire extinguisher and fire blanket must be carried inside the vehicle at all times, fitted in such a position as to be readily available for use. The fire extinguisher must be a capacity of not less than 2.0 Kg foam.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. The proprietor shall make suitable arrangements to ensure that there is no detriment to passengers and that they are aware of the vehicle's space limitations before agreeing to a booking which includes carriage of luggage.

A disc/sticker must be displayed at all times on the front windscreen of the vehicle indicating that the vehicle operates on dual fuel petrol/LPG to indicate clearly to emergency services and others that the vehicle has been converted to LPG.

1.3 Discounts for Low Emission Vehicles

- a) The below table shows the low emission hackney carriage and private hire vehicle licence fee structure which was approved by the Licensing and Public Protection Committee in November 2024. The discounted licence fees will come into effect on 1 April 2025.

CO2 Emission (g/km)	Vehicle age	Depot tests required per annum	Discount applicable (%)	Fee (£)
0	Up to five years	1	30	201.60
0	More than five years	2	30	231.70
1-74	Up to five years	1	20	230.40
1-74	More than five years	2	20	264.80

75-100	Up to five years	1	10	259.20
75-100	More than five years	2	10	297.90
101 and above	Up to five years	1	0	288.00
101 and above	More than five years	2	0	331.00

- b) Vehicles are allocated into these bands according to their CO₂ emissions, and to qualify for the discount vehicles are required to have CO₂ emissions of, or below 100g/km.
- c) This information can be found on the vehicles V5 logbook. Please contact the licensing office if you require further advice on this discount.

1.4 Age limits for vehicles

The council considers that because of the high mileage of taxis and private hire vehicles, and the associated ongoing 'wear and tear' and stress on these vehicles, the following age limits on vehicle applications will apply.

- a) Applications for **NEW** Hackney Carriage vehicle licences will only be accepted where the vehicle is **wheelchair accessible and less than 5 years old from date of first registration**. The date will be taken from the V5C log book.
- b) Applications for **NEW** Private Hire Vehicle licences will only be accepted where the vehicle is **less than 5 years old from date of first registration**. The date will be taken from the V5C log book.
- c) **Saloon/ non wheelchair accessible** Hackney Carriage and Private Hire Vehicle Licences will be permitted to be renewed up to a maximum of **12 years old from date of first registration**. The date will be taken from the V5C log book. **After this date the vehicle must be replaced.**
- d) **Purpose built or wheelchair accessible** Hackney Carriage and Private Hire vehicles (or modified vehicles) will be licensed to a maximum of **20 years old from date of first registration**. The date will be taken from the V5C log book. **After this date the vehicle must be replaced.**
- e) **Saloon/ non wheelchair accessible** vehicles that are replaced (**change of vehicle**) will be permitted but the replacement vehicle must be of a **younger** age than that vehicle being replaced (unless a temporary vehicle supplied by an insurance company) or under 5 years old. The date will be taken from the V5C log book.
- f) **Purpose built or wheelchair accessible** vehicles that are replaced (**change of vehicle**) will be permitted but the replacement vehicle must be of a **younger** age than that vehicle being replaced (unless a temporary vehicle supplied by an insurance company) or under 5 years old. The date will be taken from the V5C log book.
- g) Purpose built or wheelchair accessible vehicles may be replaced by a saloon/ non wheelchair accessible vehicle (**change of vehicle**), but only when the

wheelchair accessible vehicle has been licensed by the council for a period of 12 months.

- h) The licensing of Private Hire '**Executive vehicles**' will be dependent upon the Council being satisfied that the vehicle is suitable in size, type and design for use for **contractual and executive chauffeur hire only** (see **Section 5. Executive Private Hire**).

Any application requesting an exemption from the age limit conditions will be considered on a case by case basis. Comprehensive supporting evidence will be required, such as records of vehicle maintenance. The vehicle must pass an inspection at the council's vehicle testing depot prior to the application being considered at a meeting of the Council's Licensing and Public Protection Committee, who may consider the extension of the vehicle licence for an additional 12 month period.

1.5 Specifications – 4 passenger saloon/ non wheelchair accessible vehicles

Each licensed vehicle must meet the following specifications and equipment requirements. These specifications must be met at all times whilst the vehicle is licensed by Erewash Borough Council. Any specified equipment shall not be removed or disconnected from the licensed vehicle.

The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (construction and Use) Regulations 1986 (as amended) and the Road Vehicle Lighting Regulations 1989 (as amended), and any other legislation relating to the construction or use of passenger vehicles

The vehicle must meet the criteria set out in the council's vehicle age policy.

The vehicle must have no material alteration or change in the specification, design, condition or appearance from the manufacture of that vehicle, without written approval from the council.

Engine size

A licensed vehicle must have an engine of at least 74HP (75s or 55Kw) for petrol engines and 59HP (60Ps or 44 Kw) for diesel engines.

Approximate conversions mean that a 1250cc petrol engine, or a 1400cc turbo diesel will be sufficient for the above calculations. The power output for vehicles can be found on the Vehicle Registration Document (V5C) or manufacturer's handbook. This would be used as the definitive figure.

Electric and hybrid vehicles are acceptable but they must meet all other specified vehicle conditions.

Tinted windows

Manufacturer fitted tinted windows to rear windows will be permitted and will apply to all hackney carriage and private hire vehicles, subject to meeting the below criteria.

(a) In accordance with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) the minimum light transmission permitted for the windscreen is 75%. For the windows to both sides of the driver the minimum light transmission permitted is 70%.

(b) Tinted glass windows are permissible to rear passenger side windows and rear windows i.e. all windows rearward of the driver, only if supplied as standard by the original vehicle manufacturer and comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended). This is subject to clause (c) below.

(c) A vehicle fitted with tinted windows to rear passenger side windows and rear windows i.e. all windows rearward of the driver, that completely obscures vision into rear passenger areas will not be permitted except for executive vehicles used exclusively for contract hire and executive travel.

(d) When purchasing new or used vehicles for use as a hackney carriage or private hire vehicle drivers and/or operators are advised to contact the council to ensure the vehicle is compliant with this policy.

General specifications

- The vehicle must be right hand drive
- All saloons, estates or purpose built hackney carriage vehicles must have 4 doors, including the driver's door and excluding any rear door.
- The vehicle must be of sufficient size to accommodate 4 adults – manufacturer's specifications will apply
- All seats in the vehicle must be of a size and standard that they are suitable for the carriage of 4 adults - manufacturer's specifications will apply
- All seats within the vehicle must be fitted with safety belts in accordance with current legislation
- The seats must be maintained in a clean, secure and fit condition, properly cushioned and covered
- Vehicles and bodywork can be of any colour but must be uniformly one colour throughout the vehicle unless it falls within manufacturers' specifications. For example different coloured doors will not be permitted
- A separate lockable luggage compartment must be provided. Adequate storage must be available for passenger luggage, and separated from the passenger compartment
- The vehicle must have 4 road wheels fitted with the manufacturer's recommended size tyres which, unless alloy, must have matching wheel trims
- Tyres must conform to current EC or BS standards, Remoulds and re-treads will not be permitted.
- The minimum tyre read permitted on a vehicle must be 2mm in the interest of public safety. This limit is set to ensure that the legal limit of 1.6mm is not breached between interim vehicle inspections
- If applicable the vehicle should carry the serviceable spare wheel, jacking equipment and wheel brace, all securely stored. The spare tyre should be of

the same type as fitted to the road wheels. If an 'emergency' wheel is used the vehicle must not carry passengers.

- If the vehicle is fitted with a 'space – saver' spare tyre kit or similar tyre repair system, these will be accepted if part of the manufacturer's specifications. The space saver tyre is limited to use in an emergency situation only. Distance, speed and mileage while using must comply with manufacturer's instructions.
- The vehicle must have windows at the sides and the rear. All windows must open correctly in accordance with manufacturer's specifications
- The vehicle bodywork must be free of visible rust, inferior re-spray work or temporary 'filler' repairs, and must be uniform in colour. Dents and scratches must not exceed 10cm in length and may be assessed by licensing officers
- The floor of the vehicle must be covered with a proper carpet, mats or other suitable covering, and be maintained in a clean and sound condition
- The vehicle must have fully functional nearside and offside exterior rear - view mirrors
- The presence of trailers or a roof rack (other than a roof bar fitted as standard by the manufacturer) are not permitted without the prior consent of the council
- Vehicles will be required to display a 'no smoking' sign in at least one compartment of the vehicle

Hackney carriage vehicles only

Roof signs

Hackney carriage vehicles must carry an illuminated roof sign/top box to the front of the vehicle, which must be marked 'TAXI' to indicate that it is a hackney carriage and its availability for hire (Purpose built taxis may have the roof sign as built-in manufacturer's specification). The sign must be illuminated at all times when the vehicle is plying for hire but it must be connected to the taxi meter so it can be extinguished at all times when the meter is in use or the vehicle is located outside the area of Erewash Borough Council.

The licence holder or driver shall maintain the roof sign in efficient working order at all times. The sign shall be capable of being so operated that it indicates clearly and conveniently to customers that the vehicle is available for hire.

The signs are known to be available from Pitts of Basford and GTS of Falcon Grove, Nottingham.

A private hire vehicle must not carry any roof sign or any markings that might indicate that it is a hackney carriage that is available for immediate hire.

Taxi Meters

All hackney carriage vehicles are required to be fitted with a taximeter installed by an approved taximeter installer, in a position acceptable to the council. The face of the meter must show the fare, and be visible to passengers at all times. The taximeter will be sealed, calendar controlled, and set within the current tariff as set by the council. The meter may also contain tariffs set below the council tariff

but never above that tariff. It is advised to inform the council of all lower tariffs being offered so as to avoid confusion.

Hackney Carriage vehicles must display a full table of fares within the vehicle which must be visible to passengers at all times. For more information on taximeter specifications, see **2.3 Meters & Fares** below.

Private hire vehicles only

All private hire vehicles shall be required to display on each front door panel of the vehicle a sign stating the words;

‘PRIVATE HIRE – ADVANCED BOOKINGS ONLY’

- The words ‘**Private Hire**’ shall be in letters at least **50mm high**.
- The words ‘**Advanced bookings only**’ shall be in letters at least **25mm high**.
- These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has a current vehicle licence plate affixed.

This is to enable these vehicles to be more identifiable to the public as being private hire vehicles which may only be pre-booked.

Taxi meters

Private hire vehicles may be fitted with a taximeter but this is not compulsory. If the private hire vehicle does have a meter fitted, it must be in a position acceptable to the council. The face of the meter must show the fare, and be visible to passengers at all times. The taximeter will be sealed, calendar controlled, and set to the current tariff as set by the operator. The council must be informed of this tariff so as to avoid confusion.

Private hire operators may set their own fares and tariffs but if a meter is used the vehicle must display a full table of fares within the vehicle which must be visible to passengers at all times. For more information on taximeter specifications, see **2.3 Meters & Fares** below.

1.6 Specifications – Minibuses, transits & people carriers

Each licensed vehicle must meet the following specifications and equipment requirements. These specifications must be met at all times the vehicle is licensed by Erewash Borough. Any specified equipment shall not be removed or disconnected from the licensed vehicle.

Applications for these vehicles will be expected to meet all manufacturer’s specifications, and will be licensed on a case by case basis.

Vehicles must have a current valid V5 certificate (log book) and MOT certificate which correctly show the same number of seats the vehicle is licensed for. The carrying capacity of the vehicle shall ultimately be at the discretion of the council, having regard to manufacturers’ specifications and dimensions.

