

CITY OF  
*Lincoln*  
COUNCIL

# **HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY**

## INDEX

	SECTION	PAGE
1.	Introduction	4
2.	Integration of Strategic Objectives	6
3.	The Licensing Process:	6
	• Private Hire Operator's Licence	7
	• Private Hire Vehicle Licence	8
	• Hackney Carriage Vehicle Licence	11
	• Private Hire Vehicle and Hackney Carriage Driver's Licences	14
4.	Enforcement	20
5.	Review	22
6.	Advice and Guidance	22
	APPENDICES	
A	Glossary of Terms	23
B	General Conditions for Private Hire Operators	24
C	Private Hire Vehicle Specifications	27
D	Private Hire Test Requirements	36
E	Conditions of Licence – Private Hire Vehicles	38
F	Specification For Hackney Carriages	42
G	Hackney Carriage Test Requirements	50
H	Conditions of Licence – Hackney Carriage Vehicles	52

I	Statement Of Policy On Relevant Convictions	55
J	General Conditions and Duties of Private Hire Vehicle Drivers	71
K	City of Lincoln Bylaws	73

# Hackney Carriage & Private Hire Licensing Policy

## 1. Introduction

The City of Lincoln is a controlled district within the meaning of section 45 of the Local Government (Miscellaneous Provisions) Act 1976 having been adopted on the 4<sup>th</sup> October 1977.

The City of Lincoln Council (hereinafter referred to as the Council) is responsible for the licensing of all Hackney Carriage vehicles and drivers and Private Hire operators, vehicles and drivers in the district pursuant with powers conferred by the following:

Town Police Clauses Act 1847  
Public Health Act 1875  
Town Police Clauses Act 1889  
Public Health Act 1925  
Public Health Act 1936  
Local Government Act 1972  
Rehabilitation of Offenders Act 1974  
Local Government (Miscellaneous Provisions) Act 1976  
Transport Act 1980  
Public Passenger Vehicle Act 1981  
Transport Act 1981  
Transport Act 1985  
Criminal Justice and Public Order Act 1994  
Equality Act 2010  
Transport Act 2000  
Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002

This document sets out the policies and principles that the Council will apply when making decisions on applications for:

- Hackney Carriage Vehicle Licences;
- Private Hire Operators Licences;
- Private Hire Vehicle Licences; and
- Hackney Carriage/Private Hire Driver's Licences.

In setting out this policy, the Council seeks to promote the following objectives:

- Protection of the public;
- The establishment of a professional and respected Hackney Carriage and Private Hire service;
- Access to a safe, efficient, reliable and effective transport service; and
- Protection of the environment.

The Council has had regard to the following in producing this policy:

- 'The Best Practice Guidance for Taxi And Private Hire Vehicle Licensing' issued by the Department For Transport (DfT);
- The Driver and Vehicle Standards Agency (DVSA) Guide to maintaining roadworthiness of Commercial Goods and Passenger Carrying Vehicles.

- ‘The Best Practice Guide for Hackney Carriage and Private Hire Inspection’ produced through the Public Authority Transport Network;
- Local Government Association, ‘Taxi and PHV Licensing Criminal Convictions’ Policy’;
- Local Government Association, ‘Taxi and Private Hire Vehicle Licensing Standardised Conditions’;
- The Government’s ‘Statutory Code of Practice for Regulators’ ;
- Royal Society for the Prevention of Accidents;
- Independent Inquiry into Child Sexual Exploitation in Rotherham;
- Report of the Independent Reviewing Officer in Relation to Child Sexual Exploitation Issues in Rochdale Metropolitan Borough Council during the Period 2006 to 2013.
- The Spinal Injuries Association Taxi Charter
- Other local authority standards

The Council will work in partnership with other relevant departments, neighbouring authorities, the police, Lincolnshire Road Safety Partnership, Lincolnshire local businesses and local people towards the promotion of the objectives as outlined.

In preparing this policy statement the Council has consulted with the following:

- The Hackney Carriage and Private Hire trade within the district;
- Members of the City of Lincoln Council;
- Local residents and their representatives;
- Local businesses and their representatives;
- Lincolnshire Police;
- Lincolnshire Road Safety Partnership;
- Lincolnshire Safeguarding Children’s Board
- Lincolnshire County Council Transport Services (School Contracts)
- Disability groups;
- Lincoln College; and
- Other relevant bodies.

Proper weight has been given to the views of all those consulted prior to this policy statement being agreed and taking effect on 7<sup>th</sup> March 2016.

The Council is committed to the implementation and application of this policy in such a manner as to ensure that no applicant or interested party is treated less favourably on the grounds of sex, marital status, race, nationality, ethnic or national origin, disability or age, nor is disadvantaged by the application of a rule, condition or requirement, which has a discriminatory effect which cannot be justified either in licensing terms or as a requirement of law.

The purpose of licensing is to regulate the Hackney Carriage and Private Hire trade within the terms of the appropriate legislation and the objectives set out above.

The Council will discharge its responsibilities identified by Central and Local Government strategies, so far as they impact on the licensing of the Hackney Carriage and Private Hire trade in the district.

Notwithstanding the existence of this policy, each application and each enforcement measure will be considered on its own merits.

It will be the responsibility of an applicant to show why in each case the Council should depart from the policy. Where it is necessary for the Council to depart substantially from its policy, clear and compelling reasons will be given for so doing.

## **2. Integration of Strategic Objectives**

This policy seeks to assist in the Council's strategic objectives as defined in the Corporate Plans and Strategies for City of Lincoln Council. The proper integration of these strategic objectives with the taxi licensing objectives is a key to the effective implementation of this policy.

By consulting widely prior to this policy statement being published the Council has endeavoured to secure proper integration with local crime prevention, planning, transport, tourism and strategies.

There are a number of wider issues which may need to be given due consideration by the Council in exercising its licensing function. The Council's Licensing Committee may therefore receive and may act upon reports on -

- The needs of the local economy including but not exhaustively, the night-time economy and the tourist economy;
- The employment situation in the area and the need for new investment and employment where appropriate;
- The planning considerations which might affect Hackney Carriage and Private Hire licensing;
- The local transport arrangements;
- Crime and disorder and community safety issues; and
- Any other reports considered appropriate to the licensing function.

All applications for Hackney Carriage and Private Hire licensing will normally only be considered where:-

- The activity is a lawful planning use, in respect of a business carried out at a premises; and
- The number of vehicles to be used does not exceed that authorised by any planning permission.

In reaching a decision on whether or not to grant a licence, the Council will take account of any non-compliance with other statutory requirements brought to its attention, where these undermine the Hackney Carriage and Private Hire licensing objectives. Non-compliance with statutory requirements may be taken to indicate that the applicant is not a 'fit and proper person' to hold a licence issued by the Council.

## **3. The Licensing Process**

The functions of the Council under the Act may be exercised by the Licensing Committee, or by a Sub-Committee or Officers acting under delegated authority.

Each application for licensing will be considered on its own merits. Applicants will be required to submit applications for:

- A Private Hire Operator's licence,
- A Private Hire Vehicle licence,
- A Private Hire Driver's licence,
- A Hackney Carriage Vehicle Licence,
- A Hackney Carriage Driver's Licence.

### **Private Hire Operator's Licence**

Any person who operates a Private Hire service must apply to the Council for a Private Hire Operator's licence. A Private Hire Vehicle may only be despatched to a hirer by a Licensed Private Hire Operator.

It is the responsibility of the Private Hire Operator to ensure that every Private Hire Vehicle operating under its licence is correctly licensed as a private hire vehicle by the Council and is driven by a person who holds a Private Hire Driver's Licence issued by that Council.

Application for a Private Hire Operator's Licence must be made on the prescribed form, together with the appropriate fee. The applicant must demonstrate to the Council that they are a fit and proper person to hold an Operator's Licence.

In determining fit and proper, the Council will take into consideration the applicant's criminal record (if applicable), whether licences have been held in the past either with this Council or elsewhere, the holding of appropriate public liability insurance for the business and premises to be licensed and the vehicles used, a suitable method of keeping the records required by the Council and if necessary, any planning permission required for the operating address to have been obtained.

In order that a proper assessment can be made of any criminal record an applicant may have, it will be necessary for the applicant to obtain one of the following:

- a criminal conviction certificate issued under section 112 of the Police Act 1997,
- a criminal record certificate issued under section 113A of the Police Act 1997, or
- the results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service.
- A standard disclosure issued by the Disclosure and Barring Service;
- Certificate of Good Conduct, together with a certified translation, from the relevant embassy in the case of an overseas applicant or an applicant that has spent more than 3 months out of this Country.

Such certificate(s) or search result(s) shall be issued no earlier than one calendar month before the giving of the application to the Council.

It is the responsibility of an applicant to demonstrate that he is fit and proper to hold a licence.

The Council has power to impose such conditions on an Operator's Licence as it considers reasonably necessary. A list of general conditions imposed on Operator Licences can be seen at Appendix B, however, this is not exhaustive and special conditions may be imposed by the Council to suit individual circumstances.

A successful applicant will be granted a Private Hire Operator's Licence for a five year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate to the circumstances.

There shall be two licences available, one for nine or less vehicles and the other unlimited. The scale of fees and charges shall be structured to reflect the extra work involved in supervising and enforcing conditions etc.

Upon grant of an Operator's Licence the Council will specify the address from which the operator may operate. The operator must notify the Council in writing of any change of address (whether this is the applicant's home address or operating address) and, where necessary, include written confirmation of whether or not planning permission is required. This must be done within 7 days of such a change taking place.

The Council cannot grant a Private Hire Operator's Licence for an operator with an operating base that is outside the City of Lincoln Council area.

The acceptance of bookings for Private Hire Operators licensed in Lincoln can only be made in the control district of Lincoln.

Holders of existing Private Hire Operator's Licences are reminded that it is their responsibility to re-licence in order to ensure continuity of business, however, the Council will endeavour to remind licensees in the month preceding their expiry, when their licences are due to expire.

### **Private Hire Vehicle Licence**

An application for Private Hire Vehicle Licence must be made by the proprietor on the prescribed form, together with the appropriate fee and documents, these include:

- Certificate of insurance;
- MOT test certificate (DVSA);
- The Council's vehicle itinerary sheet;
- Vehicle Service/Maintenance record;
- The vehicle's V5 document;
- Lease agreement (if the vehicle is leased);
- Proof that the vehicle is taxed.

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Private Hire Vehicle Licence. A list of general conditions imposed on Private Hire Vehicle Licences can be seen at Appendix E, however, this is not exhaustive and special conditions may be imposed by the Council to suit individual circumstances.

Vehicles will, in general, be licensed for the carriage of up to eight passengers, provided that there is compliance with the vehicle specifications applicable to such vehicles. For full details of vehicle specifications see Appendix C.

On first presentation of a vehicle for licensing, the proprietor shall provide either a service/maintenance history indicating that the vehicle has been serviced in accordance with the manufacturer's recommendations as to age and mileage or, if not available, a record showing that the vehicle has received a service in accordance with the manufacture's recommendations appropriate to its age and mileage on presentation.

Private Hire Vehicles will be subject to an inspection before being licensed and then at no more than six month intervals. The Council can undertake spot tests at any time deemed required and issue Stop Notices. The requirements of the test are in addition to the requirements of an MOT test but can be carried out at any DVSA registered MOT testing station approved by the Council and in conjunction with an MOT test. The test report must be stamped with the name and address of the premises and signed by the examiner. For details of the test requirements see Appendix D. The payment of the fee for the vehicle testing shall be the responsibility of the vehicle proprietor and paid in accordance with any arrangements made between the proprietor and the test station.

Test certificates issued by a test station under the control of or associated with a private hire vehicle proprietor/operator/driver are not acceptable.

A Council test certificate will be issued by the Council on production of the inspection report and other supporting documentation detailed in Appendix D. The fee for issuing the certificate will be determined by the Council and may be varied at any time.

The Council test certificate shall be displayed in the front widescreen of the vehicle such that it is clearly visible externally from the front nearside and in such a position as to not obstruct the swept area of the windscreen.

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time while the licence is in force, without the prior approval of the Council.

Any material alteration or change in the specification, design, condition or appearance made to the vehicle whilst not licensed and subsequently presented for inspection and re-licensing shall be notified in writing to the Council.

The vehicle shall be issued with two plates indicating the Private Hire Vehicle Licence number of that vehicle, the larger one of which shall be fitted to the exterior rear of the vehicle so as to be clearly visible and the other be fitted internally facing the passenger compartment and in such a position as to not obstruct the swept area of the windscreen.

The plates shall remain the property of the Council and must be returned within 7 days of a vehicle ceasing to be licensed.

A deposit of an amount determined by the Council shall be required for each set of plates issued by the Council.

A taximeter may be fitted but any such meter will be tested for accuracy and sealed. This may be checked at any time by authorised Council officers and will be the subject of the biannual test.

There is no set scale of fares fixed by the Council but a current scale of fares as determined by the operator shall be deposited with the Council.

The vehicle shall NOT display either externally or internally any sign, notice or advertising material unless prior approval has been obtained from the City of Lincoln Council except that each vehicle must show externally on both the front near and offside door panels so as to be plainly and clearly visible.

