NORTH NORFOLK
DISTRICT COUNCIL

Hackney Carriage and Private Hire Policy & Handbook

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INTRODUCTION

This handbook is the policy document for matters relating to the licensing of Hackney Carriages, Private Hire Vehicles and their drivers and operators. It contains the following documents.

1. The Council Policy for Licensing of:
   a. Hackney Carriage Vehicles
   b. Private Hire Vehicles
   c. Drivers of Hackney Carriage and Private Hire Vehicles
   d. Private Hire Operators

2. The procedures for applying for, processing and issuing of such licences

3. The general conditions attached to such licences

The difference between the nature of the trades undertaken by hackney carriage and private hire vehicles may not be readily apparent, but the following brief description should clarify the situation:

- **A hackney carriage** - may ply for hire from an appointed hackney carriage stand (hereafter referred to as a rank) in the District or may be hailed in the street. The fares for such journeys are controlled under the rates or fares fixed by the Council and the vehicle must be fitted with a taximeter calibrated to those fares.

- **A private hire vehicle** - may only undertake journeys in response to advance bookings. The charges for such journeys are not subject to Council control and should be agreed with the client before the start of the journey.

The authority has adopted the Local Government (Miscellaneous Provisions) Act 1976, Part II, Section 45; The Town Police Clauses Act 1847, Section 68 and the Public Health Act 1875, Section 171. This took effect from 1 April 1997. North Norfolk District Council adopted the Conditions contained in this handbook at a meeting of its Executive Committee on 14 June 2001. Certain additions and updates have been made since then.

The Acts require that the Council must be satisfied that the vehicle is suitable in type, size and design for use as a hackney carriage or private hire vehicle, that it is in a suitable mechanical condition and is safe and comfortable. In the case of private hire vehicles, it is further required that they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage. Any vehicle used as a hackney carriage or private hire vehicle must have in force a current insurance policy in relation to the use of that vehicle.

In addition to the statutory requirements, the Council may attach to the grant of a licence, such conditions as the Council considers reasonably necessary. However, the Act specifically states that the Council shall not refuse such a licence for limiting the number of vehicles in respect of which the Council grants such licences.

Any requirements of legislation that affects the operations being carried out under the terms of any licence granted should be regarded as if they are conditions of that licence. Wherever there appears in this Handbook a summary of any statutory provisions, you are advised that such summary may not be exhaustive.
Details held on drivers, vehicles or operators are held in accordance with the Data Protection Act 1998. The authority will not share details of an individual unless it is with their consent or where it is required or permitted by law.

In case of a complaint against the service provision, the Council has a formal complaint procedure. See the council website or phone or visit the council offices for details of this procedure.

**GLOSSARY**

Within this handbook the following expressions have effect as below

- ‘The Council’ = North Norfolk District Council
- ‘The District’ = district of North Norfolk
- ‘Authorised Officer/Agent’ = An Officer so authorised or acting on behalf of North Norfolk District Council or a Police Officer
- ‘The Operator’ means the person to whom the Council has granted an Operator’s Licence to which these conditions apply. In the case of a partnership, to each of the partners and in the case of a company, to each of the company directors
- ‘The Vehicle’ = the vehicle subject of the hackney carriage/private hire vehicle licence to which the conditions are attached
- ‘The Proprietor’ = person, persons, or body named in the licence as the proprietor of the vehicle. This includes a part proprietor and in relation to a vehicle that is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement
- ‘The Driver’ = the person to whom the Council has granted a hackney carriage/private hire driver’s licence to which these conditions are attached.
- ‘Nominated Garage’ = garage(s) approved by the Council for the purpose of undertaking mechanical inspections
- ‘Mechanical Inspection Report’ = certificate issued by the Council’s Agent
- ‘Licence plate’ = plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage/Private Hire vehicle
- any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.
1. General Policy

The Council is responsible for the licensing of all hire vehicles which operate within the district, which are provided with a driver and operated with less than nine passenger seats.

The Council does not have a limit on the number of licences of drivers, vehicles or operators to be issued – all cases will be treated on their merits and in accordance with the licensing policy.

There are two types of vehicle:
- public hire vehicles (hackney carriages) and
- vehicles which are only available by prior booking arrangement (private hire vehicles).

Although the description ‘taxi’ should only be applied to a hackney carriage any hire vehicle is usually known as a ‘taxi’ by the public.

Private Hire vehicles may only undertake journeys in response to advance bookings. The Council is also responsible for granting private hire operators’ licences for the premises at which these bookings are made.

The Council is responsible for the licensing of the drivers of both classes of vehicle.

As provided for in Section 75(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing requirements do not apply:
- where a vehicle is used for bringing passengers into the District where the contract for hire was made outside the District, providing the vehicle is not made available for hire within the District.
- to a vehicle used in connection with funerals or wholly or mainly by a person who is a funeral director, for the purpose of funerals.
- when the vehicle is being used in connection with a wedding ceremony.

2. Hackney Carriage/Private Hire Drivers Licences - criteria for grant of licence

Within the scope of legislation the Council ensures that all drivers are ‘fit and proper persons’ to be licensed by carrying out checks on an applicant’s background. Council issue dual driver’s licences to all successful applicants, which enables the holder to drive either a hackney carriage vehicle or a private hire vehicle provided that these vehicles are licensed by this authority.