For the purposes of this policy a wheelchair counts as one seat/passenger when a wheelchair passenger is being carried.

Minibuses, transits and people carriers must have at least 3 doors, not including any tailgate or rear doors. Vehicles must have sufficient, safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear doors.

Rear doors may only be included in this number as long as unobstructed access may be gained via these doors to all seats. Seats which have to be lifted or slid to gain this access will be authorised as long as the vehicle has been examined by a Licensing and Enforcement Officer who has agreed the vehicle seating positions.

Seats should be forward facing in most cases. Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will NOT be accepted.

Sideway mounted seats will NOT be accepted.

All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation' signs within the vehicle.

Provision must be made to ensure that any luggage carried is stored safely and securely and must not obstruct the use of any exits.

The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (construction and Use) Regulations 1986 (as amended) and the Road Vehicle Lighting Regulations 1989 (as amended), and any other legislation relating to the construction or use of passenger vehicles.

The vehicle must meet the criteria set out in the council's vehicle age policy.

The vehicle must have no material alteration or change in the specification, design, condition or appearance from the manufacture of that vehicle, without written approval from the council.

Engine size

A licensed vehicle must have an engine capacity of at least 1890cc for either front or rear wheel drive vehicles.

Electric and hybrid vehicles are acceptable but they must meet all other specified vehicle conditions.

Tinted windows

Manufacturer fitted tinted windows to rear windows will be permitted and will apply to all hackney carriage and private hire vehicles, subject to meeting the below criteria.

(a) In accordance with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) the minimum light transmission permitted for the windscreen is 75%. For the windows to both sides of the driver the minimum light transmission permitted is 70%.

(b) Tinted glass windows are permissible to rear passenger side windows and rear windows i.e. all windows rearward of the driver, only if supplied as standard by the original vehicle manufacturer and comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended). This is subject to clause (c) below.

(c) A vehicle fitted with tinted windows to rear passenger side windows and rear windows i.e. all windows rearward of the driver, that completely obscures vision into rear passenger areas will not be permitted except for executive vehicles used exclusively for contract hire and executive travel.

(d) When purchasing new or used vehicles for use as a hackney carriage or private hire vehicle drivers and/or operators are advised to contact the council to ensure the vehicle is compliant with this policy.

General specifications

- The vehicle must be right hand drive
- The vehicle must be of sufficient size to accommodate 5 or more adults – manufacturer's specifications will apply
- All seats in the vehicle must be of a size and standard that they are suitable for the carriage of 5 or more adults - manufacturer's specifications will apply
- All seats within the vehicle must be fitted with safety belts in accordance with current legislation
- The seats must be maintained in a clean, secure and fit condition, properly cushioned and covered
- Vehicles and bodywork can be of any colour but must be uniformly one colour throughout the vehicle unless it falls within manufacturers' specifications. For example different coloured doors will not be permitted
- The vehicle must have 4 road wheels fitted with the manufacturer's recommended size tyres which, unless alloy, and must have matching wheel trims
- Tyres must conform to current EC or BS standards, Remoulds and re-treads will not be permitted.
- The minimum tyre read permitted on a vehicle must be 2mm in the interest of public safety. This limit is set to ensure that the legal limit of 1.6mm is not breached between interim vehicle inspections
- If applicable the vehicle should carry a serviceable spare wheel, jacking equipment and wheel brace, all securely stored. The spare tyre should be of the same type as fitted to the road wheels. If an 'emergency' wheel is used the vehicle must not carry passengers.
- If the vehicle is fitted with a 'space – saver' spare tyre kit or similar tyre repair system, these will be accepted if part of the manufacturer's specifications. The

space saver tyre is limited to use in an emergency situation only, at a maximum of 50mph. Distance and mileage is to comply with manufacturer's instructions.

- The vehicle must have windows at the sides and the rear, and the rear. All windows must open correctly in accordance with manufacturer's specifications
- The vehicle must be free of visible rust, inferior re-spray work or 'cover-up' temporary repairs, Dents and scratches must not exceed 10cm in length and may be assessed by licensing officers
- The floor of the vehicle must be covered with a proper carpet, mats or other suitable covering, and be maintained in a clean and sound condition
- The vehicle must have fully functional nearside and offside exterior rear - view mirrors
- The presence of trailers or roof rack (other than a roof bar fitted as standard by the manufacturer) are not permitted without the prior consent of the council
- Vehicles will be required to display a 'no smoking' sign in at least one compartment of the vehicle

Roof signs

Hackney carriage vehicles only

Hackney carriage vehicles must carry an illuminated roof sign/top box to the front of the vehicle, which must be marked 'TAXI' to indicate that it is a hackney carriage and its availability for hire (Purpose built taxis may have the roof sign as built-in manufacturer's specification). The sign must be illuminated at all times when the vehicle is plying for hire but it must be connected to the taxi meter so it can be extinguished at all times when the meter is in use or the vehicle is located outside the area of Erewash Borough Council.

The licence holder or driver shall maintain the roof sign in efficient working order at all times. The sign shall be capable of being so operated that it indicates clearly and conveniently to customers that the vehicle is available for hire.

The signs are known to be available from Pitts of Basford and GTS of Falcon Grove, Nottingham.

Private hire vehicles

A private hire vehicle must not carry any roof sign or any markings that might indicate that it is a hackney carriage that is available for immediate hire. It is not permitted for any advertising or signage on the vehicle to include the words "taxi", "cab", "hackney carriage" or "hire".

1.7 Specifications – wheelchair accessible vehicles

In addition to the general specifications at 1.4 above, applicants seeking the grant of a vehicle licence in which it is intended to carry passengers who are seated in a wheelchair must comply with the further conditions and guidance listed below;

Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities are available to disabled residents to enjoy a high quality of life; therefore applications for new hackney carriage vehicle licences are required to be for wheelchair accessible vehicles. The provisions of the Equality Act 2010 will also apply to vehicles, drivers and Licensing Authority.

Accessibility requirements

Vehicles must be capable of taking a wheelchair with passenger. The wheelchair must be suitably anchored with safety belt/harness for the wheelchair user. The vehicle must have satisfactory arrangements for ramps, steps, handrails and storage of the wheelchair. Each application will be treated on its merits but the following is a list of wheelchair accessible vehicles that the council has previously licensed, but this list is not exhaustive;

- Fiat Doblo
 - Mercedes Vito
 - Peugeot E7
 - Peugeot Euro Bus
 - Peugeot Partner
 - Peugeot Premier
 - Fiat Euro Cab
 - Purpose built wheelchair accessible vehicle
-
- a) The vehicle must have M1 classification in all respects to EC Whole Vehicle Type Approval (ECWTPA), or alternative approved certification, this to include the seats, floor tracking, seatbelts and anchorages. Vehicles must comply with all construction and use/type requirements.
 - b) There must be at least one door through which a wheelchair and occupant can enter the vehicle. A nearside or rear door may be used for wheelchair access. Rear loading vehicles are permitted by the council.
 - c) There should be sufficient space within the vehicle for a wheelchair to turn or a designated wheelchair area. The requirements listed in this specification are to accommodate a wheelchair measuring 1200mm front to rear, and 700mm wide.
 - d) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus. Wheelchair internal anchorage must be secured in such a position as not to obstruct any emergency exit
 - e) Passengers who require travel and are within a wheelchair must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
 - f) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside or rear passenger door, an adequate locating device must be fitted to ensure that the ramp/ramps do

not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

- g) Anchorages must be provided for the wheelchair and passenger. Suitable restraining devices must be provided to enable a wheelchair user to be safely and securely transported.
- h) Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair must be capable of transporting a folded wheelchair as luggage. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.
- i) Adequate means will be provided to secure all equipment in position when loading/unloading a wheelchair or wheelchair user. Suitable provision must be made to securely store ramps once the vehicle is in motion.
- j) All wheelchair accessible vehicles must ALWAYS carry suitable restraints, ramps and lifting equipment to enable a wheelchair to be lifted into the vehicle when the vehicle is being used as a licensed vehicle.
- k) If a tail lift is used It must be manufactured and installed in accordance with European Standard (C.E. PRENT 1756 – as amended. The lift must conform to Lifting Operations and Lifting Equipment Regulations 1998, a report confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection.
- l) A sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided that the vehicle has been manufactured or properly adapted for that purpose.

Passengers in wheelchairs

Drivers of wheelchair accessible vehicles must be suitably trained on how to use the equipment in their licensed vehicles, and how to manage a person in a wheelchair. They must, therefore, undertake either of the enhanced wheelchair driving assessments listed by the council. The pass certificates must be provided to the council on application and before any additional driver may drive the wheelchair accessible vehicle.

The Equality Act 2010 places a duty on drivers of designated* wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs. Private Hire Operators also have a duty under the Equality Act to ensure disabled people are not discriminated against, or treated less favourably.

Designated* vehicles are those listed by the licensing authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'.

Drivers of vehicles designated by the council as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

The duties are;

- To carry the passenger while in a wheelchair

- Not to make additional charge to do so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

The Act defines mobility assistance as:

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while remaining in the wheelchair.
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

It is an offence for a driver of a designated wheelchair accessible vehicle not to comply with the above requirements. Drivers are also expected to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp or securing a wheelchair within the passenger compartment.

The Council publishes and maintains a list of wheelchair accessible vehicles on their website under sections 165 and 167 of the Equality Act 2010. Under this definition a 'designated vehicle' is any vehicle capable of carrying a passenger in the wheelchair on a journey.

The Council can exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

Such drivers may apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence as proof they cannot comply with the Equality Act 2010. Exemption certificates must be displayed in the vehicle at all times the driver is working.

If a hackney carriage or a private hire vehicle is using a meter, the meter should NOT be left running whilst the driver performs any of the above duties. Drivers cannot charge extra for a fare simply because the passenger is a wheelchair user.

2. VEHICLE LICENCE CONDITIONS

2.1 Vehicle testing/inspections

All vehicles will be inspected at the council's Merlin Way depot, Ilkeston;

**Erewash Borough Council
Merlin House
Merlin Way Depot
Quarry Hill Industrial Estate
Ilkeston
Derbyshire DE7 4RA**

- Vehicles up to the age of **5 years old** will be required to undergo ONE mechanical inspection at the Merlin Way depot. One inspection on the grant or renewal of the vehicle licence.
- Vehicles of **5 years old and above** will be required to undergo a mechanical inspection every 6 months at the Merlin Way depot. One inspection on grant or renewal of the licence, and further inspection at 6 months interval.
- When a vehicle proprietor wishes to change their licensed vehicle, the new vehicle must undergo a mechanical inspection at the Merlin Way depot before new plates can be issued.
- If a licensed vehicle has been involved in a Road Traffic Collision or accident the vehicle must undergo a mechanical inspection after any repair work has been carried out, and before the vehicle can be used again as a licensed vehicle.
- If a vehicle has just sustained minor damage, (for example minor dents or scuffing to the bumper and no further structural damage), the vehicle may be presented to licensing officers for inspection. Officers may deem the vehicle fit to drive until any repair work is carried out and the vehicle is shown again to officers. In cases such as these the vehicle may not require a mechanical inspection at the depot but the decision of officers will be final.

Inspection criteria

The vehicle will be tested to MOT standard and in accordance with the Local Authority Supplementary Testing Manual. Vehicles must be presented to the depot in a mechanically sound and roadworthy condition and the interior must be clean and hygienic. Any vehicle that is presented in an unsuitable condition may be turned away and the inspection refused. The proprietor will then have to pay for any further vehicle inspection.