- (a) A non-magnetic sign the overall size of which shall be 600 mm x 300 mm coloured yellow

The top lines to show

<b>CITY OF LINCOLN PRIVATE HIRE VEHICLE</b>	In Black block capital lettering not less than 32 mm in height
---	--

Middle line to show

<b>OPERATORS NAME AND TELEPHONE NUMBER</b>	In any colour on a background colour of yellow, letters and numbers not greater in height than 65 mm
--	--

OR

<b>OPERATORS NAME AND TELEPHONE NUMBER</b>	On a background colour on a band not greater than 100 mm x 600 mm, the name and numbers in a contrasting colour or combination of colours not greater in height than 65 mm with specific background colour and specific colours of operators name and telephone number allocated to a specific operator. <u>Each band colour combination must be approved by the City of Lincoln Council</u>
--	--

Bottom line to show

<b>ILLEGAL HIRE IF NOT PRE-BOOKED</b>	In Black Block capital lettering not less than 32 mm in height
---	--

- (b) One company logo on yellow background may be placed on the exterior near and offside rear side doors of a licensed vehicle not greater than 210 mm square. The logo can be in any colour but yellow. Each logo must be approved by the City of Lincoln Council.

- (c) The name and telephone number of the operator may be shown in any colour but yellow or white on a yellow background not greater than 600 mm long x 45 mm high on the exterior rear of a licensed vehicle.

The vehicle shall not be fitted with a roof sign or be of such an appearance or design as to lead any person to believe it to be a Hackney Carriage.

The words "TAXI", "CAB"; or the word "HIRE" in any other context than that above, must not be used and no sign or advertisement matter of any description, other than that specified, must be displayed on or in any part of the licensed vehicle at any time.

The Council will consider all applications for a Private Hire Vehicle Licence on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are valid and complete.

Holders of existing Private Hire Vehicle Licences are reminded that it is their responsibility to re-licence in order to ensure continuity of business. To ensure that licensees re-licence in a timely manner the council will endeavour to send a letter at least one month prior to the expiry of their current licence.

From time to time, the Council will attach such conditions to a Private Hire Vehicle Licence as are considered necessary.

All accidents causing injury to passengers and/or damage to the vehicle materially affecting the safety, performance, appearance, comfort or convenience of persons carried therein must be reported to the City Council as soon as is reasonably practical and in any case within 72 hours of the occurrence.

In the event of damage to the vehicle, other than minor superficial damage to the bodywork (such as a small dent or scratch), the vehicle shall be examined at a VOSA registered MOT testing station approved by the Council to ensure that the vehicle is safe to be used as a private hire vehicle. The fee for such a test shall be the responsibility of the proprietor.

Any vehicle that does not meet the criteria to be licensed as a private hire vehicle but is currently licensed with the Council at the time of this policy coming into force, shall continue to be so licensed so long as:

- It remains in the ownership of the proprietor at the time of this policy coming into force; and
- It has not been transferred onto any other licence plate number;
- It has not been transferred to another licence holder.

Failure to comply with the terms of Part II of the Local Government (Miscellaneous Provisions) Act 1976, road traffic legislation and the licensing standards, conditions and requirements of the Council may lead to suspension and/or revocation of the licence.

### **Hackney Carriage Vehicle Licence**

An application for Hackney Carriage Vehicle Licence must be made by the proprietor on the prescribed form, together with the appropriate fee and documents, these include:

- Certificate of insurance;
- MOT test certificate;
- The Council's vehicle itinerary sheet;
- Vehicle Service/maintenance record;
- The vehicle's V5 document;
- Lease agreement (if the vehicle is leased);
- Proof that the vehicle is taxed.

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage Vehicle Licence. A list of general conditions imposed on Hackney Carriage Vehicle Licences can be seen at Appendix H, however, this is not exhaustive and special conditions may be imposed by the Council to suit individual circumstances.

Vehicles will, in general, be licensed for the carriage of up to eight passengers, provided that there is compliance with the vehicle specifications applicable to such vehicles. The vehicle shall be of the London Taxi-cab or people carrier style of body. For full details of vehicle specifications see Appendix F.

The vehicle shall be capable of carrying a person confined to a wheelchair and have approved anchorages and separate restraints (seat belts) for the passenger.

At of the commencement of this policy there shall be a gradual allocation of 15 side loading and 15 rear loading wheelchair accessible hackney carriage licences. This will then permit a greater choice of vehicle for wheelchair users and accommodate the needs of proprietors. The allocation will be done over a period of time and only when proprietors wish to change their vehicles will the choice be made. The restricted number of motorised hackney carriages will remain at a total of 30.

On first presentation of a vehicle for licensing, the proprietor shall provide either a service/maintenance history indicating that the vehicle has been serviced in accordance with the manufacturer's recommendations as to age and mileage or, if not available, a record showing that the vehicle has received a service in accordance with the manufacture's recommendations appropriate to its age and mileage on presentation.

Hackney Carriages will be subject to an inspection before being licensed and then at no more than six month intervals. The requirements of the test are in addition to the requirements of an MOT test but can be carried out at any VOSA registered MOT testing station approved by the Council and in conjunction with an MOT test. The test report must be stamped with the name and address of the premises and signed by the examiner. For details of the test requirements see Appendix G. The payment of the fee for the vehicle testing shall be the responsibility of the vehicle proprietor and paid in accordance with any arrangements made between the proprietor and the test station.

A Council test certificate will be issued by the Council on production of the inspection report and other supporting documentation detailed in Appendix G. The fee for issuing the certificate will be determined by the Council and may be varied at any time.

The Council test certificate shall be displayed in the front widescreen of the vehicle such that it is clearly visible externally from front nearside and in such a position as to not obstruct the swept area of the windscreen.

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time while the licence is in force, without the prior approval of the Council.

Any material alteration or change in the specification, design, condition or appearance made to the vehicle whilst not licensed and subsequently presented for inspection and re-licensing shall be notified in writing to the Council.

The vehicle shall be issued with two plates indicating the Hackney Carriage Licence number of that vehicle, the larger one of which shall be fitted to the exterior rear of the vehicle so as to be clearly visible and the other be fitted internally facing the passenger compartment and in such a position as to not obstruct the swept area of the windscreen.

The plates shall remain the property of the Council and must be returned within 7 days of a vehicle ceasing to be licensed.

A deposit of an amount determined by the Council shall be required for each set of plates issued by the Council.

A taximeter shall be fitted and any such meter will be tested for accuracy and sealed. This may be checked at any time by authorised Council officers and will be the subject of the biannual test.

The vehicle shall be fitted with a roof light of a size approved by the Council bearing the word "TAXI" and an approved Disabled Logo may also be shown. The sign must be lit from within and the supply wired so that the light is extinguished when the meter is set.

A scale of fares is fixed by the Council. A tariff card showing the scale will be supplied and this must be displayed inside the vehicle so that it is visible to all passengers.

A copy of the Council Byelaws relating to the operation of Hackney Carriages will be supplied. This must be carried in the vehicle when it is in operation as a Hackney Carriage and be available to the driver and passengers.

The vehicle shall NOT display either internally or externally any sign, notice or advertising material unless prior approval thereto has been obtained from the City Council.

The Council will consider all applications for a Hackney Carriage Vehicle Licence on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

A successful applicant will be granted a Hackney Carriage Vehicle Licence for a period of one year from the date of the grant of the licence.

Holders of existing Hackney Carriage Licences are reminded that it is their responsibility to re-licence in order to ensure continuity of business. To ensure that licensees re-licence in a

timely manner the council will endeavour to send a letter at least one month prior to the expiry of their current licence.

From time to time, the Council will attach such conditions to a Hackney Carriage Vehicle Licence as are considered necessary.

All accidents causing injury to passengers and/or damage to the vehicle materially affecting the safety, performance, appearance, comfort or convenience of persons carried therein must be reported to the City Council as soon as is reasonably practical and in any case within 72 hours of the occurrence.

In the event of damage to the vehicle, other than minor superficial damage to the bodywork (such as a small dent or scratch), the vehicle shall be examined at a DVSA registered MOT testing station approved by the Council to ensure that the vehicle is safe to be used as a hackney carriage vehicle. The fee for such a test shall be the responsibility of the proprietor.

Any vehicle that does not meet the criteria to be licensed as a hackney carriage but is currently licensed with the Council at the time of this policy coming into force, shall continue to be so licensed so long as:

- It remains in the ownership of the proprietor at the time of this policy coming into force; and
- It has not been transferred onto any other licence plate number;
- It has not been transferred to another licence holder.

Failure to comply with the terms of the Town Police Clauses Act 1847, the Public Health Act 1875 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 together with road traffic legislation and the licensing standards, conditions and requirements of the Council may lead to suspension and/or revocation of the licence.

## **Private Hire Vehicle and Hackney Carriage Driver's Licences**

### **Statement of Intent**

The Council is committed to ensuring that the public of Lincoln are provided with a Hackney Carriage and Private Hire service which conforms to the required standard of service, safety and comfort. It has taken into account the licensing requirements and experiences of other councils including issues of exploitation of children and vulnerable persons. It therefore feels there are extra measures required in respect to training of and the qualifications required for drivers and that these are reasonable and proportionate in the circumstances.

In this section vehicle driving licence shall refer to both hackney carriage and private hire vehicle driving licences and where there are differences in procedures or requirements the licence type shall be referred to specifically.

An application for Vehicle Driver's Licence must be made in person at the Council Offices on the prescribed form, together with the appropriate fee and supporting documentation.

Two photographs of the applicant are required, each of which shall conform to the requirements set by the Passport Agency. Further information can be obtained here: <https://www.gov.uk/photos-for-passports>.

A licence to drive a licensed vehicle will not be granted to a person under the age of 21 and who has not held a full driving licence for a period of at least two years.

Driving licences must be a full UK, Northern Ireland or European Community licence.

An application for a vehicle driving licence cannot be processed for a person that cannot produce a valid full driving licence showing the applicant's current address.

A licence to drive a private hire vehicle or hackney carriage will not be granted to a first time applicant who has not undertaken the Lincolnshire Road Safety Partnership (LRSP) Driver's Improvement Programme (or equivalent Council approved taxi/private hire driving examination).

The applicant will be responsible for paying any fee required to the LRSP or other examining body.

A licence to drive a hackney carriage will not be granted to a person who has not successfully passed the Driver and Vehicle Standards Agency's (DVSA) wheelchair handling assessment or any other assessment approved by the council. The applicant will be responsible for paying any fee required from the DVSA or approved assessor.

Drivers who hold a current vehicle driving licence at the time of the implementation of this policy shall be exempt from the requirements concerning LRSP and in respect of hackney carriage drivers, the DVSA assessment as set out above.

The Council intends to introduce a requirement for training to enhance the service to the travelling public and the professional status of drivers. The Level 2 Certificate 'Introduction to the Role of the Professional Taxi and Private Hire Driver' has been assessed by the Council as being appropriate. It is nationally recognised, used by many other authorities and there is locally suitable delivery available. Additionally, funding is available to part subsidise the fees.

Details of the course can be found at <http://qualifications.pearson.com/en/home.html>

Drivers that already have the qualification or a similar qualification shall be exempt from this requirement other than completing the safeguarding requirement of the Council. The Council will determine whether another qualification exempts an individual from this requirement.

New applicants shall be expected to have attained three units (to be specified by the Council, one to be Safeguarding) of the qualification either before making an application or obtain it during the licence application process. A licence shall not be issued unless those three units have been achieved. The remaining modules (currently seven) must be achieved before another licence can be issued.

Applicants that have successfully obtained the qualification shall be offered the opportunity of having a licence valid for three years.

Existing drivers renewing their licence shall be issued with a one year licence and be expected to obtain the full qualification before another licence can be issued.

Existing drivers that have successfully obtained the qualification shall be offered the opportunity of having a licence valid for three years.

Applicants shall be responsible for all fees associated with obtaining the qualification.

In the future, Lincolnshire Safeguarding Children's Board will be accrediting specific training in safeguarding and drivers will be required to undertake this training as an additional requirement to obtaining a licence, which will apply to all Lincolnshire districts. Further details will be made available in due course.

A licence to drive a licensed vehicle will not be granted to a person who has not successfully demonstrated that they have a reasonable knowledge of the local area. The applicant will be required to sit a written examination called a Knowledge Test and achieve a test score of at least 80%. Persons that have difficulty reading or are dyslexic will be offered alternative methods on production of proof of such impairment or difficulty as a reasonable adjustment to this requirement.

To reflect the higher risks caused by the length of time a driver may spend at the wheel in the course of his occupation an applicant for a vehicle driver's licence shall undergo periodic medical examinations. The examination shall be to the DVLA's Group 2 medical standard using the recommendations contained within the current DfT Best Practice Guidance for Taxi and Private Hire Vehicle Licensing. The examination shall be conducted by a doctor that has access to the applicant's medical records. An examination shall be required on initial application and then every five years once the driver has attained the age of 45 years. From the age of 65 years a medical shall be required every year. The applicant will be responsible for paying any fee required for the examination or obtaining relevant medical notes.

Holders of existing drivers licences are reminded that it is their responsibility to provide to the Council a satisfactory medical certificate as and when required. To ensure that licensees comply with this requirement the Council will endeavour to send a letter one month prior to a licensee attaining the requisite age where a medical examination is due.

Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities as soon as it comes to their attention.

Where there is any doubt as to the medical fitness of an applicant, the Council may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the Council.

Where there remains any doubt about the fitness of an applicant, the matter will be determined by the Licensing Committee who will make a final decision in light of the medical evidence available.

Before an application for a driver's licence will be considered, the applicant must provide a current (i.e. less than one month old) enhanced Disclosure and Barring Service (DBS) disclosure. The DBS does not provide a copy of the disclosure to the Council and therefore it is the responsibility of the applicant to provide a copy of the disclosure for examination within the month following its issue date.