Although not an exhaustive list, for guidance the depot mechanic will check the following;

Outside the vehicle

- That all the doors open and close as they should. And the bonnet and boot
- That the mirrors secure and the glass not broken
- That the windscreen wipers are in good condition and free from splits and damage
- That the tyres have adequate tread depth (at least 2mm whole width of tyre), and they are free from bulges, lumps and cuts, and all tyres are the same size and rating, including the spare tyre
- That all the lights are working, including the rear registration lamp and brake lights
- That headlamp aim is below the horizontal (both dip beam and main beam) so as not to dazzle other road users
- That there is a rubber seal in the filter cap, and it is fitted securely

- That bodywork, doors and all components are free from excessive corrosion, damage, and dents, rust and poor paintwork. There must not be any sharp edges that might cause injury. Bumpers and trim must be secure
- That registration plates to front and rear are secure and clearly legible from 20 meters away. Characters must be correctly formed and spaced to avoid being misread

Inside the vehicle

- That all the doors open from the inside
- That the driver and passenger seats are secure and slide back and forth correctly on the runners
- That the seat belts are free from damage and fasten and release properly under the correct pressure
- That the rear view mirror is secure and glass is not broken
- That when the vehicle is started, all the dashboard warning lights go out
- That lights for items such as like indicators, hazard lights and main beam all work correctly
- That the horn sounds
- That the windscreen is free of cracks – any chip or crack larger than 10mm in front of the driver and 40mm within the area cleared by the wipers is likely to be a concern
- That the windscreen washers work and the wipers clean effectively
- That all seats, and interior of the vehicle including carpets, are clean and free from damage, rips, tears or loose trim
- That a table of fares is displayed correctly in the vehicle
- That the drivers' view is not blocked by sat-nav, PDA, mobile phone holder or any items hung from rear view mirror
- That the speedometer is fitted and in working order, and be illuminated

Under the vehicle/bonnet

- That the battery is secure and not showing signs of leaking electrolyte
- That all wiring is secure and undamaged, so as not to short circuit or become detached
- That engine security and mountings are correct
- That there are no oil or fluid leaks, or fuel, coolant, brake and power steering fluid leakage
- Chassis and mountings must be free from excessive corrosion

Steering and suspension

- Steering will be checked for signs of wear or damage to the steering components. Steering lock will be checked to see if only locks if the engine is not running
- Power steering oil level, suspension components, shock absorbers checked for excessive corrosion, distortion or fractures

Brakes

- That the overall condition of the brakes, pedals, levers, valves, brake pipes and cables is free from corrosion, wear or damage. Brake efficiency will be checked during road/meter check

Exhaust, fuel and emissions

- That the exhaust is fitted securely and free from leaks, if the catalytic converter was originally fitted it must be present
- That the fuel system is free from leaks, including pipes, filters and fuel tank
- A visual inspection will be carried out for excessive blue or black smoke from the exhaust

Meter check

- The meter will be checked to ensure it complies, in the case of hackney carriages, with the Council's prescribed rates currently in force or in the case of private hire vehicles, with the rates declared by the operator. Private hire vehicles do not have to be fitted with a meter but where one is fitted it must be checked and sealed.

Section 68 Notice (plates removed)

- If a vehicle **FAILS** the inspection a new licence will not be granted and an existing licence may be suspended. All defects must be rectified, and the vehicle returned for re-inspection. Failure to comply will result in the revocation of the licence or refusal to grant it in the case of a new application. The proprietor will bear the cost of the re-test.
- The depot may issue a **Section 68 Suspension Notice** if the vehicle is found to have serious faults and is consequently found to be unfit for the purpose of carrying fare paying passengers. If a Section 68 Suspension Notice is issued the depot staff will remove the licence plates from your vehicle and inform the licensing section of their actions. An Infringement Notice will be issued. If two or more Infringement Notices are issued within a period of 6 months in respect of the same vehicle suspension of the vehicle licence may follow and the matter may be referred to the Drivers' Licensing Panel.
- If a Section 68 Suspension Notice is issued the proprietor must address all the faults listed on the inspection sheet and book the vehicle in for a further inspection at the depot. The proprietor will bear the cost of the re-test. Until such a time as the vehicle can successfully pass a vehicle inspection, the vehicle licence is suspended and must not be used as a hackney carriage or private hire vehicle. Allowing an unlicensed vehicle to be used for public hire to convey passengers for hire & reward is an offence and you would be liable to prosecution.

Presenting your vehicle for inspection

Vehicle proprietors must report to the Merlin Way depot with their vehicle promptly at their allotted appointment time. The mechanic will take your vehicle

for its test whilst you are asked to wait in the cabin set outside for waiting drivers. If you are late for the appointment the depot may refuse to carry out the test as it may disrupt the appointment schedule for the day.

If you need to cancel your appointment you must give at least 24 hrs notice to the licensing section or contact centre on 0115 9072244. You may be charged for the taxi inspection if insufficient notice of cancellation is given.

If your vehicle is undergoing a mid-licence inspection, please remember to bring the correct documentation with you to the depot, i.e. valid insurance certificate and valid MOT certificate (see section **3.3 Interim vehicle inspections below**).

When the inspection is finished the mechanic or supervisor will return your vehicle, hand you the inspection report, and describe any faults, defects or items to be rectified that are listed on the inspection report. The inspection report will indicate whether the vehicle has received a 'Pass' or 'Fail', and whether the vehicle requires a further inspection before a vehicle licence can be granted or renewed. A satisfactory inspection report must be produced for all vehicles before they can be licensed.

If the vehicle fails an inspection then a retest fee is payable – this fee is dependent on the length of the retest which can be 1 hour or 30 minutes. This time is determined by the depot and not the licensing section. A 'one hour' fail indicates an hour's retest. A 'half hour' fail indicates a half hour retest. Vehicles that fail an inspection are required to have a retest, this must be undertaken within 14 days, failure to have the vehicle tested within 14 days will require a further full inspection of the vehicle and 1 hour fee payable

Any authorised officer or police officer can, at any reasonable time, inspect a vehicle for its fitness or test a taximeter (hackney carriages) or meter (private hire vehicles). If any serious faults are found, an authorised officer or police officer has the power to suspend the vehicle licence until any faults are rectified or passes a further vehicle inspection.

2.2 General conditions

Vehicle plates

Both hackney carriage and private hire vehicles are required to display a plate on the front and the rear of the vehicle. This is essential to help identify licensed vehicles.

The licence plates issued by the council shall be securely fixed to the front and rear of the vehicle in a manner deemed appropriate by the council. All licence plates shall be fitted so that all details of the plate are clearly visible to the public at all times and not obscured, and not positioned as to obscure any part of the DVLA vehicle plates.

Vehicle plates are NOT permitted to be displayed in the rear window at any time.

The small interior disc/card supplied by the council shall be affixed to the dashboard or windscreen of the vehicle so they are clearly visible to the public at

all times. This disc will identify the vehicle and list the telephone number of the council for the purpose of reporting passenger complaints.

The proprietor/driver of the vehicle shall not negligently or wilfully cause any licence plate to be concealed from public view or allow the licence plate to be defaced.

Any lost or missing plates must be reported to the council immediately and a replacement ordered and collected from the licensing office. The duplicate licence plate will be issued at the expense of the licence holder.

Licence plates issued by the council remain the property of the council and must be surrendered to an authorised officer or a police officer on demand. Within one week of the licence expiring or being surrendered, revoked or suspended the licence holder shall return the vehicle plates to the council.

Vehicle maintenance

The interior and exterior of the vehicle must be maintained in a clean and safe condition at all times, and in every way be fit for public use. The exterior must be free of large dents, rust or un-repaired accident damage and have a high standard of body paintwork. The interior must be free of all stains, splits, tears. Seats must be properly cushioned, intact and not sagging, torn, ripped or repaired. All carpets must be clean and properly fitted.

Vehicle insurance

Before a vehicle can be licensed, a current, valid certificate of insurance must be submitted. Appropriate insurance must be in place throughout the course of the licence. The certificate must cover the licence holder for hire or reward for a hackney carriage, or private hire work, and all other drivers nominated to use the vehicle. Any person named on the insurance certificate must be a licensed driver with this council. Failure to provide an updated insurance certificate before the expiry of the current documents may result in the licence being suspended. Please note that it is a legal requirement to have continuous valid insurance for your vehicle unless the vehicle has been declared SORN (statutory off road notification).

In the case of a 'change of vehicle' a temporary cover note will be accepted.

Upon expiry of the certificate of insurance or cover note, a replacement must be produced to the council immediately.

Vehicle modifications

No material modification, alteration or change in the specification, design, or appearance of the vehicle may be made while the vehicle is licensed, unless first complying with road traffic and insurance legislation and with the written approval of the council. Once the modifications have been made, the licence holder must provide the council with a Confirmation of Compliance Notification from the Driver and Vehicle Standards Agency (DVSA).

Dual licensing

The dual licensing or plating of vehicles (i.e. the licensing of a vehicle with two authorities) is NOT permitted by the council.

Passenger capacity

The council will determine the maximum number of passengers a vehicle will be licensed to carry. At no time shall the vehicle carry more than the permitted number of passengers. A child of any age, irrespective of how transported, is counted as one passenger. A vehicle will not be licensed to carry more passengers than the number of seats displayed on the log book (V5C).

Accident reporting

If at any time the vehicle is involved in an accident, however minor, that causes damage to the vehicle, the driver/operator must notify the council as soon as is reasonably practicable, and in any event **WITHIN 3 DAYS** by telephone or email. If the vehicle damage is only superficial you may be asked to bring the vehicle into the council for officers to inspect the damage and to assess whether the vehicle may still be driven as a licensed vehicle pending any insurance claim or repair.

Following any accident or damage to the vehicle, the council may require that the vehicle is inspected at the council's vehicle inspection depot. A licensing officer acting under delegated authority may suspend the vehicle licence until it has been suitably repaired and undergone an inspection at the council depot.

Drivers wearing seat belts

Hackney Carriage drivers are exempt from wearing a seatbelt whilst carrying passengers or plying for hire in their own council district. Private Hire drivers are only exempt from wearing a seat belt whilst carrying passengers.

Change of details

If the proprietor changes any of his personal details such as name, address or contact telephone number during the licence period, whether permanent or temporary, he/she will notify the council within **SEVEN DAYS** by telephone or email.

Change of operator

Any driver who changes their operator with whom they work must notify the council with the details within **SEVEN DAYS** by telephone or email.

Luggage

A separate lockable luggage compartment shall be provided, usually the boot of the vehicle. Luggage must be stored safely and secured, and must not obstruct the use of any exit from the vehicle or be likely to cause injury to a passengers. Loose luggage should not be carried within the passenger compartment of the vehicle.

For non-saloon vehicles, passengers must be protected from items of luggage contained in the load space being propelled into the passenger compartment by any vehicle movement. This may be by the means of a screen, or the luggage being safely and securely tied down.

Radios and auxiliary equipment

The licence holder shall ensure that any equipment used in connection with the business (e.g. radio and navigation devices) shall be kept in a safe condition and in proper working order, and the equipment must be safely secured to the satisfaction of the council. The equipment shall comply with all the relevant

legislation issued by the Home Office or British Telecom, and not interfere with any other radio or telecommunication equipment.

Communication

There must be sufficient means for passengers to communicate with the driver, Vehicles with fixed bulkheads between the driver and passengers must have a means of communication between the driver and passengers.

National flags/signage

On the occasion of major national events (for example a world cup, coronation, royal wedding etc.), a maximum of one flag may be flown on a licensed vehicle, The flag must be of a size and manufacture that does not obscure the drivers' or passengers' view in any way, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor's own risk. Flags, transfers, ribbons or decals on the bodywork will not be permitted.

Otherwise no signs, notices, advertisements, numbers, figures, emblems or symbols shall be displayed on, or in the vehicle, other than those specifically approved by the council.

Vehicle inspections/enforcement

An authorised officer or the police shall have the power at all reasonable times to inspect and test any vehicle licensed by the council for the purpose of ascertaining its fitness and compatibility with the licensing conditions.

The driver shall permit an authorised licensing and enforcement officer of the Council or the police to inspect the hackney carriage/ private hire vehicle at any time whilst it is being used for the purpose of hire. If the vehicle fails to meet the designated standard at the inspection then the proprietor must not use the vehicle until the fault has been rectified and inspected again by a licensing and enforcement officer, and they are satisfied as to the condition of said vehicle as to be safe to drive.

An authorised officer may at any time in writing require the proprietor to present the licensed vehicle for inspection and testing at a designated time at the council depot, and the proprietor will be required to pay the appropriate fee for the inspection.

An authorised officer may also immediately suspend the vehicle licence and remove the licence plates of such a vehicle until an inspection has been carried out if they believe the vehicle is not fit to carry the public. The licence plates shall be kept in the custody of the council or police until such time as they are satisfied as to the condition of the vehicle, whereupon the licence plates will be returned to the driver, proprietor or operator.

Smoking in licensed vehicles

Under the Health Act 2006 public vehicles are required to remain smoke free at all times. Therefore licensed drivers must not smoke, vape or use e-cigarettes in the vehicle, or allow any person conveyed within the vehicle to smoke, vape or use e-cigarettes at ANY time.

The licensed vehicle must display a 'No Smoking' sign in at least one compartment of the vehicle. This must show the international no-smoking

symbol, and be no smaller than 70mm in diameter. The signs must be visible from the outside of the vehicle and to passengers inside.

Anyone who smokes in a smoke free vehicle will be offered a fixed penalty notice (FPN) of £50 if it's a first offence. However, there is no FPN for permitting smoking in a smoke free vehicle. Anyone who manages or controls the smoke free vehicle will be liable to a court awarded fine of up to £2,500. If you pay your FPN within 15 days of issue a discounted amount can be paid. Full details of discounts and appeal processes are included in the FPN notice.

Responsibility to residents

To avoid nuisance to residents when picking up or dropping off passengers, a driver shall;

- Not sound the horn illegally
- Keep the volume of any music played to a minimum
- Switch off the engine when required to wait (including at taxi ranks). Do not keep the engine running.
- Not engage in loud conversation

Hackney carriages – plying and standing for hire

Licensed hackney carriages may only ply for hire on any street within its **designated zone** of the Erewash district. They may only stand for hire on appointed taxi ranks in the **designated zone** within the Erewash district. (Section 38 TPCA). It is an offence to ply for hire outside of the designated zone.

When proceeding on the highway to one of the appointed ranks, a hackney carriage may be hailed by the general public, within its **designated zone**. When a hackney carriage is parked other than on an appointed rank the driver, either in person or through agents, shall not call out or solicit any person to hire his vehicle. Such action may amount to 'touting' or importuning a fare. This is illegal plying for hire.

Hackney carriage vehicles may also carry out pre-booked work in any area but predominantly within the Erewash district.

Private hire vehicles only – plying for hire

Private hire vehicles must not pick up passengers without a prior booking made by the hirer direct with the operator for which the vehicle works (including single vehicle proprietors). Failure to follow this procedure is an offence and invalidates the vehicle insurance cover. Bookings can be made by such methods as personal telephone call or email, or some direct method of communication with the licensed operator's base, and the booking entered in the operator's records before the commencement of the journey.

Every hiring of a private hire vehicle shall be deemed to have been made with the operator who accepted the booking. Operators are therefore directly responsible for the acts or omissions of drivers/proprietors used by them and must therefore ensure that all vehicles and drivers are licensed and fully insured

Drivers of private hire vehicles must not invite potential customers to hire the vehicle for an immediate booking. This is illegal plying for hire.

Drivers of private hire vehicles must not accept an offer for an immediate booking from any potential customer. This is illegal plying for hire.

2.3 Meters & Fares

Hackney Carriage vehicles

All Hackney Carriage vehicles must be fitted with an approved meter, and the meter shall be carried in the vehicle in a position acceptable to the council. The face of the meter, showing the fare, will be visible to all passengers at all times.

The current specification of taximeters is regulated by EU Directive 2004/22/EC on Measuring Instruments, Annex MI-007, (MID). This is implemented into UK law by The Measuring Instruments (Taximeters) Regulations 2006 (MITR). These regulations set out the technical specification of a taximeter which is defined as:

“A device that works together with a signal generator to make a measuring instrument. This device measures duration, calculates distance on the basis of a signal delivered by the distance signal generator. Additionally, it calculates and displays the fare to be paid for a trip on the basis of the calculated distance and/or the measured duration of the trip”.

Meters must be fitted by an approved meter installer. The meter and the operating devices must be sealed by the installer and certificated to confirm the meter is compliant with the council policy. Any certification must be available for inspection on request.

- The meter will be correctly calibrated and set no higher than the council's agreed tariff and charging distances currently in force. When the meter is in use the fare shall be displayed in clearly legible figures.
- The figures shall be illuminated at any time of hiring that takes place in the hours of darkness, or at the request of passengers.
- the meter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the meter into action and cause the word "HIRED" to appear on the face of the meter; the meter must be capable of being locked so that when the meter is not in use no fare is recorded
- The word "FARE" shall be printed on the face of the meter in plain letters to show, clearly, that the fare shown applies
- When the meter is in operation the fare shall be recorded on the face of the meter in clearly legible figures and shall not exceed the maximum fare that may be charged for a journey.
- The meter shall be affixed to the vehicle with seals so that no unauthorised person can alter or tamper with the meter without the seal being broken
- Vehicles with improperly sealed meters will not be licensed. All meters should be sealed after inspection.
- If the meter seal is broken then the proprietor/operator must report this to the council within 72 hours. An appointment must then be made with the meter

installer to re-seal the meter correctly. The vehicle must not be used to carry passengers until the meter has been re – sealed.

- The driver shall not tamper with or permit or cause any person to tamper with any taxi meter with which the vehicle is provided, with the fittings thereof or with the seals.
- Hackney carriage fares set by the council are a **maximum**, and lower tariffs may be displayed on the meter by drivers and operators, alongside the council set tariff.

Private Hire vehicles

- Private hire vehicles may be fitted with a taximeter but this is not compulsory. If the private hire vehicle does have a meter fitted this will be tested as per the requirements for hackney carriage vehicles and will be tested as part of the vehicle inspection
- If a private hire vehicle chooses to have a meter fitted, the proprietor must display the council's tariff of fares in the vehicle so it is visible to passengers in the vehicle.
- Alternatively a notice may be displayed that informs the passenger that the hire charge for the vehicle are not prescribed by the council but are a matter of negotiation with the hirer.
- Private hire cars may be fitted with a meter set at rates approved by the operator, which must be declared to the Council in advance and which will be checked prior to the sealing of the meter. All meters will be sealed following inspection.
- If a private hire vehicle is not fitted with a meter at the time of the examination but is subsequently fitted, this must be declared to the Council immediately and the meter will then be checked and sealed.

Fares & journeys

- The driver of the vehicle must switch the meter on when the passenger(s) is seated in the vehicle and the journey begins. The fare asked at the end of the journey shall not be more than the maximum shown on the official council tariff for hackney carriage vehicles.
- Whilst acting as a driver of a hackney carriage and plying for hire, the driver shall charge and cause to be paid the fare calculated at the rate set out in the table of fares determined by the Council (subject to any discount at his/her discretion or any agreement with the hirer).
- There are no provisions in the relevant legislation which prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

- In the event of a journey commencing in but ending outside the Erewash Borough Council area, there may be a charge or rate that may be negotiated or agreed with the hirer. If no such agreement was made then the fare to be charged should be no greater than that fixed by the council on the hackney carriage tariff.
- Taxi fares are a maximum, and are open to downward negotiation between passenger and driver. However, such negotiations are discouraged at ranks or on – street hailing as this may lead to confusion.
- The driver shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a meter and there has been no previous agreement as to the fare, the fare shown on the face of the meter shall be required.
- It is an offence for the driver to demand more than the fare on the meter. If the council receive relevant evidence of this occurrence then the driver may be prosecuted.
- A hackney carriage driver must operate the meter, even if a lower fare has been agreed prior to the start of the journey.
- The driver shall not cause the fare recorded to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- The driver shall cause the meter to be properly illuminated throughout any part of the hiring, but especially in periods of darkness, and visible to passengers in the vehicle.
- The current hackney carriage tariff of fares must be displayed within the vehicle where it can be easily seen by passengers.
- The driver shall, upon the request of the passenger, issue a written receipt for the fare paid for the journey.
- No driver of a hackney carriage will ply for hire outside their designated 'zone'.

2.4 Signage & Advertising on vehicles

General signage

Signage' is defined as all signage on the vehicle that is not for commercial advertising, i.e. commercial advertising for goods or services of another organisation.

The name of the company / owner, and the telephone number may appear on the vehicle doors. The company name and contact number shall be in letters at least 25mm high.

Where a licensed vehicle is used by more than one operator the driver must ensure that the correct identifying signs are attached to the vehicle when fulfilling any booking.

No external or internal signs (other than those required by law or permitted advertising) shall be displayed other than as set out below.

Signage may be displayed in the car to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

Signs provided by the manufacturer, e.g. advising that space is required to unload a wheelchair, may be displayed.

If applicable, signs stating that CCTV is being used in the vehicle (this is mandatory if CCTV is fitted)

Private hire vehicles

No signage shall include the word "TAXI", "CAB" or the words "FOR HIRE" or combinations of the above, or any other words that are likely to cause a person to believe that the vehicle is a hackney carriage and available for instant hire.

It is not permitted for any advertising or signage on the vehicle to include the words "taxi", "cab", "hackney carriage" or "hire".

No alternative words or spellings may be used on the vehicle; such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage and available for hire without pre-booking. The Council's decision as to the interpretation of such words shall be final.

Commercial advertising on vehicles

The following conditions will apply with regard to both Hackney Carriages and Private hire Vehicles. Only exterior advertisements will be permitted on Erewash vehicles. No third party advertising will be permitted inside the vehicle.

All advertisements must be of an approved size and correctly affixed to a continuous flat surface, including magnetic signage. The maximum height of advertising letters and numbers shall not exceed **20 cm**.

One commercial advert will be permitted on each of the rear side doors of saloon cars. Those licence holders wishing to advertise on the larger, multi-seated, or wheelchair accessible vehicles, may do so on the rear panels or rear doors of the vehicle.

Advertising is also permitted on the rear window, provided the vehicle complies with DVLA rules and regulations regarding visibility. Therefore no part of the advertisement shall appear on any windows so as to obstruct or interfere with, or of the vision of the driver and/or passengers.

No advertisement shall obscure, or be confused with, the vehicle's licence plate or the number plates of the vehicle, or obscure any signage required by the council.