If an applicant is due a criminal record check during the period of the licence applied for (either one year or three year), he will be required to provide a valid Enhanced Disclosure and Barring Service (DBS) Disclosure certificate before a licence can be issued.

In the case of an overseas applicant or an applicant that has spent more than 3 months out of this country; the applicant must provide a Certificate of Good Conduct, together with a certified translation, from the relevant embassy for every country they have lived in.

If an applicant has successfully obtained asylum status in the United Kingdom or an applicant has resided in a country involved in war or there is not a functioning infrastructure in that country then they may not be able to obtain a Certificate of Good Conduct. In this instance the applicant will be invited to attend the Hackney Carriage & Private Hire Sub-Committee for determination. The Sub-Committee would expect that the applicant has not in the preceding five years from the date of making their application, lived outside this country for a period of three months or more.

Applicants that are unable to meet the requirement of providing a Certificate of Good Conduct may find it difficult to demonstrate that they are a fit and proper person to hold a licence. The onus is on an individual to prove fit and proper and it is advised that the provision of a satisfactory employment record including employers' reference would be acceptable as indication of a degree of fitness.

A DBS disclosure is required at least every three years, but the Council can request another disclosure at any time if a further check is considered necessary.

All applicants shall be required to sign a mandate permitting the Council to obtain details of their driver licence history from the DVLA. In order to do this they shall be required to sign a mandate at specified intervals. A licence shall not be issued unless a driving record check has been made.

Licensed drivers must notify the Council in writing immediately of any criminal convictions, findings of guilt (including fixed penalty tickets), cautions and warnings, whether for motoring or other offences, and any breaches of this requirement may result in the suspension of the licence and the matter will be referred to the Licensing Committee for consideration.

In relation to the consideration of the relevancy of convictions and cautions recorded against persons, the Council has adopted the policy as set out in Appendix I.

A Vehicle Driver's Licence shall not be granted to a person who cannot demonstrate with documentary evidence that they are entitled to live and work in this country.

The Council will consider all applications for a vehicle driver's licence on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

If during the course of the application, the interviewing officer is of the opinion that the applicant appears not to have a good enough command of the English language to such an extent that the applicant may have difficulty communicating with customers, the application may be referred to the Hackney Carriage & Private Hire Sub-Committee committee for determination.

Once all requirements have been met, the successful applicant will be offered a Vehicle Driver's Licence for a period of three years from the date of the grant of the licence. He may however, if there are mitigating circumstances, opt to continue with one year licences, subject to the agreement of the Council.

Until all requirements have been met, the applicant will be offered a Vehicle Driver's Licence for a period of one year from the date of the grant of the licence.

The driver shall be issued with a badge bearing the Hackney Carriage Driver's or Private Hire Driver's licence number, the holder's name and a photograph of the licence holder. The badge shall be worn on the person of the holder in such a position that it can be clearly seen by passengers and shall be worn at all times the holder is driving a licensed vehicle (Section 54 Local Government (Miscellaneous Provisions) Act 1976).

The badge shall remain the property of the Council and must be returned within 7 days of a driver ceasing to be licensed.

A deposit of an amount determined by the Council shall be required for each badge issued by the Council.

Failure to comply with the terms of the requisite legislation including road traffic law and the licensing standards, conditions and requirements of the Council may lead to suspension and/or revocation of the licence.

Holders of existing Hackney Carriage or Private Hire Vehicle Drivers' Licences are reminded that it is their responsibility to re-licence in order to ensure continuity of business, however, the Council will endeavour to remind licensees three month's preceding their expiry, when their licences are due to expire.

Drivers must carry Guide Dogs for the Disabled, Support Dogs, or Canine Partners for Independence in any vehicle licensed by the Council which has been hired by a person using such a dog unless an exemption has been granted to the driver. There shall be no additional charges for carrying these dogs.

The Council has standard conditions which it attaches to Private Hire Vehicle Driver's Licence and from time to time, the Council may attach such special conditions to the licence as are considered necessary. The general conditions and duties expected of a driver can be seen at Appendix J. Conditions can only be applied to Hackney Carriage Driver's Licences by way of by-laws and these can be seen at Appendix K.

### Driver's Licence Application Checklist

#### Initial Application

Applicants shall be required to provide or complete the following before a licence will be issued.

1. Application form completed and signed by the applicant;

2. Prescribed fee;
3. Two photographs meeting passport office requirements;
4. Completed Enhanced DBS disclosure form;
5. Certificate of Good Conduct (if applicable – see above);
6. Completed DVLA mandate;
7. Driving Licence (see above for details);
8. Satisfactory Medical report (see above);
9. Provide LRSP driving assessment certificate;
10. Successfully passed the local knowledge test;
11. \*Provide DVSA wheelchair handling assessment certificate suitable to the wheelchair loading arrangements for the vehicle intended to be used by the licence holder i.e. rear or side loading as the case may be;
12. \*\*Certificates for the initial modules of the level 2 Certificate in the Role of The Professional Taxi and Private Hire Driver and the Certificate for Safeguarding module;  
or
13. \*\* Completion of the level 2 Certificate in the Role of The Professional Taxi and Private Hire Driver and the Certificate for Safeguarding module;
14. Confirmation of successful completion of the approved course in safeguarding accredited by the Lincolnshire Safeguarding Children's Board (LSCB).

\* Applicants for hackney carriage driver's licences will be required at all times to have an assessment certificate applicable to the type of wheelchair loading of the vehicle(s) that they drive.

\*\* Applicant that has successfully completed all these courses shall be entitled to a three year licence whereas applicants that have only partly completed the initial modules of the level 2 certificate and the safeguarding module will only be offered a one year licence.

### Renewal Application

Applicants shall be required to provide or complete the following before a licence will be issued.

1. Application form completed and signed by the applicant;
2. Prescribed fee;
3. Two photographs meeting passport office requirements;
4. \*Completed Enhanced DBS disclosure form;
5. \*\*Certificate of Good Conduct (if applicable – see above);

6. Completed DVLA mandate;
7. Driving Licence (see above for details);
8. \*\*Satisfactory Medical report (see above);
9. \*\*\*Provide DVSA wheelchair handling assessment certificate suitable to the wheelchair loading arrangements for the vehicle intended to be used by the licence holder i.e. rear or side loading as the case may be;
10. \*\*\*\*Certificates for the initial modules of the level 2 Certificate in the Role of The Professional Taxi and Private Hire Driver and the Certificate for Safeguarding module;  
or
11. \*\*\*\* Completion of the level 2 Certificate in the Role of The Professional Taxi and Private Hire Driver and the Certificate for Safeguarding module;
12. \*\*\*\*Confirmation of successful completion of the approved course in safeguarding accredited by the Lincolnshire Safeguarding Children's Board (LSCB).

\* An enhanced disclosure is required every three years. A disclosure is required for the first grant of a three year licence and then every subsequent renewal. If the applicant is granted a one year licence, then a disclosure is required every three years.

\*\* If applicable

\*\*\* Applicants for hackney carriage driver's licences will be required at all times to have an assessment certificate applicable to the type of wheelchair loading of the vehicle(s) that they drive.

\*\*\*\* Drivers that have successfully completed the level 2 certificate, the safeguarding module and the LSCB safeguarding course shall be entitled to a three year licence. Applicants that have not completed the course described above will only be offered a one year licence and will be required to successfully complete them all before an application for another licence can be considered.

Applicants wishing to undergo contract work with the Lincolnshire County Council (Green Badge) will be required, as part of their application to the County Council, to provide an enhanced DBS disclosure. Due to the disclosure restrictions, the check made by the City of Lincoln Council and the check required by Lincolnshire County Council means that the same certificate cannot be used. Please note that the City of Lincoln Council does not accept Green Badge applications on behalf of the County Council.

#### **4. Enforcement**

The Council will operate an enforcement regime with a view to balancing the promotion of public safety and other licensing objectives with the need to allow individuals to safeguard their livelihood without undue interference. The Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined above and the Statutory Code of Practice for Regulators.

Local Government (Miscellaneous Provisions) Act 1976 – Powers to suspend, revoke or refuse to renew licences

Operator's Licence

Section 62 Suspension, revocation and refusal to renew operators' licences

- (1) Notwithstanding anything in this Part of this Act a district council may suspend or revoke, or (on application therefor under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds:
- (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
  - (b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
  - (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
  - (d) any other reasonable cause.

Vehicle Licences

Section 60 Suspension, revocation and refusal to renew vehicle licences

- (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefore under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
  - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - (c) any other reasonable cause.

Drivers' Licences

Section 61 Suspension, revocation and refusal to renew drivers' licences

- 1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefore under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—
- (a) that he has since the grant of the licence—
    - (i) been convicted of an offence involving dishonesty, indecency or violence;
    - or
    - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
  - (b) any other reasonable cause.

Section 54 of the Road Safety Act 2006 amended Section 61 to allow for instant suspension of drivers' licences:

- (2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection

(2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

Matters where suspension, revocation or refusal to renew licences is an issue these matters will be considered by the Licensing Committee or Sub-Committee as the case may be (other than immediate suspension of drivers' licences).

#### Stepped approach to driver licence enforcement.

If a driver commits a criminal offence, legal advice will be sought as to the options available against the offender.

If a driver commits a criminal offence the matter may be referred to the Hackney Carriage and Private Hire Sub-Committee for a hearing. The driver will be expected to address the issues before the Sub-Committee.

If a driver accumulates 6 to 8 penalty points on the DVLA licence for minor traffic offences or some hybrid offences, a warning letter will be sent from a licensing officer.

If a driver receives 9 or more penalty points for minor or some hybrid traffic offences, the matter will be referred to the Hackney Carriage and Private Hire Sub-Committee for a hearing. The driver will be expected to address the issues before the Sub-Committee.

If a driver is convicted of a major or some hybrid traffic offences the matter will be referred to the Hackney Carriage and Private Hire Sub-Committee for a hearing. The driver will be expected to address the issues before the Sub-Committee.

The Sub-Committee have a range of powers to impose ranging from no further action to revocation of the licence. The driver may be suspended for a period of time to allow him to attend a course with the LRSP with a view to improving driving skills.

#### **5. Review**

The policy will be subject to a review every 3 years and the Council may make revisions to it at such times, as it considers appropriate.

#### **6. Advice and Guidance**

For further advice, information or guidance on the application process please contact City of Lincoln Council's Licensing Team:

Telephone: 01522 873564  
Fax: 01522 542569  
E-mail: [licensing@lincoln.gov.uk](mailto:licensing@lincoln.gov.uk)  
Address: The Licensing Team  
Directorate of Resources  
City Hall  
Beaumont Fee  
LINCOLN  
LN1 1DB

Or visit the Council's web-site at [www.lincoln.gov.uk](http://www.lincoln.gov.uk)

## **APPENDIX A**

### **GLOSSARY OF TERMS**

#### **THE COUNCIL**

City of Lincoln Council

#### **COUNCIL TEST**

A Council Test is a test conducted that meets the requirements of an MOT Test and additional requirements of the Council in respect of the condition and equipment of a vehicle

#### **HACKNEY CARRIAGE**

A vehicle that can ply for hire, stand on a rank and can be hailed in the street.

#### **HACKNEY CARRIAGE DRIVERS LICENCE**

A drivers' licence issued by the Council authorising the individual to drive a Hackney Carriage.

#### **PRIVATE HIRE DRIVERS LICENCE**

A drivers' licence issued by the Council authorising the individual to drive a Private Hire Vehicle.

#### **PRIVATE HIRE OPERATOR**

A person who runs a private hire service and is authorised to despatch Private Hire Vehicles.

#### **PRIVATE HIRE VEHICLE**

A vehicle that can be hired by the public but only if pre-booked and controlled by a Private Hire Operator.

#### **TAXI**

A generic term for driver operated vehicles that ply for hire. (Hackney Carriage)

#### **VEHICLE DRIVING LICENCE**

Vehicle driving licence refers to both hackney carriage and private hire vehicle driving licences and where there are differences in procedures or requirements the licence type shall be referred to specifically.

## **APPENDIX B**

### **GENERAL CONDITIONS FOR PRIVATE HIRE OPERATORS**

1. The person(s) to whom this Licence is granted is totally responsible for the operation and management of all persons and vehicles working under the Licence whether they have been classed as employees or not.
2. Public Liability and Employers Liability insurance shall be maintained in force at all times, and the documents relevant to this must be retained at the Operator's address (as shown on this Licence) and be available for inspection at all times by an authorised Officer of the Council or a Police Officer.

#### 3. DRIVERS

The Operator shall keep on an up to date register at the Operators address (as shown on the Operator's Licence) the following details in relation to drivers:

- Full name and address
- Telephone number
- Date of birth
- National Insurance Number
- Any known convictions
- Details of any warnings/reprimands given by the Operator
- Private Hire Badge Number
- Renewal date of Licence and Badge
- Date of commencement of work
- Date of termination of work

This up to date register shall be available for inspection at all times by an authorised officer or a Police Constable.

The operator shall ensure that all drivers are fit to drive, that they behave in a courteous manner and are reasonably dressed.

#### 4. VEHICLES

The operator shall keep an up to date register at the Operators address (as shown on the Operator's Licence), the following details in relation to licensed vehicles:

- The date the vehicle commenced work
- Registration of the vehicle
- Colour, make, model and year of manufacture of the vehicle
- Private Hire Plate Number
- Name, address and telephone number of the person to whom the Private Hire Vehicle Licence has been issued
- Date of MOT test
- Council test dates
- Policy number of insurance and renewal date
- Date of termination of work
- Renewal date for Private Hire Vehicle Licence

This up to date register shall be available for inspection at all times by an authorised officer or Police Constable.