Each advertisement will be considered on its own merits, but advertisements of the following nature will **not** be permitted:

- Alcohol or any associated product

- Tobacco products of any description
- Religious nature
- Political nature
- Racial or ethnic in nature
- Nudity or sexually explicit/suggestive
- Controversial or bad taste
- Violent in nature
- Drawings/cartoons unless approved

All advertisements must be approved by the Licensing Section prior to use. The finished livery must be presented at the Council offices for inspection for approval or otherwise. Until final approval is given by the licensing section the advertisement must not be displayed on the vehicle. If the licensing section is not so satisfied then any such application will be submitted to the licensing committee for consideration.

Advertisements will be checked at the annual and during ad-hoc inspections of the vehicle but if a driver wishes to materially change or amend an advertisement during the course of the year, the driver of the vehicle must notify the Licensing Section.

The Proprietor remains responsible for the content of any advertisement displayed on his or her vehicle. It remains the licensee's responsibility to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority irrespective of any consent to display the advertisement which may have been given by the licensing authority

2.5 CCTV/Security in vehicles

The hackney carriage and private hire trade provides an important public service, especially to users of the late night economy when other forms of transport are not available. In this regard the security for drivers and passengers is of paramount importance to the council. CCTV cameras can therefore provide a valuable deterrent as well as protecting the driver from unjustified complaints. However, it is not currently proposed to make the provision of CCTV in licensed vehicles a mandatory requirement for vehicle proprietors. This position will be kept under review and may be reconsidered in future policy if supported by evidence that there is a significant risk or concern that should be addressed.

Although not mandatory the council will permit provision of CCTV systems in individual licensed vehicles where the installation and operation of the system complies with the Code of Practice issued by the Information Commission's Office (ICO), and is compliant with the relevant data protection and privacy laws and council conditions.

Video surveillance systems will be permitted to be fitted to the vehicle provided that:-

- The owner or operator notifies the council before the installation of the system, including details in writing as to the security, disposal and retention of the images recorded by the system;

- Warning notices are clearly displayed in the vehicle informing the public that such a system is in operation;
- The CCTV is not on continuous sound recording and is targeted in light of risk assessment; and
- Use of the CCTV must comply with the current relevant standards set by the Surveillance Camera Commissioner.

CCTV must not be installed in any hackney carriage or private hire vehicle before notifying the council. Please contact the council in the first instance.

3. VEHICLE LICENCE APPLICATIONS/ANNUAL RENEWALS

All vehicle licence applications must comply in all respects with the requirements set out in **Section 1** of the council's terms, conditions and specifications as appropriate for the type of vehicle (hackney carriage or private hire). This is in addition to all requirements of the Road Traffic Act legislation which relates to all motor vehicles in force at the time of licensing.

3.1 New applications

Vehicle inspections

To begin the application you must make an appointment for a vehicle inspection at Merlin Way depot. You must contact the Contact Centre on 0115 9072244 in the first instance and an appointment will be made for you when you have paid the appropriate licence fee. Alternatively you can make an appointment for a vehicle inspection through reception at Long Eaton Town Hall. The vehicle will not be accepted for testing unless you can produce a receipt for your licence fee. The vehicle should be fully prepared in advance for the examination and the top-sign and taximeter, if applicable, should be fixed in the proper manner.

Vehicle test fees are included within the annual Licence fee. The licence includes a 1+ hour test to be taken at the Council Depot at Merlin Way, or in the case of renewing a licence with a vehicle over 5 years of age, 2 x 1+ hours tests. If the vehicle fails an inspection then a retest fee is payable – this fee is dependent on the length of the retest which can be 1 hour or 30 minutes. This time is determined by the depot and not the licensing section. A 'one hour' fail indicates an hour's retest. A 'half hour' fail indicates a half hour retest.

After the vehicle has passed the inspection at the Merlin Way depot a vehicle test 'inspection report' sheet will be issued to the applicant. If this states that the vehicle has passed the inspection (the appropriate box must be ticked), then you can continue with the application.

Zonal system for hackney carriage vehicles

Erewash currently operates a 'zonal' system for all hackney carriage vehicles. The two zones available are identified as 'Ilkeston' and 'Long Eaton'. When applying for, or renewing a vehicle licence the applicant must specify on the application form the zone in which they wish to operate before any vehicle plates are issued.

When vehicle plates are issued the licence number given for the vehicle will be either prefixed by an 'I' for the Ilkeston zone, or an 'L' for the Long Eaton zone.

Vehicles can only ply for hire or use the designated taxi ranks in their specified zone.

Please note that should the vehicle proprietor wish to change zones at any time other than the annual renewal of the licence, they would incur the costs of creating new plates for the vehicle. Before replacement plates can be issued for change of zone, the previous plates must be returned to the licensing section for safe keeping, until the natural expiry of the licence.

Application Process – Required Documents

An appointment must then be made with the licensing section at Long Eaton Civic Centre to produce the correct documentation for the Licence Plate(s) to be issued. Application forms are available online, through the post by telephoning or writing to the Licensing Section or by collecting them in person from the reception desk at the Civic Centre, Long Eaton. Application forms should be completed and signed by applicants and submitted with the following documents. Vehicles plates will not be issued without all the required paperwork.

a) **Vehicle Inspection Report**

A vehicle test '**Pass**' inspection report obtained from the Council depot at Merlin way after a successful inspection.

b) **Valid Certificate of Insurance**

For public (hackney carriage) or private hire use as appropriate. Certificates must be for 12 months cover. This is the statutory minimum for third party insurance. A cover note will be accepted for new vehicles or vehicle replacements in lieu of the full insurance policy until it becomes available.

c) **Vehicle Registration Document (V5C)**

If the vehicle has been recently purchased and the registration document is at Swansea, the applicant must provide proof of ownership, i.e. receipted bill of sale, giving full details of the vehicle (including model, engine capacity, colour, chassis and engine numbers) and produce the registration document as soon as received to the licensing section.

If the Vehicle Registration document is not submitted at the next renewal or vehicle inspection then vehicle licence plates will NOT be issued.

d) **MOT Certificate**

Hackney Carriages applications require an MOT certificate after **the first year of date of registration** (Road Traffic Act 1988).

Private Hire applications require an MOT certificate after **the third year of date of registration**.

e) **Application Form**

A completed vehicle licence application form (usually blue in colour)

Vehicle Licence Plates

Plates will only be issued on receipt of the appropriate documentation. If plates are required immediately suitable notice must be given to the licensing section.

Vehicle licence plates for both Hackney Carriage and Private Hire vehicles are issued for a maximum 12 month period. The licence and plate(s) shall remain the property of the Council at all times, and the Licence Holder shall upon expiry of the plates return all expired plates to the licensing section.

If a licence is granted to you this will be subject to conditions. Standard conditions are contained in a **Section 2.2** of this booklet.

3.2 Annual licence renewals

All vehicle proprietors will receive a reminder letter that informs you of the expiry date of your vehicle licence and what action is required to renew the licence. You will only receive one reminder letter approximately 8 weeks before the licence is due to expire. It is the responsibility of the proprietor/driver to ensure compliance with the renewal of the vehicle licence. It is not the responsibility of the licensing authority.

- The proprietor/driver MUST apply to the Council on the appropriate form with the correct documentation and fee 14 days before the expiry date of the current licence if he/she requires the licence to be renewed for a further period.
- Any application received within the 14 day period will be treated as a renewal but this may delay the issue of the licence at busy periods.
- Any renewals received after the expiry date will be treated as a new application and NOT a renewal.

Vehicle inspections

To begin the renewal application you must make an appointment for a vehicle inspection at Merlin Way depot. You must contact the Call Centre on 0115 9072244 in the first instance to pay the appropriate fee and an appointment will be made to attend the depot. Alternatively you can make an appointment for a vehicle inspection through reception at the Civic Centre, Long Eaton. The vehicle will not be accepted for testing unless you can produce a receipt for your licence fee. The vehicle should be fully prepared in advance for the examination and the top-sign and taximeter, if applicable, should be fixed in the proper manner.

Vehicle test fees are included within the annual Licence fee. The licence includes a 1+ hour test to be taken at the Council Depot at Merlin Way prior to the grant/renewal of the licence, or in the case of renewing a licence with a vehicle over 5 years of age and above, 2 x 1+ hour tests prior to the grant of the licence and at 6 months interval. If the vehicle fails an inspection then a retest fee is payable – this fee is dependent on the length of the retest which can be 1+ hour or 30 minutes. This time is determined by the depot and not the licensing section..

After the vehicle has passed the inspection at the Merlin Way depot a vehicle test ‘inspection report’ sheet will be issued to the applicant. If this states that the vehicle has passed the inspection (the appropriate box must be ticked), then you can continue with the application.

Renewal Process – Required Documents

An appointment must then be made with the licensing section at Long Eaton Civic Centre to produce the correct documentation for the Licence Plate(s) to be issued. Application forms are available online, through the post by telephoning or writing to the Licensing Section or by collecting them in person from the reception desk at the Civic Centre, Long Eaton. Application forms should be completed and signed by applicants and submitted with the following documents. Vehicles plates will not be issued without all the required paperwork.

a) **Vehicle Inspection Report**

A vehicle test '**Pass**' inspection report obtained from the Council depot at Merlin way after a successful inspection.

b) **Valid Certificate of Insurance**

For public (hackney carriage) or private hire use as appropriate. Certificates must be for 12 months cover. This is the statutory minimum for third party insurance. A cover note will be accepted for new vehicles or vehicle replacements in lieu of the full insurance policy until it becomes available.

c) **Vehicle Registration Document (V5C)**

If the vehicle has been recently purchased and the registration document is at Swansea, the applicant must provide proof of ownership, i.e. receipted bill of sale, giving full details of the vehicle (including model, engine capacity, colour, chassis and engine numbers) and produce the registration document as soon as received to the licensing section.

If the Vehicle Registration document is not submitted at the next renewal or vehicle inspection then vehicle licence plates will NOT be issued.

d) **MOT Certificate**

Hackney Carriages applications require an MOT certificate after **the first year of date of registration** (Road Traffic Act 1988).

Private Hire applications require an MOT certificate after **the third year of date of registration**.

e) **Application Form**

A completed vehicle licence application form (usually blue in colour)

Vehicle Licence Plates

Plates will only be issued on receipt of the appropriate documentation. If plates are required immediately, at least 24 hours' notice must be given to the licensing section.

Vehicle licence plates for both Hackney Carriage and Private Hire vehicles are issued for a maximum 12 month period. The licence and plate(s) shall remain the property of the Council at all times, and the Licence Holder shall upon expiry of the plates return all expired plates to the licensing section.

If a licence is granted to you this will be subject to conditions. Standard conditions are contained in a **Section 2.2** of this booklet.

3.3 Interim vehicle inspections

All vehicle proprietors will receive a reminder letter that informs you of the date of your interim vehicle inspection and what action is required. You will only receive one reminder letter approximately 8 weeks before the inspection is due. It is the responsibility of the proprietor/ driver to ensure this inspection is undertaken. It is not the responsibility of the licensing authority. If the inspection is not undertaken in a time scale deemed appropriate by the council then we may ask for the vehicle plates to be returned to the licensing section until the inspection is completed.

All vehicles aged under 5 years old will be required to undergo **ONE** mechanical inspections at the council's Merlin Way vehicle depot at grant/renewal of the licence. Vehicles aged over 5 years will be required to undergo **TWO** mechanical inspections a year.

Vehicle test fees are included within the annual Licence fee so no extra payment has to be paid unless the vehicle fails the inspection. The licence includes 1+ hour test to be taken at the Council Depot at Merlin Way, or in the case of renewing a licence with a vehicle over 5 years of age and above, 2 x 1+ hour tests to be taken at 6 month intervals. If the vehicle fails an inspection then a retest fee is payable – this fee is dependent on the length of the retest which can be 1 hour or 30 minutes. This time is determined by the depot and not the licensing section.

You must make an appointment for a vehicle inspection at Merlin Way depot. You must contact the Call Centre on 0115 9072244 in the first instance and an appointment will be made to attend the depot. Alternatively you can make an appointment for a vehicle inspection through reception at Long Eaton Town Hall. The vehicle will not be accepted for testing unless you can produce a receipt for your licence fee. The vehicle should be fully prepared in advance for the examination and the top-sign and taximeter, if applicable, should be fixed in the proper manner.

When you have obtained an appointment for your six-monthly vehicle test please ensure to take with you to the Merlin Way depot the following:

- **Valid certificate of insurance**
- **Valid MOT certificate (if applicable).**

After the vehicle has passed the inspection at the Merlin Way depot a vehicle test 'inspection report' sheet will be issued to the applicant. If this states that the vehicle has passed the inspection (the appropriate box must be ticked) you may continue with the process.

If your vehicle passes the six-monthly inspection the above documents will be copied, along with the vehicle inspection 'Pass' sheet, and sent to the Licensing Section. You will not be required to make a further appointment with the licensing section. Failure to take the above documents with you to the depot will mean you will have to produce the documents to the Licensing Section.

3.4 Change of vehicle

If at any time during the term of the vehicle licence, you wish to change your vehicle, then this is permitted by the council. This may occur because of vehicle age, wear and tear, vehicle defects or after a Road Traffic Collision whereby an insurance company has written the vehicle off due to the cost of repair.

The licensing section must be informed when a vehicle is to be replaced, and the proprietor must contact the Licensing Office at the earliest opportunity to discuss the details of the replacement vehicle.

All vehicle licence applications must comply in all respects with the requirements set out above in **Section 1** of the council's terms, conditions and specifications as appropriate for the type of vehicle (hackney carriage or private hire). This is in addition to all requirements of the Road Traffic Act legislation which relates to all motor vehicles in force at the time of licensing.

Please be aware that the council will only permit replacement vehicles that are of a younger age than the vehicle being replaced, or under 5 years old. Please refer to the Vehicle log book (VC5) or MOT for details of the date of registration. This does not apply for temporary replacements (usually insurance vehicles).

Vehicle inspections

To begin the application you must make an appointment for a vehicle inspection at Merlin Way depot. You must contact the Call Centre on 0115 9072244 in the first instance to pay the appropriate fee and an appointment will be made to attend the depot. Alternatively you can make an appointment for a vehicle inspection through reception at Long Eaton Town Hall. The vehicle will not be accepted for testing unless you can produce a receipt for your licence fee. The vehicle should be fully prepared in advance for the examination and the top-sign and taximeter, if applicable, should be fixed in the proper manner.

After the vehicle has passed the inspection at the Merlin Way depot a vehicle test 'inspection report' sheet will be issued to the applicant. If this states that the vehicle has passed the inspection (the appropriate box must be ticked), then you can continue with the application.

Change of vehicle – Required Documents

An appointment must then be made with the licensing section at Long Eaton Town Hall to produce the correct documentation for the Licence Plate(s) to be issued. Application forms are available online, through the post by telephoning or writing to the Licensing Section or by collecting them in person from the reception desk at Long Eaton Town Hall (please check current opening hours). Application forms should be completed and signed by applicants and submitted with the following documents. Vehicles plates will not be issued without the all the required paperwork.

a) **Vehicle Inspection Report**

A vehicle test '**Pass**' inspection report obtained from the Council depot at Merlin way after a successful inspection.

b) **Valid Certificate of Insurance**

For public (hackney carriage) or private hire use as appropriate. Certificates must be for 12 months cover. This is the statutory minimum for third party insurance. A cover note will be accepted for new vehicles or vehicle replacements in lieu of the full insurance policy until it becomes available.

c) **Vehicle Registration Document (V5C)**

If the vehicle has been recently purchased and the registration document is at Swansea, the applicant must provide proof of ownership, i.e. receipted bill of sale, giving full details of the vehicle (including model, engine capacity, colour, chassis and engine numbers) and produce the registration document as soon as received to the licensing section.

If the Vehicle Registration document is not submitted at the next renewal or vehicle inspection then vehicle licence plates will NOT be issued.

d) **MOT Certificate**

Hackney Carriages applications require an MOT certificate after **the first year of date of registration** (Road Traffic Act 1988).

Private Hire applications require an MOT certificate after **the third year of date of registration**.

e) **Application Form**

A completed vehicle licence application form (usually blue in colour)

Vehicle Licence Plates

Plates will only be issued on receipt of the appropriate documentation. If plates are required immediately suitable notice must be given to the licensing section.

Please note: The licence plates from the previous plates must be submitted to the licensing section before any replacement vehicle plates can be issued.

Vehicle licence plates for both Hackney Carriage and Private Hire vehicles will be issued and valid for the remaining period of the vehicle licence unless suspended or revoked. The licence and plate(s) shall remain the property of the Council at all times, and the Licence Holder shall upon expiry of the plates return all expired plates to the licensing section.

If a licence is granted to you this will be subject to conditions. Standard conditions are contained in a **Section 2.2** of this booklet.

3.5 Change of vehicle ownership

When a vehicle proprietor wishes to sell his licensed vehicle to another licensed driver or proprietor they must inform the council of their intention prior to any sale taking place.

Please note that vehicle plates cannot be sold separate to the licensed vehicle.

The vehicle and plates must be sold as one entity to another licensed driver or proprietor. If an individual wishes to retain a car as a private vehicle they must transfer the licence plates to another vehicle before selling. Otherwise the licence plates must be surrendered to the council.

Change of ownership Procedure

The council requires that both the buyer and vendor notify the council in writing of the sale, or complete the appropriate 'change of ownership' form. An appointment must then be made with a licensing officer who will require the following documentation;

- Change of ownership form completed and signed by both parties (or in writing)
- Most recent depot Inspection report for the vehicle
- Valid insurance in the buyers name (a temporary cover note will be accepted)
- Valid MOT certificate for the vehicle
- Receipt for the appropriate administrative fee
- Log book (V5C) in the buyer's name, or copy of the slip sent to the DVLA to notify the change of ownership

On receipt of the above a new paper vehicle licence will then be issued to the new owner.

Please be aware that when the ownership of a licensed vehicle is transferred to a new proprietor, the new proprietor cannot transfer the plates onto a new vehicle for at least three months, notwithstanding the vehicle being deemed not roadworthy or an insurance 'write off' following an accident.

PRIVATE HIRE OPERATORS

4.1 Requirement for a licence

A Private Hire Operator (PHO) is the person who takes a booking for a private hire vehicle, and then dispatches the licensed vehicle driven by a licensed hackney carriage/private hire driver to fulfil that booking. All three licences, operator, vehicle and driver must have been granted by the same local authority. Such a licence permits the holder of the licence to make provision for the invitation or acceptance of bookings for a private hire vehicle.

A private hire operator must ensure that every licensed private hire vehicle is only driven by a person who holds a hackney carriage/private hire vehicle driver's licence with the same local authority that issued the vehicle licence and the operator's licence. It is a criminal offence to operate a private hire vehicle and/or driver without an operator's licence.

Any person who wishes to operate a private hire service must apply to the council for a Private Hire Operator's licence. The council's objective in licensing private hire operators is the safety of the public who will be using the operators' premises, vehicles and drivers arranged through them.

Operators that only run licensed hackney carriage vehicles through their business will **NOT** require a Private Hire Operator's licence from the council. Hackney Carriage vehicles may undertake pre – booked work but the operator would not require to be licensed as a private hire operator.

4.2 Fitness and propriety

The council will not grant a Private Hire Operator's Licence unless they are satisfied that the applicant is 'a fit and proper person' to hold such a licence. In determining whether an individual is 'fit and proper' to operate private hire vehicles in Erewash the council shall have regard to the following;

- A criminal records check for any previous relevant convictions
- The right to work in the UK, in regard to the Immigration Act 2016.
- The premises from which private hire vehicles will be dispatched.

Criminal record check

Private hire operators (that are not already licensed drivers with the council) will not be required to produce an 'enhanced' Disclosure & Barring Service (DBS) check. Nevertheless, in order to satisfy the public safety objective, the council will require a 'basic' Disclosure & Barring Service (DBS) check.

If the operator is a limited company, basic disclosure will be required from all directors and partners of the company on initial application and on an annual basis, if these individuals are not already a licensed driver. It is a requirement that the council is notified of any change of director and/or partner within the company in order that a basic disclosure certificate can be obtained from these new parties. If any of these individuals have relevant offences declared by the DBS then the licence application may be referred to the Licensing sub-committee for consideration.

Every person listed on the application form needs to submit a Basic Disclosure Certificate from the Disclosure & Barring Service (DBS). You can apply for this certificate at <https://www.gov.uk/request-copy-criminal-record>. This check can usually be returned within 14 days and costs £23 (this may vary). This certificate(s) must then be presented to the council with the full application. This does not apply if the individual is already a licensed driver with the council.

It is recognised that licensed drivers and operators are not necessarily the only contact points for customers. For example, a person taking bookings may be responsible for deciding which driver to send to which user; a position that could be exploited.

The Council has a responsibility to ensure that all staff members do not pose a risk to the public and therefore, all staff that take bookings, dispatch vehicles, or have access to sensitive information (such as booking records) are also required to provide a Basic Disclosure Check from the Disclosure and Barring Service. . This does not apply if the individual is already a licensed driver with the council.

The operator will have a responsibility to keep a register of all staff that take bookings, dispatch vehicles, or have access to sensitive information, and keep an accurate record of Basic DBS checks for all individuals listed. These records are

required to be provided to the Council by the relevant Private Hire Operator, on request, for all such individuals.

Where a DBS check cannot be carried out on a member of staff that meets the criteria listed above (for example, the employee resides outside of the UK), the Operator must outline the steps they have taken to demonstrate how they are satisfied that an individual is a fit and proper person. The evidence provided by the employer may then be presented to the Licensing Sub - Committee in order to confirm that these checks may be deemed equivalent to a basic level DBS.

Right to work in the UK (Immigration Act 2016)

The Immigration Act 2016 amended existing licensing regimes in the UK to seek to prevent illegal working in the taxi and private hire sector. With effect from 1 December 2016 the provisions of the Act prohibit all licensing authorities across the UK from issuing to anyone who is disqualified by reason of their immigration status, and they discharge this duty by conducting immigration checks.

The provisions mean that driver and operator licences must not be issued to people who are illegally living in the UK, who are not permitted to work, or are permitted to work but are subject to a condition that prohibits them from holding such a licence.

The council will therefore require all applicants' right to work will to be checked as part of their application, and they must submit documentary evidence showing they have the right to work in the UK. Examples of documents may include:

- A passport confirming that the holder is a British citizen or citizen of the United Kingdom
- A passport or national identity card showing the holder is a national of the European Economic Area or Switzerland
- Passport or other travel documentary endorsed to show that the holder is allowed to stay in the UK and undertake paid employment
- Full UK birth/adoption certificate
- An immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment.