It is the responsibility of the Operator to ensure that all vehicles used under the Operator's Licence are properly licensed for Private Hire, that they comply with the conditions of that Licence, that they are clean and tidy, taxed tested and insured and are only driven by licensed drivers wearing their Private Hire Badge.

5. The operator shall report all accidents involving a Private Hire vehicle working under their Operator's Licence within 72 hours of the accident happening.
6. The operator shall report to the Council's Licensing Officer all convictions notified by persons working under the Operator's Licence.
7. **ACCEPTANCE OF HIRING**  
The acceptance of bookings for Private Hire Operators licensed in Lincoln can only be made in the control district of Lincoln.

When a hiring has been accepted and before the commencement of the journey, the Operator shall immediately make a permanent record of the hiring and include the following details:

- Day and date
- Time of pick up
- Name of person or organisation making the booking
- Point of pick up
- Destination
- Fare to be charged (this may be entered later)

Contractually the Operator is responsible for the hiring and therefore shall ensure that unless delayed or prevented for some significant reason, a private hire vehicle shall attend punctually at the time and place agreed.

A record shall be made of the Plate Number of the vehicle and the Badge Number of the driver executing the booking and appropriate details recorded if the booking was sub-contracted to another Operator.

If a Hackney Carriage is used to execute the booking the scale of fare to be charged is that of the Private Hire Operator from the pick-up point to the destination.

The above records are to be available for inspection at all times at the address from the Operator's Licence (as shown on the Operator's Licence) by an authorised officer or a Police Officer and be retained for a period of six months.

## 8. **FARES**

The Operator shall inform the Licensing authority of their scale of fares and give 7 days' notice of any change.

The Operator shall ensure that the scale of fares is displayed in each vehicle being used under the Operator's Licence and also that it is displayed in the Operators premises open to the public.

9. The Operator is responsible for ensuring that only those bookings made by a hirer directly to the Operator's premises are accepted.

10. The Operator shall ensure that none of the drivers working under their Operators Licence shall accept any passenger who has not previously booked and that the drivers shall not solicit (tout) for any bookings on his own or Operators behalf, nor cause the Private Hire vehicle to stop on any Hackney Carriage rank. (Your attention is drawn to Section 167 of the Criminal Justice Act 1994 which makes touting a criminal offence.)
11. The Operator shall at all times operate the business in compliance with the terms of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and any other subsequent legislation.

In accordance with the Local Government (Miscellaneous Provisions) Act 1976, any Operator who fails without reasonable excuse to comply with any of the conditions attached to their Operators Licence may have their Operators Licence suspended or revoked.

## **APPENDIX C**

### **PRIVATE HIRE VEHICLE SPECIFICATIONS**

The following is the policy on the specification for vehicles to be considered for licensing as private hire vehicles by the Council.

#### **Statement of Intent**

The Council is committed to ensuring that the public of Lincoln are provided with Private Hire vehicles which conform to the required standard of safety and comfort.

#### **1. Vehicle Type**

All vehicles shall comply with the Motor Vehicles (Construction and Use) Regulations and the items listed in this specification are in addition to the legislation and VOSA Inspection Standards.

All vehicle to be licensed must have Category M1 (Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat) as shown on the registration document V5.

However, should the vehicle be a converted vehicle (e.g. for wheelchair accessibility) it must have one of the following certificates:

- European Whole Vehicle Type approval (M1);
- British National Type approval; or
- British Single Vehicle Approval (before 29 April 2009) or:
- Individual Vehicle Approval (from 29 April 2009).

Further details can be found at [www.dft.gov.uk](http://www.dft.gov.uk)

All vehicles must meet at least Euro IV emission standards if second hand or at least Euro V emission standards if a new vehicle.

On first presentation of a vehicle for licensing, the proprietor shall provide either a service/maintenance history indicating that the vehicle has been serviced in accordance with the manufacturer's recommendations as to age and mileage or, if not available, a record showing that the vehicle has received a service in accordance with the manufacture's recommendations appropriate to its age and mileage on presentation.

The vehicle shall be right-hand drive only. However exceptions can be made by application to the Hackney Carriage & Private Hire Sub-Committee for speciality use vehicles.

Private hire vehicles shall be of any colour except black, for first time applicants.

The vehicle shall have four road wheels with the vehicle manufacturer's recommended size of wheels & tyre specification and be equipped with a spare tyre or a means of inflation (except those vehicles designed for and running "run-flat" tyres).

Have at least four passenger doors including the driver's door, which can be opened from the inside and the outside. These can be hinged or sliding doors.

Doors must be capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees (90 degrees for wheelchair accessible vehicles) or slide open to their fullest extent.

The front windscreen must let at least 75% of light through and the remaining windows and rear screen must let at least 70% of light through, for first time applicants. Exceptions can be made through an application to the Hackney Carriage & Private Hire Committee for vehicles used exclusively for specialist hiring.

The maximum authorised mass (MAM) or gross vehicle weight (GVW) for the tyres and suspension actually fitted to the vehicle must be sufficient for the maximum payload of that vehicle.

This figure includes a full fuel tank, (and where propane or Liquid Petroleum Gas is used as the vehicle fuel the weight of any extra equipment required and in the case of electrically propelled or assisted vehicles, the weight of the batteries), the driver and the number of passengers for which a licence is requested (at 70kg per person) and luggage (at 20kg per passenger) plus the weight of extra equipment (e.g. ramps and restraints) or additional payload e.g. wheelchair, must be within the MAM or GVW.

## **2. Seating**

The vehicle must have sufficient seating capacity to carry a minimum of 4 adult size passengers and not more than 8 passengers and be forward or rear facing.

Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be determined on its own merits.

In the case of MPVs where there is a rearmost row of seats or seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing.

Some vehicles have rear seat arrangements which are effectively two seats and a division between them which are not suitable as a seat. In those cases consideration will be given to license them for specialist use.

Side facing seats shall not be accepted.

Seat belts shall be fitted to all seats.

Seats over or rearward of the rear wheels and axle(s) having normal access only through the rear doors will not be permitted.

The minimum seat size requirement is 16 inch (40cm) minimum per person, measured between the closest points of the arm rests.

There must be a minimum of 34 inches (86cm) headroom for all passengers measured from the rear of the seat cushion to the roof lining.

There must be a minimum of 7 inch (18cm) legroom for all passengers measured from the front edge of the seat to the rear of any seat, dashboard or internal panel or fixture directly in front of that seat.

Any seat that faces the rear must be fitted with a headrest.

Purpose made removable seats shall be permitted to allow for wheelchair access but must not be stowed on the vehicle whilst removed.

Conference seating shall have not less than 1300mm between the opposing backrests and the gap between the front edges of opposing seat cushions shall be not less than 425mm.

All seats shall have a minimum cushion height of 305mm measured from the floor of the vehicle to the top of the seat cushion at its forward edge.

Any additional/modified seats or seat tracking must comply with the seatbelt installation regulation in force at the time of inspection.

### **3. Steps**

These requirements are for all doorways used for passenger access and egress.

Any step either fixed or retractable must be permanently secured to the vehicle at the point of entry.

There must be no more than 3 steps into the vehicle.

The height of the first step from the ground at all entrances and exits must not exceed 250mm.

All other steps must be within the vehicle and be between 120mm and 200mm high and be consistent to within 10mm.

All steps must be at least 400mm wide and 200mm deep and must not have open risers.

The surface of all steps must be slip resistant. Step nosing must be designed to minimise risk of tripping and must be in a contrasting tone and colour(s).

### **4. Wheelchair Accessible Vehicles**

Wheelchair accessible vehicles can be either side or rear loading.

### **5. Ramps for wheelchair access**

#### **Single Ramp**

A single ramp must be suitable for the vehicle it is being used for.

The ramp should provide a surface of at least 700mm wide available for a wheelchair.

A ramp must not exceed 1900mm in length when fully deployed.

When the ramp is deployed onto the road the ramp slope must not exceed 1 in 4 (25%)

In all cases it must be possible to deploy the ramp onto both a level road and a 125mm high kerb.

Where this gradient cannot be met then the Licensing Manager is authorised to grant an exemption in exceptional cases if the safety standards are complied with and the ramp is part of the manufacturer's specification for the vehicle.

When in use the ramp must be securely located at the point of wheelchair entry.

The surface of all ramps must have a slip resistant finish. All outer edges must be clearly marked in a contrasting tone and colour.

When deployed the ramp must be in one piece.

The ramp shall have a minimum safe working load of 300kg and be tested to 10% overload and a certificate obtained from the manufacturer/installer.

Ramps and fittings shall comply with British Standards 6109.

### **Dual Ramp**

A dual ramp must be suitable for the vehicle it is being used for.

Each ramp shall be fitted with a double fixing point securely located at the point of wheelchair entry.

When the ramp is deployed onto the road the ramp slope must not exceed 1 in 4 (25%)

In all cases it must be possible to deploy the ramp onto both a level road and a 125mm high kerb.

Where this gradient cannot be met then the Licensing Manager is authorised to grant an exemption in exceptional cases if the safety standards are complied with and the ramp is part of the manufacturer's specification for the vehicle.

The surface of all ramps must have a slip resistant finish. All outer edges must be clearly marked in a contrasting tone and colour.

When deployed the ramp must be in one piece.

Each ramp shall have a minimum safe working load of 300kg and be tested to 10% overload and a certificate obtained from the manufacturer/installer.

Ramps and fittings shall comply with British standards 6109.

## **6. Powered access lifts for wheelchair access**

The lift platform must be not less than 750mm wide, and not less than 1200mm long.

When raising and lowering the platform and while the platform is in the raised position.

A device not less than 100mm in height must come into operation to prevent the wheelchair from rolling off.

The vertical operating speed of the platform must not exceed 0.15m/s

The lift must be capable of reaching the ground.

The controls must allow the driver to operate the lift while travelling on the lift platform with the passenger.

The lift must have a minimum safe working load of 300kg and operate under normal conditions without undue deflection and comply with current legislation i.e. "Lifting Operations and Lifting Equipment Regulations (LOLER)"

## **7. Wheelchair Restraint(s) / Passenger Safety Equipment**

A system for the effective anchoring of wheelchairs shall be provided within the vehicle for all spaces designated as a wheelchair space.

The system and the devices used to secure the wheelchair to the vehicle shall comply with the strength requirements for M1 standards laid down in the European Directive 76/115 EC or any subsequent amendment to the Directive.

Wheelchair(s) must only face forward or rearward when the vehicle is in motion.

A full set of restrains shall be available in the vehicle for each wheelchair capable of being carried as permitted by the vehicle licence.

Grab handles in high visibility colours shall be fitted to door entrances to assist the disabled and elderly.

## **8. Wheelchair space**

Vehicles shall have a designated floor space for wheelchair(s) of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1300mm (measured from the floor of the vehicle for each wheelchair user).

The floor area shall be immediately adjacent to a vehicle door fitted with the wheelchair access equipment to allow a wheelchair user to enter the vehicle with minimum manoeuvring, whilst maintaining safe access / egress for other users.

## **9. Wheelchair Access & Egress**

The wheelchair access equipment shall be fitted to the nearside doorway or rear doorway.

Rear access doorway will also require suitable independent warning signs and markers.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow for a smooth entry & exit without the need to negotiate any step etc.

The door entrance into which access equipment is fitted shall have a minimum clear headroom in its central third of 1200mm.

The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform or the upper face of the ramp when fully deployed on level ground.

The door entrance into which the access equipment is fitted shall have a minimum clear unobstructed opening width of 750mm at and below window height.

The minimum opening angle of any door, other than a sliding door, shall be 90 degrees.

Passenger entrance and exit doors must be capable of being opened from within the vehicle when locked externally and installed with a mechanism that holds the door(s) open.

There shall be a minimum of two means of exit from the passenger saloon behind the driver for use in emergency situations. The means of exit shall be free of any obstructions reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty. High visibility handrails shall be fitted in appropriate positions in all passenger access doorways.

## **10. Rear Access Doorway & Obligatory Rear Lights**

Open rear access doors shall not obscure obligatory rear lights and shall have a minimum access width of 750mm at and below window height and not represent a hazard to members of the public.

## **11. Passenger Bulkhead / Drivers Safety Screen**

A bulkhead / drivers safety screens are acceptable and if fitted it shall be full width & height and installed directly behind the driver's seat. The upper section of the screen shall consist of a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger saloon which must include vision of all access doors.

An identifiable means of payment shall be incorporated into the screen to enable payment to be made from within the vehicle.

The bulkhead / safety screen shall be complete and prevent access into the driver's compartment from the passenger saloon.

The vision panel of the screen shall be constructed of safety glass without tint to the standard required for windscreens. Or any clear material with at least the same impact resistance and safety qualities as that of safety glass.

Where seats are mounted onto the bulkhead or a wheelchair is secured against it a seatbelt installation check will be carried out.

A safety screen must allow verbal communication between the driver and passenger by way of an intercom system which can be operated by the passenger and an induction loop facility must also be installed and clearly signed for the use of passengers with hearing difficulties.

Where a bulkhead screen is fitted there must be an adequate means of heating the saloon area to ensure passenger comfort at all times.

## **12. Interior lighting**

Interior lighting shall be fitted within the vehicle sufficient to illuminate the whole area and shall operate automatically when a door is opened.