This list is not exhaustive and other documents may be accepted – further information may be obtained from the licensing section on request.

If the right to work is for a limited period then the licence will only be issued up until the expiry of the right to work in the UK. The licence holder will then be required to submit evidence of their application to remain in the UK if they wish to continue to work as a hackney carriage/private hire driver after this date.

If a licence holder's right to work is withdrawn at any time, the licence holder is required to notify the council immediately. In addition the Home Office will notify the council that the right to work is withdrawn and the licence will lapse.

Operating premises/base

Planning permission

Applicants are required to obtain planning permission, where necessary, for the premises from which they intend to operate. The Planning authority at the council will be consulted as part of the application process and their comments may be taken into consideration when determining whether the application may be granted. Due to this requirement applicants must provide details of any parking facilities and where vehicles will be parked when waiting for bookings at the premises.

The premises you intend to use may require a 'Change of Use' through the council's planning department, depending on how many vehicles you intend to employ and any communications equipment used. The character of the surrounding area (be it residential or commercial), on street parking conditions and the use of signage outside the property may all affect a planning application.

Private Hire Operators 'bases' may be from residential addresses or public offices; however tenants must obtain permission from their landlords.

Planning permission will not normally be required for operating from a private residential property using one or two vehicles, but it is advised to check with the Planning department before commencing with an application.

Operating bases outside the council area

The base for the operator's licence has to be located within the Borough of Erewash. The council will **NOT** grant a licence for a Private hire Operator with a base that is located outside of the council area. This is considered both a legal requirement and a means to ensure that proper regulation and enforcement and enforcement measures may be taken by the council.

4.3 Operator's licence application

Any person who wishes to operate a private hire service using one or more private hire vehicles must apply to the council for a private hire operator's licence.

Applications for an operator's licence must be made on the prescribed form, together with the appropriate fee. If not already licensed by the council as a hackney carriage/private hire driver they must also provide a basic DBS certificate and evidence of the right to work in the UK (**see 4.2 above**).

No operator's licence will be issued until consent has been received from the planning authority that the operation of the business from the premises is acceptable.

You will need to make an appointment with the licensing section to in order to submit your application and a member of staff will check the application.

The council will grant Private Hire Operators licences for a period of 5 years, unless surrendered, suspended or revoked.

Licences issued are specific for the address of a licensed Private Hire Office/base. The operator's licence must be displayed in a prominent position at each business premises recorded on the licence at all times. A duplicate licence will be issued in respect of each secondary booking office.

Private Hire Operators' licences can be transferred to an alternative address within the borough of Erewash. However, Licences are issued to an individual(s) and there is no provision to transfer the licence to another individual or company. Under these circumstances an application must be made for a new licence.

The Operator's Licence (or a certified copy) shall be displayed at the licensed address and be made available for inspection on request by any authorised officer of the Council or any Police Officer.

Renewal of operator's licence

The council will send a renewal reminder letter to the operator 2 months prior to the licence expiry date. However, operators are reminded that the responsibility to renew a licence lies with the individual(s).

Applications for a Private Hire Operators licence renewal should be submitted to the Licensing Section with the appropriate documentation and fee attached 14 days before the expiry date of the current licence if the licence is required to be renewed for a further period.

Any renewals received after the expiry date will be treated as a new application and NOT a renewal. It is a criminal offence to operate a private hire vehicle and/or driver without an operator's licence.

Suspension/Revocation of operator's licence

The council may suspend, revoke or refuse to renew a licence on the following grounds;

- The commission of an offence under the LGMPA 1976
- Unfit/criminal conduct of the operator
- Any material changes in the operator's circumstances
- Any other reasonable cause (section 62 LGMPA 1976)

4.4 Operator's licence conditions

The operator shall observe and perform the following terms and conditions;

The operator is responsible for all persons they employ, contract or use in the course of their business. To that end the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and ancillary staff are used in the course of their business. Failure to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take action in relation to driver's that persistently breach their licence conditions may also be deemed detrimental to the continued fitness and propriety of the operator.

Private Hire Operators must ensure that the vehicles they operate and the drivers they employ always meet the requirements of the council's Hackney carriage/private hire licensing policy.

Notification of concerns

The Operator shall notify the Council if they become aware of anything that may call into question the ability of the driver or vehicle to undertake licensed work e.g. medical conditions, convictions, vehicle defects etc.

Standards of service

The operator shall:

- Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- Ensure that employed staff act in a civil and orderly manner at all times.
- Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unavoidable circumstances beyond their control. If delays are lengthy, the driver/operator should contact the hirer to inform them.
- Ensure compliance with legislation regarding the length of working hours.
- Take all reasonable steps to ensure drivers are fit and suitable.
- Take all reasonable steps to ensure vehicles are safe and roadworthy.

Bookings

No Operator shall invite or accept a booking for any vehicle operating as a Private Hire 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.

Every Operator who accepts a booking for a vehicle for an appointed time and place, shall give the booking to a Vehicle, allowing sufficient time for the vehicle to attend punctually.

The operator shall keep a record of the particulars of every booking/hiring, invited or accepted by them, and shall enter the following details in a record.

- The time and date of each booking
- The method by which the booking was received (i.e. telephone or email)
- Details of the booked journey (i.e. from address to destination)
- The time of the customer pick up
- The point of the customer pick up
- The name of the hirer/passenger
- The name of the staff member taking the booking
- The name of the staff member that dispatched the vehicle
- The registration number of the vehicle allocated for the booking
- The licence plate number of the vehicle allocated for the booking
- The name and driver's badge number of the Driver.
- Where a Private Hire booking is undertaken on behalf of or passed to another Operator details must be recorded
- The details of any fare quoted

Records of bookings/hirings

The operator must keep an accurate record of every booking of a private hire vehicle or private hire journey by a hackney carriage vehicle;

All records must be written in English, be permanent and legible, and be kept for a period of at least 12 months. Records may be kept in the following forms;

- In a non-erasable form in a suitable log or book or in a computerised record system designed to prevent records being tampered with following the taking of a booking
- On continuous stationary which has been generated in the form of an instantaneous print out by a computerised system.
- A computerised recording system which automatically generates a permanent entry onto a secure memory device, at the time the booking is entered onto the system. Any change to the recording system must be first authorised by the council.
- The storage device must be kept in a secure place at the premises for production on demand by an authorised officer or the police.
- The records shall be kept for a period of not less than 12 months or such longer period as required by an authorised officer of the Council.
- The records shall be produced, on request, to any police constable or authorised officer of the council
- Records to be kept in accordance with relevant data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet your obligations.

Subcontracting

Section 11 of the Deregulation Act 2015 allows Private Hire Operators to sub contract to each other across licensing authority boundaries. This permits operators to operate their business more flexibly. Records must be maintained and kept for 12 months of these cross border arrangements and bookings, and produced upon request by an authorised officer of the council or a police officer.

Where any bookings are sub-contracted either by the operator to another licensed operator, or are accepted by the operator from another operator, a full record of the booking must be recorded with all relevant details, and including the name of the sub-contractor and contact information.

Hackney carriage vehicles that are not licensed by Erewash Borough Council may be used by the operator for pre-booked purposes. These vehicles must NOT use the taxi ranks in the district or pick up passengers without a prior booking.

These hackney carriages must not have more than one taxi meter installed, so as not to confuse passengers.

Drivers

Operators shall ensure to the best of their ability before accepting drivers onto their operation, that they are fit and proper persons to be engaged in the carrying of members of the public. In particular, they should examine drivers' licences and enquire whether the applicant has been convicted of driving or other offences.

The Operator shall ensure that Drivers employed by or attached to the operation shall observe and perform the conditions of their Private Hire or Taxi Driver's Licence and that Vehicles conform to the conditions of their Private Hire or Taxi Vehicle Licence. It is an offence to employ an unlicensed driver.

Where a driver joins or leave the operation the private hire operator shall within **SEVEN DAYS** inform the Council.

The operator shall maintain records of all drivers employed by them, including:

- A copy of the hackney carriage/private hire driver licence
- The expiry dates of drivers' hackney carriage/private hire driver licence
- When any driver's service with the operator begins and ends
- The current address and contact details of any driver
- Details of any illness, disability or health condition which may affect the driver's ability to safely carry out his/her driving duties
- The hours worked by each driver

Vehicles

The operator shall ensure that all vehicles operated by them are fully road worthy if they are to be used as a private hire or hackney carriage vehicle.

The operator shall keep a record of any licensed vehicle operated by them showing the following details:

- A copy of the hackney carriage/private hire vehicle licence
- Make and model of the vehicle
- Registration number of the vehicle
- A copy of the current insurance certificate
- Driver the vehicle is allocated to (if applicable)
- The date of expiry of the vehicle licence
- The taxi inspection dates of the vehicle
- The date vehicle started working for them
- The licensing authority (if not Erewash)
- Name and address of vehicle proprietor

Insurance

The Operator must ensure that all vehicles operated by them are fully insured for use as a licensed vehicle for public hire and reward or private hire and have a valid certificate of compliance in force.

Premises

Operators must conduct their business in accordance with all relevant statutory provisions. If the operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated. It must conform to all legal requirements including those listed below;

- Health Act 2006, smoke free premises
- Regulatory Reform (Fire Safety) order 2005
- Health and Safety at Work Regulations.
- Environmental legislation
- Equalities legislation

If provision is made by the operator on his premises for the reception of members of the public proposing to hire a vehicle, the operator must ensure that the public

area is always well lit, in a clean and tidy condition and that adequate arrangements are made for the seating of customers.

Any premises that provide access to the public should be covered by public liability insurance which should be displayed at the premises, and a copy of the certificate shall be copied to the licensing office.

Ancillary staff

The Operator shall maintain a register of all staff members that take bookings and/or dispatch vehicles and ensure that basic DBS checks are conducted on any individuals added to the register. Evidence of sight of the DBS certificate should be documented within the register.

Complaints Register

The operator shall keep at the operating base a record of all complaints showing name, address and telephone number of the complainant, the date received and the action (if any) that the operator has taken or proposed to take. Such records shall be kept for a period of not less than 12 months. The operator shall produce such records if required to do so by a licensing and enforcement officer in connection with any proceedings in court.

If an operator receives a complaint about a driver or any part of the service they provide, they should attempt to resolve the matter internally providing it is not of a serious nature.

The operator shall inform the council immediately of any complaints deemed to be serious, including (but not limited to) safeguarding, discrimination, dishonesty, violence, public safety, alcohol, drugs, indecency, medical conditions etc.

Lost property

The operator shall accept all lost property presented to them by a driver who is undertaking bookings on their behalf. The Operator shall record the following:

- The date and time they received the lost property
- A description of the lost property
- The name and call sign of the driver handing in the property
- The specific journey when the property was left in the vehicle
- The date the item was reclaimed and by whom
- The operator shall take all reasonable steps to reunite the lost property with its owner. If the lost property is a Passport, Driver Licence, Bank Card or other similar item the operator shall contact the issuer and either return the item to the issuer or follow any actions specified by them.

While the lost property is in the possession of the operator it shall be stored securely. The lost property shall be retained for a period of six months, if it is not reclaimed in that period and does not contain any personal information the operator shall dispose of the lost property. Any items which may contain personal information or images (including mobile phones) shall be destroyed and a record kept of that fact.

It is also advisable that any found property is reported to the council on the next working day so that the licensing section may answer any queries we receive

regarding the property. We may then be in a position to inform the caller where to locate their property after liaison with the driver/operator.