A means of illuminating the entrance steps at all access doors into the passenger compartment shall be fitted and switched such that they operate automatically when a door is opened.

## **13. Tyres**

Following the recommendations of the Royal Society for the Prevention of Accidents, all tyres, including any spare tyres shall have a minimum of 3 mm of tread depth in a continuous band around the central three quarters of the tyre. Remoulded tyres shall not be accepted.

## **14. Luggage**

The vehicle must be able to carry a reasonable amount of luggage. Luggage should be safely secured and not stored in such a way to hinder access to any doorway.

To remove all doubt, reasonable luggage space means sufficient luggage space for the number of passengers carried. Trailers and roof rack mounted luggage containers shall not be acceptable.

Luggage shall be carried in a separate compartment and separated from the passenger area by a bulkhead or re-enforced barrier to prevent the luggage coming in contact with passengers in the event of an emergency stop, severe acceleration or a collision

## **15. Vehicle Bodywork**

Bodywork panels and bumpers are to have no sharp edges or insecure/missing panels or parts. There are to be no scratches above 150mm in length or dents above 75mm in diameter.

There are to be no heavy scuffing/abrasions or deformation or cracks to bumpers.

Where a vehicle has: single or multiple damages in excess or above; or damage that is not in accordance with fair wear and tear for its age; or damage or fitments could either cause concern or be a potential hazard to a customer; or damage which detracts from an overall professional appearance then the vehicle examiner will consider the vehicle as being unacceptable for service.

When a vehicle is deemed unacceptable for service due to bodywork damage the driver will receive both an explanation and a brief written summary.

## **16. Interior condition**

The interior shall be kept clean and tidy, with carpeting or rubber mats. Upholstery shall be free from wear, tear or cuts and excessive staining. Roof lining shall be clean and free from tears. All grab handles, door pulls/handles shall be fitted and capable of being used if required.

## **17. Safety Equipment**

A reflective warning triangle must be readily available at all times.

The Council recommends that a spare bulb kit be carried in the vehicle and the driver trained in replacement procedure. This should negate the need to take the vehicle off the road in the event of a mandatory bulb failure.

Proprietors must be aware when purchasing their vehicles that some vehicles require specialist garage facilities for replacing bulbs. In the event of a mandatory bulb failure the vehicle will be required to be taken off the road until a working replacement has been fitted.

The vehicle shall be fitted with an aqueous film forming foam (AFFF) extinguisher 1.75 or 2.0 litre capacity or the dry power type size 2.0 or 2.5 kilogram in full working order. The fire extinguisher must be permanently and legibly marked with the registration letters and numbers of the vehicle.

## **18. Vehicles Already Licensed**

Vehicles licensed before the implementation date of this policy shall remain compliant with the specification in place when the vehicle was first licensed. Such vehicles must remain constantly licensed to benefit from this concession.

## **19. Modifications to Existing Licensed Vehicles**

Any modification to an existing licensed vehicle must be approved by the Council in accordance with the following:

- A written application must be made to the licensing committee for authority to modify a vehicle;
- The application must include details of intended modifications / conversion and the dates of the works;
- Subject to above, written authority may be provided. A licensed vehicle may not be modified without written authority;
- Whilst a vehicle is off the road for the works to be carried out and for it to be Individual Vehicle Approval (IVA) inspected, it will be suspended from use;
- Once the works have been completed and appropriate certification issued by the DVSA it must undergo a vehicle safety inspection and full MOT at an Council approved VOSA test station before its licence may be reinstated.

## **20. Presentation of Vehicles**

Vehicles to be licensed shall be presented in a clean, tidy and mechanically sound condition, both internally and externally and shall hold a current test certificate issued in accordance with VOSA test conditions (see VOSA MOT Test manual at: <http://www.motinfo.gov.uk/htdocs/m4i00000001.htm> ).

Vehicles presented for testing, inspection, licensing or re-licensing in a dirty condition will NOT be tested/licensed. Vehicles being used in such a condition shall be required to be cleaned to an acceptable level.

In addition to these specifications, conditions will be imposed on the licence to ensure compliance with these specifications. See the conditions at Appendix E.

## **APPENDIX D**

### **PRIVATE HIRE TEST REQUIREMENTS**

The testing schedule as described in the Hackney Carriage and Private Hire Vehicle National Inspection Standards to be adopted.

The standards as prepared by the technical officer group (TOG) assist Hackney Carriage proprietors and Private Hire drivers/owners and operators.

It is intended for use by local licensing authorities, vehicle inspectors and local authority authorised officers.

The intention is that these standards will endorse a minimum national vehicle inspection standard.

[http://www.fta.co.uk/export/sites/fta/\\_galleries/downloads/vehicle\\_testing/Hackney\\_Carriage\\_document\\_0812.pdf](http://www.fta.co.uk/export/sites/fta/_galleries/downloads/vehicle_testing/Hackney_Carriage_document_0812.pdf)

For the purposes of this section a “Council Test” shall mean a test conducted by the VOSA Testing Station at the same time as an MOT Test and shall include all the items listed on the Vehicle Test Itinerary issued by the Council.

Before a vehicle is presented for licensing it shall undergo a test at a VOSA Approved Testing Station to ensure it meets the vehicle specification outlined in Appendix C and that it is insured. Should the vehicle not meet the specification, then it will not be tested.

Subject to the vehicle meeting the specification it shall then be tested in accordance with a standard MOT Test and be issued with an MOT Certificate.

At the same time that the MOT Test is being done the vehicle shall be subject to an additional test in accordance with the Council’s requirements and issued with a Vehicle Inspection Itinerary. The Itinerary shall be endorsed by the vehicle tester.

Vehicle owners will be responsible for paying the test fees directly to the test stations.

The MOT Test Certificate, valid certificate of insurance, vehicle registration document, vehicle service/maintenance record and endorsed Vehicle Inspection Itinerary shall be presented to the Council which will issue a certificate. Such certificate shall be displayed on the nearside of front windscreen of the vehicle outside the windscreen wiper swept area so that it is clearly visible and be able to be read from the outside of the vehicle.

From the date of the initial test the vehicle shall be subject to a concurrent MOT Test and Council Test at intervals of not more than six months.

Where a vehicle has been involved in an accident where it is suspected that there may be structural damage, the vehicle will be presented for initial inspection to a licensing officer at the Council’s offices. If in the opinion of the licensing officer, the vehicle requires expert inspection, the driver/ council officer will arrange for the vehicle to be inspected by one of the

Council's approved testing stations to determine whether any such structural damage has occurred. The damage will be assessed for free, and any test required will be at the driver's expense.

Vehicles involved in an accident which results in structural damage shall be required to undergo a test to the above standard.

Vehicles presented for inspection or licensing in a dirty condition will not be tested or licensed.

Any vehicle which fails a test cannot be used for private hire purposes. This is the case even though the old test certificate is still valid. Only when the vehicle has been successfully re-tested can it resume private hire work.

## **CONDITIONS OF LICENCE – PRIVATE HIRE VEHICLES**

---

The following conditions are made under Section 48 of Local Government (Miscellaneous Provisions) Act 1976 and with respect of the grant of a Private Hire Vehicle Licence by City of Lincoln Council. The person on making application for a Licence, shall declare his/her intention to comply with such conditions.

Any breach of conditions may result in action being taken.

1. The person applying for this Licence shall **NOT** be a person who by reason of a conviction(s) recorded against him/her, would be refused a driving licence or insurance cover.
2. The Operator whose name is shown on the Licence together with the Licence holder shall be in direct control of the day to day running of the vehicle, and shall make that vehicle available for hire at all reasonable hours.
3. The vehicle shall be of a suitable size, type, and design as approved by the City of Lincoln Council for use as a Private Hire vehicle, and shall be maintained in a safe and comfortable condition.
4. The vehicle shall have a minimum passenger seating capacity of four seats and a maximum of eight seats.
5. The vehicle shall be fitted with seat belts for the use of passengers and driver up to the standard required by current legislation.
6. Private Hire vehicles must carry a guide dog or other assistance dog, free of charge unless the driver holds a certificate of exemption issued by the City of Lincoln Council on medical grounds.
7. The person to whom the Licence is granted shall ensure that a copy of the following documents are kept in the licensed vehicle at all times:
  - Certificate of Insurance;
  - MOT Test Certificate;
  - The vehicle's registration document together with lease agreement (if required);
  - Documentation proving that the vehicle is taxed.

8. The vehicle shall be fitted with an aqueous film forming foam (AFFF) extinguisher 1.75 or 2.0 litre capacity or the dry powder type size 2.0 and 2.5 kilogram in full working order. The fire extinguisher must be permanently and legibly marked with the registration and numbers of the vehicle.
9. The vehicle shall be submitted for mechanical examination every six months or as and when required by the City of Lincoln Council, and in any event either before or on the date in which retesting of that vehicle is due as stated on the test certificate issued by the City of Lincoln Council.
10. The person to whom a Licence is granted shall ensure the test certificate issued by the City of Lincoln Council stating the date the vehicle was tested and the date on which retesting of the vehicle is due shall be fixed to the front windscreen of the vehicle so as to be clearly and plainly visible from the exterior at all times.
11. The vehicle shall NOT be fitted with a roof sign or be of such an appearance or design as to lead any person to believe it to be a hackney Carriage.
12. The operator and/or person to whom the Licence is granted shall NOT permit the Private Hire vehicle to wait on stands appointed for Hackney Carriages not park or proceed along the highway for the purposes of plying or touting for hire.
13. The vehicle shall NOT display either externally or internally any sign, notice or advertising material unless prior approval has been obtained from the City of Lincoln Council except that each vehicle must show externally on both the front near and offside door panels so as to be plainly and clearly visible.
  - (A) A non-magnetic sign the overall size of which shall be 600mm x 300mm coloured yellow

The top lines show

**CITY OF LINCOLN  
PRIVATE HIRE VEHICLE**

In Black Block Capital lettering not less than 32mm in height

Middle Line to show

**OPERATORS NAME AND  
TELEPHONE NUMBER**

In any colour on a background colour of yellow, letters and numbers not greater in height than 65mm

OR

**OPERATORS NAME AND  
TELEPHONE NUMBER**

On a background colour on a band not greater than 100mm x 600mm, the name and numbers in a contrasting colour or combination of colours not greater in height than 65mm with specific background

colour and specific colours of the operators name and telephone number allocated to a specific operator. Each band colour combination must be approved by the City of Lincoln Council.

Bottom line to show

**ILLEGAL HIRE IF NOT  
PRE-BOOKED**

In Black Block Capital lettering not less than 32mm in height

- (B) One Company logo on yellow background may be placed on the exterior near and offside rear side doors of a licensed vehicle not greater than 210mm square. The logo can be in any colour but yellow. Each logo must be approved by the City of Lincoln Council.
- (C) The name and telephone number of the operator may be shown in any colour but yellow or white on a yellow background not greater than 600mm long x 45mm high on the exterior rear of a licensed vehicle.

- 14. The City of Lincoln Council shall provide the vehicle with two plates indicating the Private Hire Vehicle Licence number of that vehicle, the larger one of which shall be fitted to the **exterior rear** of the vehicle. The internal plate is two-sided and contains the same information on both sides. This plate shall be displayed internally near the upper left-hand side of the front windscreen outside of the swept area and must be in a position on the windscreen so as to not seriously restrict the drivers view.

The Operator or person to whom a Licence is granted or driver of the vehicle shall ensure that the plates are kept in such a position and manner as to allow the details thereon to be distinctly and plainly visible at all times.

- 15. The Licence Plates referred to shall remain the property of the City of Lincoln Council and may be recalled within seven days of the Private Hire Vehicle Licence being terminated. They must also be surrendered on their expiry date to the City of Lincoln Council.
- 16. The Operator or person to whom a licence is granted is not required to fit a taximeter to a Private Hire Vehicle, but no such vehicle so equipped shall be operated unless the taximeter has been approved and tested for accuracy and sealed by the City of Lincoln Council or an authorised agent as approved by the City of Lincoln Council.
- 17. ALL accidents causing injury to passengers and/or damage to the vehicle materially affecting the safety, performance, appearance, comfort or convenience of persons carried therein must be reported to the City of Lincoln Council as soon as is reasonably practical and in any case within 72 hours of the occurrence.

18. An authorised officer of the City of Lincoln Council or any Police Constable shall have power at all reasonable times to inspect and test any Private Hire vehicle licensed by the City of Lincoln Council, for the purpose of ascertaining its fitness. A vehicle licence may be suspended if the officer or constable is not satisfied with the fitness of the licensed vehicle.
19. The person to whom a licence is granted shall not assign or in any way part with the benefit of the Licence without prior consent of the City of Lincoln Council.
20. The Operator or person to whom a licence is granted shall at all times operate the vehicle in compliance with the terms of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and failure so to do may result in the Licence being suspended or revoked.

## **APPENDIX F**

### **SPECIFICATION FOR HACKNEY CARRIAGES**

The following is the policy on the specification for vehicles to be considered for licensing as hackney carriages by the Council.

#### **Statement of Intent**

The Council is committed to ensuring that the public of Lincoln are provided with Hackney Carriage vehicles which conforms to the required standard of safety and comfort.

#### **1. Vehicle Specification**

Before a vehicle is purchased with the intention of licensing it as a hackney carriage, the proprietor should read the following specifications and if there is any doubt that the vehicle will meet the specification he should contact the licensing team.