Please be aware that the police service is no longer dealing with lost/found property and found property can no longer be deposited at your nearest police station unless it is a passport or it is suspected that the item(s) are linked to crime. If that is the case then you are advised to contact the police on 101, or 999 in an emergency.

Items likely to be linked to crime may include high value items such as jewellery or laptops and large amounts of cash, illegal drugs or needles, knives, firearms or ammunition, hazardous or unidentifiable substances or other items that may pose a danger or harm to others.

Notifications to the Council

Convictions, Cautions and Fixed Notices

The operator must give written notification to the council (email accepted) within **48 HOURS** if the operator is subject to any of the following;

- Arrest for any alleged offence (whether charged or not)
- A charge or conviction for any criminal offence
- A caution for any offence
- Is subject to any investigation by the police
- Is formally interviewed at a police station for any offence
- Issue of Magistrates Court summons
- Any form of warning or order under criminal law, including harassment or anti-social behaviour orders or similar
- Any acquittal following a criminal case heard by a court
- A Fixed Penalty Notice for any matter
- Any motoring offence
- Fixed Penalty Notices (endorsements under The Road Traffic Act 1988)
- Driver Awareness Course

Failure by the licence holder to disclose any offence that the licensing authority is subsequently advised of would be a breach of a licence condition and may be seen as a behaviour that questions the honesty and suitability of the operator, regardless of the outcome of the initial allegation/investigation. This may result in the suspension or revocation of the private hire operator's licence at the Licensing and Public Protection Committee which would determine whether the operator is deemed a 'fit and proper person'.

If the operator is a company or partnership, this requirement also applies if any of the directors or partners receive a conviction, caution or fixed penalty.

Vehicle accidents

If at any time an operator's vehicle is involved in an accident, however minor, that causes damage to the vehicle, the operator must notify the council as soon as is reasonably practicable, and in any event **WITHIN THREE DAYS** by telephone or email. If the vehicle damage is only superficial you may be asked to bring the vehicle into the council for officers to inspect the damage and to assess whether the vehicle may still be driven as a licensed vehicle pending any insurance claim or repair.

Following any accident or damage to the vehicle, the council may require that the vehicle is inspected at the council's vehicle inspection depot. A licensing officer acting under delegated authority may suspend the vehicle licence until it has been suitably repaired and undergone an inspection at the council depot.

Change of details

If the operator changes any of their personal details such as name, address or contact telephone number during the licence period, whether permanent or temporary, they will notify the council within **SEVEN DAYS** by telephone or email.

Nuisance

An operator shall not allow any premises used in connection with their private hire business to cause a nuisance to nearby residents or businesses, including (but not limited to);

- Undertaking servicing or repairs of vehicles which cause nuisance, disturbance or distress (e.g.in unsociable hours)
- Allowing any entertainment devices to cause disturbance.

Safeguarding

An operator shall have a documented reporting procedure in place to deal with all safeguarding concerns and a record shall be kept of the following:

- The date, time and location that the concern was reported;
- The date, time and location at which the concern was first observed;
- Details of the reason for the concern;
- Details or description of the person/s who raised the concern;
- Details or description of the person/s who are believed to be the subject of the concern;
- Details of any bookings which may be related to the concern;
- Any action taken; and
- Details of any referrals made to other agencies, which should include the Police.

Operators must undergo such safeguarding training as deemed necessary by the Council. Operators shall ensure that every driver is aware of their documented safeguarding procedure to enable compliance with that procedure.

Display of terms and conditions

The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire operation and shall make the same available for inspection by members of the public who are fare paying passengers. The above conditions may be revised or amended at any time by the Council whereupon a copy of the conditions as revised or amended will be supplied to the operator.

Amendment to conditions

The above conditions may be revised or amended at any time by the council whereupon a copy of the amended conditions will be issued to the Private Hire Operator.

5. EXECUTIVE PRIVATE HIRE

5.1 Executive hire vehicles

The licensing authority considers that most chauffeur/executive hire operations are likely to fall within the private hire vehicle licensing regime. We also recognise that the customers using this kind of service would prefer that the licensed vehicle is not readily identified as a private hire vehicle and that, because of the nature of the business operation, owners of these vehicles may wish to be exempt from displaying council licence plates and side panel signage that is normally required for licensed private hire vehicles.

In these circumstances the vehicle must display a 'Gold Executive Plate' specifically designed for this type of chauffeur/executive business operation. The plate, to be affixed within the front or rear windscreens, will be a more discrete plate than the usual private hire signage, will be gold in colour and measure approximately 5 inches by 4 inches. Also a blue disk is to be displayed within the front windscreen of the vehicle.

No door panel signage will be required, **and tinted windows WILL be permitted for this type of vehicle**. However, the vehicle must still meet all other specifications and conditions for a private hire vehicle as outlined in sections 1 – 3 above. Drivers of executive hire vehicles will complete the licence process in the same way as any other driver.

The type of work undertaken must be 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

Any applicant wishing to apply for this discrete 'Gold Executive Plate' must comply with the following conditions;

- a) The licensing of Private Hire Executive vehicles shall be dependent upon the Council being satisfied that the vehicle is suitable in size, type and design for the use for **contractual and executive chauffeur** hire only. The vehicle will only be used for these chauffeur services, secured through a written contract (through central booking system or long term contract).
- b) The applicant must provide evidence that his business is that of executive travel and the vehicle will be used for executive travel **ONLY** and not function as a normal Private Hire vehicle or take normal Private Hire bookings. Records of bookings and supporting documentation may be required by the licensing section at any time.
- c) A private hire executive vehicle must be of an exceptional standard, offering a high standard of comfort inside and suitably equipped. There must be no marks or blemishes in the interior trim or seating, and there must be no marks, scratches or dents on the external bodywork.
- d) Each application for an executive hire licence will be assessed on its own merits and the quality of each vehicle will be assessed on inspection of the vehicle itself. The vehicle must meet all current vehicle specifications required

of a private hire vehicle, unless stated otherwise. All other relevant driver, vehicles and operator's conditions shall otherwise apply.

- e) The application process and the set age limits for the vehicle licence will be the same as for a private hire vehicle. If the applicant feels that the vehicle is in exceptional condition and may be viable beyond the set age limits for private hire vehicles, the proprietor must make an application for the case to be heard before the Licensing and Public Protection Committee.
- f) The operator of a Private Hire Executive vehicle must be the holder of a Private Hire Operators Licence issued by this authority or run their vehicle through an existing Private Hire Operator Licence by this authority. All bookings must be made through a Private Hire Operator.
- g) Although executive hire vehicles are exempt from certain signage requirements, the 'no smoking' signage must still be displayed discreetly within the vehicle.
- h) No advertising will be permitted on the interior or exterior of the vehicle.

5.2 Limousines

The Council recognises the role of limousines in the private hire vehicle role. Their use will generally include prestige private hire executive work plus special occasions such as days at the races, stag and hen parties and school proms. As such the licensing conditions for **executive hire vehicles at 4.1** above will apply. Limousines can be licensed for private hire executive vehicle work providing they may carry no more than **eight** passengers and satisfy all licensing conditions. These conditions will not apply to a vehicle while it is being used in connection with a wedding or funeral, or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director for the purpose of funerals.

Stretched limousines

A "stretched" limousine is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. They are generally imported into the UK from the USA when five years old, and will typically have been manufactured originally by Ford or Cadillac. They are only normally licensed in the USA for only five years for the following reasons;

- Safety concerns
- Generally these vehicles are only built to last 5 years
- With the substantial weight (over 3 tons), steering, braking and suspension parts tend to wear out much faster than normal and therefore 5 years is the optimum maximum age in the USA.
- Some insurance companies in the USA will not licence limousines over 5 years old due to concerns regarding reliability and safety.

Most stretched limousines are imported into the UK for commercial purposes and are required to have undertaken an Individual Vehicle Approval (IVA) test. The IVA Scheme is an inspection scheme for vehicles that are not approved to British and European Standards, and its purpose is to ensure that the vehicle meets

modern safety standards and environmental standards before being used on public roads. When presented for IVA, the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.

It is for these reasons that the licensing authority would pay special attention to the licensing of such vehicles in order to preserve public safety. Any conditions attached to a vehicle licence of this type would take into account the fact that stretched limousines will;

- Generally travel at slower speeds than normal private hire vehicles.
- Not normally overtake other vehicles.
- Be easily recognisable by the hirer.
- Be heavier and considerably longer than standard cars.
- Be adapted or converted by someone other than the original manufacturer.

In accordance with the latest guidance, (Department for Transport Best Practice Guidance), all applications to licence stretched limousines as PHVs will be treated on their own merits. It is, however, proposed that imported stretched limousine type vehicles will only be approved for licensing as private hire vehicles subject to the additional conditions;

- a) The vehicle must not be over 5 years old on first application for licensing.
- b) The DVLA V5 log book or equivalent shall be produced to authenticate registration.
- c) Vehicles may be either left or right hand drive providing that they have proof of full Vehicle Type Approval.
- d) The VIN plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- e) 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. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).
- f) A plate on the door pillar shall confirm the total weight of the vehicle.
- g) Tyres fitted to the vehicle must be either 235/75R-15 108S (BF Load) or 225/70R-16107T Town Car Limo Tyre (Reinforced) or other such tyres as deemed suitable by an independent engineer for this application.
- h) 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.
- i) Vehicles with this licence are exempt from certain conditions of the licence and signage requirements as stated in the Hackney Carriage/private Hire Policy. They must display the discreet gold executive plate in the bottom left of the front window.

- j) They may advertise on the rear window and/or on the front and/or rear doors of the vehicle. They may choose to carry no signage or advertising.
- k) The use of fog machines, lasers, fibre optics, disco balls and Jacuzzis should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.
- l) These conditions will not apply to a vehicle while it is being used in connection with a wedding or funeral, or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director for the purpose of funerals.

5.3 Special event vehicles

It is recognised that there is a current trend for different and unusual novelty vehicles to be used as a private hire vehicle carrying passengers to certain special events. These may include decommissioned emergency vehicles such as fire engines or ambulances.

Any vehicles used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer, are considered to be private hire vehicles. These vehicles must be licensed as private hire vehicles, driven by licensed drivers and the journey must be booked via a private hire operator.

The council considers the following types of vehicles to be “Special Event Vehicles” in the licensing context;

- Decommissioned emergency service vehicles
- Vintage vehicles
- Other non-standard type converted vehicles used for special events

The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the council will have regard to the general requirements for private hire vehicles contained within this policy and any relevant conditions.

Any additional equipment carried on these vehicles, such as strobe lighting, disco balls, lasers or fibre optics should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.

Any person wishing to licence a Special Event Vehicle will be required to apply in writing to the Licensing Manager stating the type and age of the vehicle, and the reasons why they believe they should be considered for this vehicle category. Any vehicles of this type issued with a licence will only be used for special occasions, and will not be used for everyday private hire use.

As these vehicles do not fall within the set criteria or specifications contained within the council's policy, all applications for this type of vehicle will be

determined by the Licensing & Public Protection Committee. Public safety will be of prime importance but each case will be assessed on its own merits.

If you require any further information or advice about your this policy you should contact the Licensing Officer in writing or by telephone between 9am and 2pm Monday to Friday or email at the following address:-

**Licensing Section
Erewash Borough Council
The Civic Centre
Derby Road
Long Eaton
Derbyshire
NG10 1HU**

Tel: 0115 9071110

Email: licensing@erewash.gov.uk