#### **General Specification**

On first presentation of a vehicle for licensing, the proprietor shall provide either a service/maintenance history indicating that the vehicle has been serviced in accordance with the manufacturer's recommendations as to age and mileage or, if not available, a record showing that the vehicle has received a service in accordance with the manufacturer's recommendations appropriate to its age and mileage on presentation.

All vehicles shall comply with the Motor Vehicles (Construction and Use) Regulations and the items listed in this specification are in addition to the legislation and VOSA Inspection Standards.

All vehicle to be licensed must have Category M1 (Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat) as shown on the registration document V5 and have either:

- European Whole Vehicle Type Approval;
- Individual Type Approval; or
- European Low Volume Type Approval.

The vehicle shall be either of the following:

- London Cab style made by LTI or Metrocab; or
- A suitable Large M segment multi-purpose vehicle MPV class as defined by the European Commission;

All vehicles must meet at least Euro IV emission standards if second hand or at least Euro V emission standards if a new vehicle.

The vehicle shall be capable of carrying a person confined to a wheelchair and have approved anchorages and separate restraints (seat belts) for the passenger. Drivers who have been granted a medical certificate exempting them from carrying wheelchairs in a hackney carriage, shall be required to provide a vehicle of a type described within this policy.

At of the commencement of this policy there shall be a gradual allocation of 15 side loading and 15 rear loading wheelchair accessible hackney carriage licences. This will then permit a greater choice of vehicle for wheelchair users and accommodate the needs of proprietors. The allocation will be done over a period of time and only when proprietors wish to change their vehicles will the choice be made. The restricted number of motorised hackney carriages will remain at a total of 30.

The vehicle shall be right-hand drive only.

Hackney carriages shall be painted black, for first time applicants.

The vehicle shall have four road wheels with the vehicle manufacturer's recommended size of wheels & tyre specification and be equipped with a spare tyre or a means of inflation (except those vehicles designed for and running "run-flat" tyres).

Have at least four passenger doors including the driver's door, which can be opened from the inside and the outside. These can be hinged or sliding doors.

Doors must be capable of being opened outwards from the near and offside of the vehicle to an angle of at least 90 degrees for wheelchair accessibility or slide open to their fullest extent.

The front windscreen must let at least 75% of light through and the remaining windows and rear screen must let at least 70% of light through.

Tyres and suspension actually fitted to the vehicle must be sufficient for the maximum authorised mass (MAM) or gross vehicle weight (GVW) for the vehicle.

The MAM or GVW is the figure that includes a full fuel tank, (and where propane or Liquid Petroleum Gas is used as the vehicle fuel the weight of any extra equipment required and in the case of electrically propelled or assisted vehicles, the weight of the batteries), the driver and the number of passengers for which a licence is requested (at 70kg per person) and luggage (at 20kg per passenger) plus the weight of extra equipment (e.g. ramps and restraints) or additional payload e.g. wheelchair.

## **2. Seating**

The vehicle must have sufficient seating capacity to carry a minimum of 4 adult size passengers and not more than 8 passengers and be forward or rear facing.

Side facing seats shall not be accepted.

Seat belts shall be fitted to all seats.

Seats over or rearward of the rear wheels and axle(s) having normal access only through the rear doors will not be permitted.

The minimum seat size requirement is 16 inch (40cm) minimum per person, measured between the closest points or the arm rests.

There must be a minimum of 34 inches (86cm) headroom for all passengers measured from the rear of the seat cushion to the roof lining.

There must be a minimum of 7 inch (18cm) legroom for all passengers measured from the front edge of the seat to the rear of any seat, dashboard or internal panel or fixture directly in front of that seat.

Access and egress to every seat must be unobstructed and be easily accessible to all passengers and without the need to tip forward, fold or remove seats when the vehicle is fully occupied.

Any seat that faces the rear must be fitted with a headrest.

Purpose made removable seats shall be permitted to allow for wheelchair access but must not be stowed on the vehicle whilst removed.

Conference seating shall have not less than 1300mm between the opposing backrests and the gap between the front edges of opposing seat cushions shall be not less than 425mm.

All seats shall have a minimum cushion height of 305mm measured from the floor of the vehicle to the top of the seat cushion at its forward edge.

Any additional/modified seats or seat tracking must comply with the seatbelt installation regulation in force at the time of inspection.

### **3. Steps**

These requirements are for all doorways used for passenger access and egress.

Any step either fixed or retractable must be permanently secured to the vehicle at the point of entry.

There must be no more than 3 steps into the vehicle.

The height of the first step from the ground at all entrances and exits must not exceed 250mm.

All other steps must be within the vehicle and be between 120mm and 200mm high and be consistent to within 10mm.

All steps must be at least 400mm wide and 200mm deep and must not have open risers.

The surface of all steps must be slip resistant. Step nosing must be designed to minimise risk of tripping and must be in a contrasting tone and colour(s).

### **4. Ramps for wheelchair access**

#### **Single Ramp**

A single ramp must be suitable for the vehicle it is being used for.

The ramp should provide a surface of at least 700mm wide available for a wheelchair.

A ramp must not exceed 1900mm in length when fully deployed.

When the ramp is deployed onto the road the ramp slope must not exceed 1 in 4 (25%)

In all cases it must be possible to deploy the ramp onto both a level road and a 125mm high kerb.

Where this gradient cannot be met then the Licensing Manager is authorised to grant an exemption in exceptional cases if the safety standards are complied with and the ramp is part of the manufacturer's specification for the vehicle.

When in use the ramp must be securely located at the point of wheelchair entry.

The surface of all ramps must have a slip resistant finish. All outer edges must be clearly marked in a contrasting tone and colour.

When deployed the ramp must be in one piece.

The ramp shall have a minimum safe working load of 300kg and be tested to 10% overload and a certificate obtained from the manufacturer/installer.

Ramps and fittings shall comply with British Standards 6109.

### **Dual Ramp**

A dual ramp must be suitable for the vehicle it is being used for.

Each ramp shall be fitted with a double fixing point securely located at the point of wheelchair entry.

When the ramp is deployed onto the road the ramp slope must not exceed 1 in 4 (25%)

In all cases it must be possible to deploy the ramp onto both a level road and a 125mm high kerb.

Where this gradient cannot be met then the Licensing Manager is authorised to grant an exemption in exceptional cases if the safety standards are complied with and the ramp is part of the manufacturer's specification for the vehicle.

The surface of all ramps must have a slip resistant finish. All outer edges must be clearly marked in a contrasting tone and colour.

When deployed the ramp must be in one piece.

Each ramp shall have a minimum safe working load of 300kg and be tested to 10% overload and a certificate obtained from the manufacturer/installer.

Ramps and fittings shall comply with British standards 6109.

## **5. Powered access lifts for wheelchair access**

The lift platform must be not less than 750mm wide, and not less than 1200mm long.

When raising and lowering the platform and while the platform is in the raised position.

A device not less than 100mm in height must come into operation to prevent the wheelchair from rolling off.

The vertical operating speed of the platform must not exceed 0.15m/s

The lift must be capable of reaching the ground.

The controls must allow the driver to operate the lift while travelling on the lift platform with the passenger.

The lift must have a minimum safe working load of 300kg and operate under normal conditions without undue deflection and comply with current legislation i.e. "Lifting Operations and Lifting Equipment Regulations (LOLER)"

## **6. Wheelchair Restraint(s) / Passenger Safety Equipment**

A system for the effective anchoring of wheelchairs shall be provided within the vehicle for all spaces designated as a wheelchair space.

The system and the devices used to secure the wheelchair to the vehicle shall comply with the strength requirements for M1 standards laid down in the European Directive 76/115 EC or any subsequent amendment to the Directive.

Wheelchair(s) must only face forward or rearward when the vehicle is in motion.

A full set of restrains shall be available in the vehicle for each wheelchair capable of being carried as permitted by the vehicle licence.

Grab handles in high visibility colours shall be fitted to door entrances to assist the disabled and elderly.

## **7. Wheelchair space**

Vehicles shall have a designated floor space for wheelchair(s) of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1300mm (measured from the floor of the vehicle for each wheelchair user).

The floor area shall be immediately adjacent to a vehicle door fitted with the wheelchair access equipment to allow a wheelchair user to enter the vehicle with minimum manoeuvring, whilst maintaining safe access / egress for other users.

## **8. Access & Egress**

The wheelchair access equipment shall be fitted to the nearside doorway or rear doorway.

Rear access doorway will also require suitable independent warning signs and markers.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow for a smooth entry & exit without the need to negotiate any step etc.

The door entrance into which access equipment is fitted shall have a minimum clear headroom in its central third of 1200mm.

The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform or the upper face of the ramp when fully deployed on level ground.

The door entrance into which the access equipment is fitted shall have a minimum clear unobstructed opening width of 750mm at and below window height.

The minimum opening angle of any door, other than a sliding door, shall be 90 degrees.

Passenger entrance and exit doors must be capable of being opened from within the vehicle when locked externally and installed with a mechanism that holds the door(s) open.

There shall be a minimum of two means of exit from the passenger saloon behind the driver for use in emergency situations. The means of exit shall be free of any obstructions reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty. High visibility handrails shall be fitted in appropriate positions in all passenger access doorways.

## **9. Rear Access Doorway & Obligatory Rear Lights**

Open rear access doors shall not obscure obligatory rear lights and shall have a minimum access width of 750mm at and below window height and not represent a hazard to members of the public.

## **10. Passenger Bulkhead / Drivers Safety Screen**

A bulkhead / drivers safety screens are acceptable and if fitted it shall be full width & height and installed directly behind the driver's seat. The upper section of the screen shall consist of a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger saloon which must include vision of all access doors.

An identifiable means of payment shall be incorporated into the screen to enable payment to be made from within the vehicle.

The bulkhead / safety screen shall be complete and prevent access into the driver's compartment from the passenger saloon.

The vision panel of the screen shall be constructed of safety glass without tint to the standard required for windscreens. Or any clear material with at least the same impact resistance and safety qualities as that of safety glass.

Where seats are mounted onto the bulkhead or a wheelchair is secured against it a seatbelt installation check will be carried out.

A safety screen must allow verbal communication between the driver and passenger by way of an intercom system which can be operated by the passenger and an induction loop facility must also be installed and clearly signed for the use of passengers with hearing difficulties.

Where a bulkhead screen is fitted there must be an adequate means of heating the saloon area to ensure passenger comfort at all times.

## **11. Interior lighting**

Interior lighting shall be fitted within the vehicle sufficient to illuminate the whole area and shall operate automatically when a door is opened.

A means of illuminating the entrance steps at all access doors into the passenger compartment shall be fitted and switched such that they operate automatically when a door is opened.

## **12. Tyres**

Following the recommendations of the Royal Society for the Prevention of Accidents, all tyres, including any spare tyres shall have a minimum of 3 mm of tread depth in a continuous band around the central three quarters of the tyre. Remoulded tyres shall not be accepted.

## **13. Luggage**

The vehicle must be able to carry a reasonable amount of luggage. Luggage should be safely secured and not stored in such a way to hinder access to any doorway.

## **14. Vehicle Bodywork**

Bodywork panels and bumpers are to have no sharp edges or insecure/missing panels or parts. There are to be no scratches above 150mm in length or dents above 75mm in diameter.

There are to be no heavy scuffing/abrasions or deformation or cracks to bumpers.

Where a vehicle has: single or multiple damages in excess or above; or damage that is not in accordance with fair wear and tear for its age; or damage or fitments could either cause concern or be a potential hazard to a customer; or damage which detracts from an overall professional appearance then the vehicle examiner will consider the vehicle as being unacceptable for service.

When a vehicle is deemed unacceptable for service due to bodywork damage the driver will receive both an explanation and a brief written summary.

## **15. Safety Equipment**

A reflective warning triangle must be readily available at all times.

The Council recommends that a spare bulb kit be carried in the vehicle and the driver trained in replacement procedure. This should negate the need to take the vehicle off the road in the event of a mandatory bulb failure.

Proprietors must be aware when purchasing their vehicles that some vehicles require specialist garage facilities for replacing bulbs. In the event of a mandatory bulb failure the vehicle will be required to be taken off the road until a working replacement has been fitted.

The vehicle shall be fitted with an aqueous film forming foam (AFFF) extinguisher 1.75 or 2.0 litre capacity or the dry power type size 2.0 or 2.5 kilogram in full working order. The fire extinguisher must be permanently and legibly marked with the registration letters and numbers of the vehicle.

## **16. Vehicles Already Licensed**

Vehicles licensed before the implementation date of this policy shall remain compliant with the specification in place when the vehicle was first licensed. Such vehicles must remain constantly licensed to benefit from this concession.

## **17. Modifications to Existing Licensed Vehicles**

Any modification to an existing licensed vehicle must be approved by the Council in accordance with the following:

- A written application must be made to the licensing committee for authority to modify a vehicle;
- The application must include details of intended modifications / conversion and the dates of the works;
- Subject to above, written authority may be provided. A licensed vehicle may not be modified without written authority;
- Whilst a vehicle is off the road for the works to be carried out and for it to be Individual Vehicle Approval (IVA) inspected, it will be suspended from use;
- Once the works have been completed and appropriate certification issued by the DVSA it must undergo a vehicle safety inspection and full MOT at a Council approved VOSA test station before its licence may be reinstated.

## **18. Presentation of Vehicles**

Vehicles to be licensed shall be presented in a clean, tidy and mechanically sound condition, both internally and externally and shall hold a current test certificate issued in accordance with VOSA test conditions (see VOSA MOT Test manual at:

<http://www.motinfo.gov.uk/htdocs/m4i00000001.htm> ).

Vehicles presented for inspection, licensing or re-licensing in a dirty condition will NOT be tested/licensed. Vehicles being used in such a condition shall be required to be cleaned to an acceptable level.

In addition to these specifications, conditions will be imposed on the licence to ensure compliance with these specifications. See the conditions at Appendix H.

## **APPENDIX G**

### **HACKNEY CARRIAGE TEST REQUIREMENTS**

The testing schedule as described in the Hackney Carriage and Private Hire Vehicle National Inspection Standards to be adopted.

The standards as prepared by the technical officer group (TOG) assist Hackney Carriage proprietors and Private Hire drivers/owners and operators.

It is intended for use by local licensing authorities, vehicle inspectors and local authority authorised officers.

The intention is that these standards will endorse a minimum national vehicle inspection standard.

[http://www.fta.co.uk/export/sites/fta/\\_galleries/downloads/vehicle\\_testing/Hackney\\_Carriage\\_document\\_0812.pdf](http://www.fta.co.uk/export/sites/fta/_galleries/downloads/vehicle_testing/Hackney_Carriage_document_0812.pdf)

For the purposes of this section a “Council Test” shall mean a test conducted by the VOSA Testing Station at the same time as an MOT Test and shall include all the items listed on the Vehicle Test Itinerary issued by the Council.

Before a vehicle is presented for licensing it shall undergo a test at a VOSA Approved Testing Station to ensure it meets the vehicle specification outlined in Appendix F and that it is insured. Should the vehicle not meet the specification, then it will not be tested.

Subject to the vehicle meeting the specification it shall then be tested in accordance with a standard MOT Test and be issued with a MOT Certificate.

At the same time that the MOT Test is being done the vehicle shall be subject to an additional test in accordance with the Council’s requirements and issued with a Vehicle Inspection Itinerary. The Itinerary shall be endorsed by the vehicle tester.

Vehicle owners will be responsible for paying the test fees directly to the test stations.

The MOT Test Certificate, valid certificate of insurance, vehicle registration document, vehicle service/maintenance record and endorsed Vehicle Inspection Itinerary shall be presented to the Council which will issue a certificate. Such certificate shall be displayed on the nearside of front windscreen of the vehicle outside the windscreen wiper swept area so that it is clearly visible and be able to be read from the outside of the vehicle.

Testing and sealing of the taxi meter will be conducted by officers of the Council or an authorised agent as approved by the Council.

From the date of the initial test the vehicle shall be subject to a concurrent MOT Test and Council Test at intervals of not more than six months.

Where a vehicle has been involved in an accident where it is suspected that there may be structural damage, the vehicle will be presented for initial inspection to a licensing officer at the Council's offices. If in the opinion of the licensing officer, the vehicle requires expert inspection, the driver/ council officer will arrange for the vehicle to be inspected by one of the Council's approved testing stations to determine whether any such structural damage has occurred. The damage will be assessed for free, and any test required will be at the driver's expense.

Vehicles involved in an accident which results in structural damage shall be required to undergo a test to the above standard.

Vehicles presented for inspection or licensing in a dirty condition will not be tested or licensed.

Any vehicle which fails a test cannot be used for hackney carriage purposes. This is the case even though the old test certificate is still valid. Only when the vehicle has been successfully re-tested can it resume hackney carriage work.

## **CONDITIONS OF LICENCE – HACKNEY CARRIAGE VEHICLES**

---

The following conditions are made under Section 47 of the Local Government (Miscellaneous) Provisions Act 1976 and with respect of the grant of a Hackney Carriage Vehicle Licence by City of Lincoln Council. The Proprietor(s) of such a vehicle shall when making application for a licence, declare his/her intention to comply with such conditions.

Any breach of conditions may result in action being taken.

1. The Proprietor shall **NOT** be a person who by reason of a conviction(s) recorded against him/her, would be refused a driving licence or insurance cover.
2. The Proprietor shall be in direct control of the day to day running of the vehicle, and shall make that vehicle available for hire at all reasonable hours.
3. The vehicle shall be of a suitable size, type, and design as approved by City of Lincoln Council for use as a Hackney Carriage, and shall be maintained in a safe and comfortable condition.
4. The vehicle shall have a minimum passenger seating capacity of four seats and maximum of eight seats.
5. The vehicle shall be fitted with seat belts for the use of passengers and driver up to the standard required by current legislation.
6. The vehicle shall be capable of carrying a passenger confined to a wheelchair and provide anchorages and separate restraints (seat belts) together with a ramp for loading/unloading, as approved by City of Lincoln Council.
7. Hackney Carriage vehicles must carry a guide dog or other assistance dog, free of charge unless the driver holds a certificate of exemption issued by the City of Lincoln Council on medical grounds.
8. The proprietor shall ensure that a copy of the following documents are kept in their licensed vehicle at all times:
  - Certificate of Insurance;
  - MOT Test Certificate;
  - The vehicle's registration document together with lease agreement (if required);

- Documentation proving that the vehicle is taxed.
9. The vehicle shall be fitted with an aqueous film forming foam (AFFF) extinguisher 1.75 or 2.0 litre capacity or the dry power type size 2.0 or 2.5 kilogram in full working order. The fire extinguisher must be permanently and legibly marked with the registration letters and numbers of the vehicle.
  10. The vehicle shall be submitted for mechanical examination every six months or as and when required by the City of Lincoln Council, and in any event either before or on the date on which retesting of that vehicle is due as stated on the test certificate issued by the City of Lincoln Council.
  11. The proprietor to whom a licence is granted shall ensure the test certificate issued by the City of Lincoln Council stating the date the vehicle was tested and the date on which retesting of the vehicle is due shall be fixed to the front windscreen of the vehicle so as to be clearly and plainly visible from the exterior at all times.
  12. The vehicle shall be fitted with a roof light of a type and size approved by the council bearing the word "TAXI" the approved Disabled Logo may also be shown.
  13. The vehicle shall NOT display neither externally nor internally any sign, notice or advertising material unless prior approval thereto has been obtained from the City Council.
  14. The City of Lincoln Council shall provide the vehicle with two plates indicating the Hackney Carriage Vehicle Licence number of that vehicle, the larger one of which shall be fitted to the **exterior rear** of the vehicle. The internal plate is two-sided and contains the same information on both sides, this plate shall be fitted internally facing the passenger compartment.

The Proprietor or driver of the vehicle shall ensure that the plates are kept in such a position and manner as to allow the details thereon to be distinctly and plainly visible at all times.
  15. The licence plates referred to shall remain the property of the City Council and may be recalled within seven days of the Hackney Carriage Vehicle Licence being terminated. They must also be surrendered on their expiry date to the City of Lincoln Council.
  16. The Proprietor shall display at all times inside the vehicle a current scale of fares and keep available a copy of the current byelaws for inspection by passengers.
  17. The Proprietor is required to fit a taximeter to the vehicle with the correct scale of fares. The vehicle shall not be operated unless the taximeter has been approved and tested for accuracy and sealed by the City of Lincoln Council or an authorised agent as approved by the City of Lincoln Council.
  18. ALL accidents causing injury to passengers and/or damage to the vehicle materially affecting the safety, performance, appearance, comfort or convenience of persons carried therein must be reported to the City of Lincoln Council as soon as is reasonably practical and in any case within 72 hours of the occurrence.

19. An authorised officer of the City of Lincoln Council or any Police Constable shall have power at all reasonable times to inspect and test any Hackney Carriage vehicle licensed by the City Council, for the purpose of ascertaining its fitness. A vehicle licence may be suspended if the officer or constable is not satisfied with the fitness of the licensed vehicle.
20. The Proprietor shall not assign or in any way part with the benefit of the Licence without prior consent of the City of Lincoln Council.
21. The Proprietor shall, at all times operate the vehicle in compliance with the terms of the Town Police Clauses Act 1847, the Public Health Act 1875 and Part II of the Local Government [Miscellaneous Provisions] Act 1976 and failure so to do may result in the Licence being suspended or revoked.

## APPENDIX I

### Statement Of Policy On Relevant Convictions.

#### 1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person.
  - That the person does not pose a threat to the public.
  - That the public are safeguarded from dishonest persons.
  - The safeguarding of children and young persons.
- 1.3 This policy provides guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:
- Applicants for drivers' licences
  - Existing licensed drivers whose licences are being reviewed
  - Licensing officers
  - Members of the licensing committee/ panel (or other relevant decision making body)
  - Magistrates hearing appeals against local authority decisions
- 1.4 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body). Whilst officers and the committee/panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.**

#### 2. General policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction need not be automatically barred from obtaining a licence, but would be expected to show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.3 **Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].

### **3. Pre-requisites to making an application**

3.1 It is the policy of the licensing authority that every application for a licence to drive a Hackney Carriage and/or Private Hire Vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed) -

- That the applicant has the right to live and work in the country
- An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
- A certificate of their current medical fitness [to Group 2 standard]
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive
- That the applicant has a minimum of two year's post qualification driving experience.
- That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
- That the applicant has, where available, completed safeguarding awareness training.

3.2 If an applicant has spent three continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made.

Criminal record checks/certificates of good conduct must be provided in accordance with the Home Office "Application processes for Foreign National Criminality Information". Any criminal record check must be translated into English by a recognised translation service provider.

### **4. Appeals**

4.1 Any applicant refused a driver's licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

- 4.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

## **5. Powers**

- 5.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder 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 (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 5.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions (as defined in this policy), particularly where there is a long history of offending or a pattern of repeat offending.
- 5.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

## **6. Consideration of disclosed criminal history**

- 6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence.

All conviction(s), criminal findings of guilt (including fixed penalty ticket(s)), caution(s) and warning(s), whether for motoring or other offences and County Court Judgment(s)/Order(s) (where the judgment or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) may be taken into account on or after the issue of a licence. During the currency of a licence the licence holder must, immediately after the date of arrest, conviction(s), criminal findings of guilt (including fixed penalty notice(s)), caution(s) and/or warning(s), advise the Licensing Authority of this information in writing.

The Licensing Authority will consider:

How relevant the offence(s) are to the licence being applied for

- How serious the offence(s) were
- When the offence(s) were committed

- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

6.2 Applicants can discuss further what effect a caution/conviction or other sanction may have on any application by contacting a licensing officer of the licensing authority in confidence for advice.

6.3 The licensing authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) from any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

6.4 Applicants applying for the grant or a renewal of a drivers' licence and/or operator licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

6.5 The licensing authority encourages applicants and licence holders to register for the DBS's update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year. DBS certificates obtained for a Hackney Carriage or Private Hire Driver Licence cannot be used for the purpose of obtaining a Lincolnshire County Council School Transport Badge ("Green Badge") and vice versa. A separate check is required for each authorisation. However, applicants can register both checks with the DBS update service for a total cost of £13 per year.

6.6 More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

6.7 The licensing authority is also 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 licensing authority or other licensing authorities, and information disclosed by the police.

6.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. 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.

## **7. Serious offences involving violence**

7.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life. However, given the range of the offences that involve violence, consideration must also be given to the nature of the conviction.

- 7.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 7.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:
- Arson
  - Malicious wounding or grievous bodily harm which is racially aggravated
  - Actual bodily harm which is racially aggravated
  - Grievous bodily harm with intent
  - Robbery
  - Possession of firearm
  - Riot
  - Assault Police
  - Common assault with racially aggravated
  - Violent disorder
  - Resisting arrest
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 7.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:
- Racially-aggravated criminal damage
  - Racially-aggravated offence
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 7.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:
- Common assault
  - Assault occasioning actual bodily harm
  - Affray
  - S5 Public Order Act 1986 offence (harassment, alarm or distress)
  - S.4 Public Order Act 1986 offence (fear of provocation of violence)
  - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
  - Obstruction
  - Criminal damage
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- A Hackney Carriage/Private Hire driver found guilty of any of these offences should have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 4-5 years has elapsed

7.6 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

7.7 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

## **8. Possession of a weapon**

8.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give rise to serious concern as to whether the person is fit to carry the public. Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before an application for a licence is considered.

## **9. Sex and indecency offences**

9.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences will be very closely scrutinised. Those with convictions for sexual offences will generally be refused.

9.2 (a) An application will normally be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Any offence involving child sexual exploitation and/or sexual exploitation of vulnerable adults
- Possession of indecent photographs, child pornography etc.
- Or **any** sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit).

9.3 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

## **10. Dishonesty**

10.1 Licensed Hire Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday, is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any lost property being kept by an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 5 years free of conviction should be required before entertaining an application.

A licensed Hire Driver found guilty of a dishonesty offence should expect to have his/her licence revoked immediately and be banned from holding such a licence with the Council for 5 years.

10.2 In general, a minimum period of 5 years free of conviction or at least 5 years from completion of sentence (whichever is longer) should be required before granting a licence. 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
- and any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

10.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

## **11. Drugs**

11.1 A serious view is taken of any drug related offence.

11.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

11.3 A licence will not normally be granted where the applicant has a conviction for an offence related to the possession of drugs and has not been free of conviction for 3 years.

- 11.4 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.
- 11.5 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.
- 11.6 A hackney carriage or PHV driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug-related offence should expect to have his/her drivers licence revoked immediately and be banned from holding such a licence with the Council for 5 years.

## **12. Driving offences involving the loss of life**

- 12.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

## **13. Drink driving/driving under the influence of drugs**

### **13.1 With Motor Vehicle**

A serious view will be taken of convictions for driving or being in charge of a vehicle while under the influence of drink. An isolated incident may not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the DVLA driving licence) before an applicant is considered for a licence. If there is any suggestion that the application is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

A Hire Driver found guilty of a drink-driving offence should expect to have his/her drivers licence revoked immediately and be banned from holding a hackney carriage or PHV drivers licence with the Council for 5 years.

### **With a Licensed Vehicle**

A driver found guilty of driving passengers for hire whilst under the influence of drink should expect to have his/her driver's licence with the Council for a minimum period of 5 years.

## **14. MAJOR TRAFFIC OFFENCES**

- 14.1 An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.
- 14.2 Similarly, a first conviction during the period of a hackney carriage or PHV drivers licence will lead to a warning as to future conduct, and may lead to revocation of that licence for subsequent convictions. At least 3 years should elapse (after the restoration of the DVLA licence) before the individual is considered for a licence.

## **15. Insurance offences**

- 15.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.
- 15.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 15.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.

## **16. Using a mobile phone whilst driving**

- 16.1 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- are much less aware of what's happening on the road around them
  - fail to see road signs
  - fail to maintain proper lane position and steady speed
  - are more likely to 'tailgate' the vehicle in front
  - react more slowly, take longer to brake and longer to stop
  - are more likely to enter unsafe gaps in traffic
  - feel more stressed and frustrated.
- 16.2 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
- 16.3 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

## **17. MINOR TRAFFIC OFFENCES**

### **New Applicants**

- 17.1 Conviction(s) for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc, 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. In certain instances it may be appropriate to issue a licence together with a strong warning as to future driving requirements. If a significant history of offences is disclosed, refusal of an application may result.
- 17.2 New applicants who have received 9 or more penalty points (in respect of minor traffic offences) on their driving licence during the 12 months prior to the date of application may be refused. Applicants who have recently been disqualified from driving under the “totting-up” procedure will not normally be granted a licence unless they have held a licence for at least 1 to 2 years following the expiry of the period of disqualification.

### **Existing Licence Holders**

- 17.3 **A hackney carriage or PHV driver receiving 6 or more penalty points during any three year period will be issued with a written warning as to future conduct.** Any current driver disqualified from holding a DVLA licence under the “totting-up” procedure should expect to have his/her hackney carriage or PHV driver licence revoked. At least 2 to 3 years should then elapse (after the restoration of the DVLA licence) before he/she is considered for a licence.
- 17.4 In the case of an existing hackney carriage or PHV driver where the “totting-up” disqualification of a DVLA licence is considered by the court, even if the court does not disqualify, the Council is likely to revoke the hackney carriage or PHV licence. At least 2 to 3 years should elapse before the individual is considered for a licence.

## **18. Other offences involving alcohol**

- 18.1 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination. In some cases, a warning may be sufficient.
- 18.2 In cases of severe alcohol abuse, a significant period after the last conviction must elapse before an application is considered and then only after examination by a consultant with a special interest in such cases with confirmation being provided of satisfactory liver enzyme tests and mean cell volume (MCV).

## **19. Licensing offences**

- 19.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since .
- 19.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

## **20. Outstanding charges or summonses**

- 20.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 20.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

## **21. Non-conviction information**

- 21.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
- 21.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

## **22. Once a licence has been granted**

- 22.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- 22.2 All of the preceding document applies equally to current drivers as it does to applicants unless otherwise stated.

## **23. Licences issued by other licensing authorities**

- 23.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
- 23.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## **24. Conclusion**

- 24.1 To conclude, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

24.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public. This consideration is vital because taxi and private hire licence holders have unprecedented access to the public and are in a position to exercise control over an individual.

## Annex A – Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts.

Code	Offence	Penalty Points
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
<b>Construction &amp; Use Of Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3
<b>Dangerous Driving</b>		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11

DD90	Furious Driving	3-9
<b>Drink or Drugs</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6-8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6

SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
<b>Traffic Directions And Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

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

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

### **Causing or permitting**

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

### **Inciting**

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

### **Non-endorsable offences**

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

### **Period of time**

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death by careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

Source [www.direct.gov.uk](http://www.direct.gov.uk)

## APPENDIX J

### GENERAL CONDITIONS AND DUTIES OF PRIVATE HIRE VEHICLE DRIVERS

#### STANDARD CONDITIONS

The Driver of a Private Hire Vehicle:

1. Shall, when driving a private hire vehicle, wear in a conspicuous position, the private hire vehicle drivers badge issued to him by the City Council.
2. Shall NOT permit the private hire vehicle to wait on stands appointed for hackney carriages NOR shall proceed along the highway for the purposes of plying hire.
3. Shall, unless delayed or prevented by some sufficient cause, punctually attend at the time and place appointed by the hirer, and shall not without reasonable cause prolong the distance or time, the journey for which the vehicle has been hired.
4. Shall not convey in the vehicle any greater number of persons than the number of persons specified on the plate attached to the outside of the vehicle.
5. Shall behave in a manner and take all reasonable precautions to ensure the safety of the persons conveyed in, or entering or alighting from the vehicle.
6. Shall, when requested by the hirer, convey a reasonable quantity of luggage and afford reasonable assistance with the loading and unloading thereof.
7. Shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein, and upon finding any such property take it to a police station within the City of Lincoln within 24 hours.
8. Shall comply with the relevant sections of the Local Government (Miscellaneous Provisions) Act 1976, appertaining to private hire vehicle drivers.
9. Shall notify the Licensing Authority of any medical condition, which may affect safe driving, which should also be notified to the DVLA, forthwith.
10. **ALL CONVICTIONS, criminal findings of guilt (including fixed penalty tickets), cautions and warnings, whether for motoring or other offences and County Court Judgements/Orders (where the judgement or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) after the issue of this licence and during its currency must immediately after the date of conviction, criminal findings of guilt (including fixed penalty tickets), cautions and warnings, be communicated in writing to the Licensing Authority. Failure to do so may result in proceedings being taken against you, suspension or revocation of the licence.**

IF YOU FAIL TO COMPLY WITH THESE CONDITIONS OF YOUR LICENCE THEN THIS MAY RESULT IN PROCEEDINGS BEING TAKEN AGAINST YOU, SUSPENSION OR REVOCATION OF YOUR LICENCE.

ADDITIONAL DUTIES

1. Change of Address

If you change address you must notify the Licensing Team at City of Lincoln Council as soon as reasonably practicable.

2. Change of Operator

If you change the Operator you work for you must notify the Licensing Team at City of Lincoln Council as soon as reasonably practicable.

3. Surrender of Licence

If you wish to surrender your licence, you must return the licence to the Licensing Team at City of Lincoln Council together with a signed letter stating that you wish to surrender the licence.

4. Theft, Loss etc. of Licence

Where your licence has been lost, stolen, damaged or destroyed, you may apply to the Licensing Team for a copy of the licence. A fee is payable for this service.

5. Involvement in Road Traffic Accidents

If you are involved in a Road Traffic Accident, no matter how minor, whilst driving a Hackney Carriage or Private Hire Vehicle, you must inform the Licensing Team at City of Lincoln Council within 72 hours of the said accident.

**Again failure to comply with these duties may result in proceedings being taken against you, suspension or revocation of the licence.**

**I confirm that I have read and understood the above Conditions of Licence and Additional Duties.**

**I confirm that since the date of my application I have received no CONVICTIONS, criminal findings of guilt (including fixed penalty tickets), cautions and warnings, whether for motoring or other offences and County Court Judgements/Orders (where the judgement or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator).**

**I understand that giving a false declaration may result in proceedings being taken against me, suspension or revocation of the licence.**

Signed .....

Print Name.....

Dated:.....

**APPENDIX K**

<p><b><u>CITY OF</u></b></p>		<p><b><u>LINCOLN</u></b></p>
------------------------------	---	------------------------------

**1976**

**BYELAWS**

Relating to

**Hackney Carriages**

In the City of

**Lincoln**

## **BYELAWS**

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act, 1875, by the Council of the City of Lincoln with respect to Hackney Carriages in the City of Lincoln.

### **Interpretation**

1. Throughout these byelaws the expression "the Council" means the Council of the City of Lincoln and "the district" means the City of Lincoln.

### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed**

2. (a) The Proprietor of a hackney carriage shall be provided by the Council with two plates showing the number of the licence granted to him in respect of such carriage.  
  
(b) The proprietor or driver of a hackney carriage shall:
  - (i) Cause such plates to be fixed on the outside and inside respectively of such carriage in such a position and manner that the number thereon shall be at all times distinctly and plainly visible and legible.
  - (ii) Not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
  - (iii) Not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

### **Provisions regulating how hackney carriages are to be furnished or provided**

3. The proprietor of a hackney carriage shall:-
  - (a) Provide sufficient means by which any person in the carriage may communicate with the driver.
  - (b) Cause the roof or covering to be kept water-tight.
  - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side.
  - (d) Cause the seats to be properly cushioned or covered.
  - (e) Cause the floor to be provided with a proper carpet, mat, or other suitable covering.
  - (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way for public service.
  - (g) Provide means of securing luggage if the carriage is so constructed as to carry luggage.
  - (h) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress or egress for the driver.
  
4.
  - (a) The proprietor of a hackney carriage shall cause such carriages to be provided with a taximeter.
  - (b) The proprietor of a hackney carriage shall cause any taximeter with which such carriage is provided to be so constructed, attached and maintained as to comply with the following rules:-
    - (i) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf.
    - (ii) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
    - (iii) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figure shall be capable of being suitable illuminated during any period of hiring.
    - (iv) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.**

5. The driver of a hackney carriage provided with a taximeter shall cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.
7. The driver of a hackney carriage for which stands are fixed by any Byelaw in that behalf shall, when plying for hire in any street and not actually hired:-
  - (a) Proceed with reasonable speed to one of such stands.
  - (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand.
  - (c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the direction.
  - (d) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
  - (e) If his carriage is stationed on a stand, not accept any offer from a member of the public to hire his carriage unless his carriage is stationed in the foremost position on that stand.
8. The proprietor or driver of a hackney carriage, when standing, or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The driver of a hackney carriage shall not at any time when driving for hire, smoke tobacco or any like substance without the permission of the person hiring and being conveyed in such carriage.
11. The driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place, shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
12. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
13. The proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
14. Every driver of a hackney carriage shall, at all times when standing, plying or driving for hire, wear attached to his outer clothing in such position and manner as to be at all times plainly and distinctly visible, a badge which shall be provided by the Council and shall be delivered to such driver either together with the licence granted to him by the Council or afterwards, and on which shall be engraved, impressed, painted, or marked in legible figures a number corresponding with the number on the licence granted to such driver.
15. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-

- (a) Convey a reasonable quantity of luggage.
  - (b) Afford reasonable assistance in loading and unloading it.
  - (c) Afford reasonable assistance in removing it to or from the entrance of any house, station, or place at which he may take up or set down such person.
16. Every driver of a hackney carriage shall at all times while standing, driving, or plying for hire, keep a complete copy of these byelaws with such carriage, and shall on request produce the same for perusal and inspection by any person hiring such carriage, or by any police constable, or any person appointed by the Council.

**Provisions fixed the stands of hackney carriages**

17. Such stands as may from time to time be appointed by the District Council under the provisions of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
18. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the arte or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which may not be recorded on the face of the taximeter.

**FARE TABLES**  
**FARE FOR DISTANCE**

Such fares as may from time to time be fixed by the District Council under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, and as displayed in the hackney carriage in accordance with the following paragraph.

19. The proprietor of a hackney carriage shall cause a statement of the fares authorised by any byelaw in that behalf to be printed or painted on a suitable plate on the inside of the carriage in legible letters and figures are printed or painted.

Such Proprietor shall from time to time as often as occasion may required renew such plate or the letters and figures on such plate and shall not nor shall any driver of such carriage wilfully or negligently cause or suffer such plate to be inverted or detached or the letters or figures on such plate to be in any manner or by any means concealed from the view of any person being conveyed in such carriage at any time while such carriage may ply or be used for hire.

The Council may provide the plate referred to in the foregoing paragraphs.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriage, and fixing the charges to be made in respect thereof.**

20. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
21. The proprietor or driver of a hackney carriage shall if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
- (a) Carry it within twenty-four hours, if not sooner claimed by or on behalf or its owner, to the office of the Chief Constable of the City and leave it in the custody of the Officer in charge of the office on his giving a receipt for it.
  - (b) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place

of finding to the office of the Chief Constable whichever be greater) but not more than five pounds.

### **Penalties**

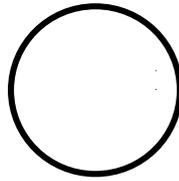
22. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a future fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

### **Repeal of Byelaws**

23. The byelaws relating to hackney carriages which were made by the Council of the City of Lincoln on the nineteenth day of February, 1959, and the sixth day of March, 1975, and which were confirmed by one of Her Majesty's Principal Secretaries of State on the eighth day of April, 1959, and eighteenth day of April, 1975, respectively are hereby repealed.

THE COMMON SEAL OF THE LINCOLN CITY COUNCIL was hereunto affixed this 12<sup>th</sup> day of May, 1976 in the presence of

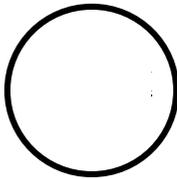
(Sgd.) F. T. ALLEN  
*Mayor*



(Sgd) J. GRAEME WADE  
*Secretary Solicitor*

The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which they are to come into operation as the 9<sup>th</sup> Day of July 1976

(Sgd.) R.F.D.SHUFFERY  
*An assistant Under  
Secretary of State*



Home Office,  
Whitehall

25<sup>th</sup> June, 1976