In considering new applications for Hackney Carriage/Private Hire Drivers Licences and also any breaches during the currency of a licence, the Council must be satisfied that drivers are fit and proper persons to hold a Licence. In doing so, they must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct /behaviour, breach of licence conditions and other convictions obtained during the course of a Licence. When such circumstances occur the application may be referred to a Panel of the Licensing Sub Committee for determination.
The law states that a District Council shall not grant a Hackney Carriage/Private Hire Drivers Licence unless they are satisfied:

1. the applicant is a fit and proper person
2. The person has been authorised to drive a motor car for at least 12 months and
3. the person is authorised to drive at the time of the application

In deciding whether the applicant is a fit and proper person the Council have regard to a number of factors as outlined below. Each case will be considered individually on its merits and the applicant will have the opportunity to present their case to the Licensing Sub Committee in circumstances where a Licence cannot be automatically issued. The Council does not have a limit on the number of Driver Licences issued.

- Consideration of previous convictions

This is facilitated by the applicant jointly with the District Council obtaining an up to date Disclosure about the applicant from the Criminal Records Bureau.

The Council will consider all convictions (whether spent or not) which are relevant to an application for a Licence. The Rehabilitation of Offenders Act (which provides for cautions and convictions to become spent over time) does not apply in relation to applications for taxi drivers licences

Convictions, cautions and any additional information listed on a Disclosure will therefore be considered on an individual case basis with the applicant having the opportunity to explain the circumstances to the Licensing Sub-Committee of the Council when they consider the Licence application.

Guidance on previous convictions/cautions etc can be found in the “Criminal Offence Guidelines” section of this handbook.

- Other information as is considered necessary

The District Council will request and take into account such information as it considers necessary. In North Norfolk this currently includes

a) Medical certificate – provided by a doctor to confirm the person is fit to drive (and if so whether or not entitled to exclusions from certain activities including carriage of guide dogs and wheelchair passengers because of their medical condition)

b) References (from 2 persons, not related to the applicant, who have known the applicant for at least 5 years)

c) Check on driving Licence / DLVA check – all current endorsements will be considered on a case by case basis as will previous endorsements or disqualifications where relevant

d) Tests - to assess the applicants driving ability and in appropriate circumstances knowledge of the area
3. **Conditions**
   The Council has the power to attach conditions to Driver, Vehicle and Operator licences. The standard conditions are as set out in this handbook document. Any requirements of legislation that effects the operations being carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

4. **Referral to Panel**
   Where an applicant or a driver is referred to the Panel for consideration, they will be notified in writing of the reason and the date, time and venue of the Panel hearing. They will be advised that they may bring a representative to the hearing. The representative may be a friend, legal representative or a representative from the trade whom they wish to assist them in addressing the Panel in support of their application/disciplinary hearing. Please note that any consultation with a representative should take place in advance of the hearing date and not just prior to the meeting. This will ensure that their case is well prepared for Panel consideration.

5. **The Licensing Panel**
   The Panel (otherwise known as the Licensing Sub-Committee) will consist of 3 members made up of Licensing Councillors. A Chairman is appointed to supervise the Committee during the process. The Committee may be advised by a legal representative. A number of Council Officers may also attend the hearing, in an advisory capacity. However, they do not take part in the decision making process.

6. **The Hearing**
   A number of applications and disciplinary matters could be considered on the day. Each matter will be considered on its own merits and the public will be excluded to protect confidentiality were appropriate. In these circumstances the public will not have access to the meeting unless the applicant requests that they should.

   When a person is called to appear before the Panel they and their representative and any complainants will be guided to their seats. They will be asked if they have received a copy of the report regarding the circumstances surrounding their case. The Panel will already have a copy of the report. Where the case arises from a complaint, the complainant, if present, will be asked to explain their complaint to the Panel. They will then be given the opportunity to question the complainant.

   They will be asked to describe the circumstances surrounding the convictions or incident concerned and asked to demonstrate to the Panel why they think they are a fit and proper person to hold a Hackney Carriage/ Private Hire Drivers Licence or why they feel disciplinary action should not be taken.

7. **The Decision**
   When considering convictions, the Panel will have regard to the ‘Guidelines relating to the Relevance of Convictions’

   After hearing the evidence and representations from all parties, the Panel will retire to make their decision. As soon as the Panel have come to a decision they will return to the room and inform the persons of their decision. The person will also be advised of the decision in writing together with their rights of appeal. The Panel have a number of options which include the following:
   - Grant or refuse application
   - Take no action
   - Issue a verbal warning
   - Suspend or revoke Licence
8. **Right of Appeal**

If the Council refuses the grant of a Vehicle, Operator or Drivers Licence, or in the case of a disciplinary hearing, decide to suspend or revoke a Drivers Licence or any other formal action, the person will have the right of appeal to a Magistrates’ Court. In the case of refusal to grant a Hackney Carriage Vehicle (Proprietors) Licence, appeal will be to the Crown Court. Appeals may be made against all or any of the conditions attached to a licence granted. Any appeal must be made within 21 days of the grant of licence of the refusal of such a licence.

9. **General Advice**

The Licensing Panel is a formal meeting where members sit in a quasi-judicial manner. This means that the Panel has to act in a similar fashion to a Court or Tribunal. It is therefore important that persons appearing before Committee should behave and dress in an appropriate manner. If a person appears before the Panel following a complaint about their conduct, they should not attempt to speak to the complainants / witnesses prior to the meeting as this could be deemed to be harassment.

10. **Serving of Notices**

Sub-sections (2) to (5) of S23 of the Local Government Act 1972 shall have effect and are incorporated in the conditions for vehicles, operators and drivers in relation to any notices required or authorised by the conditions to be given or served on the licensee by or on behalf of the Council or any authorised officer.

11. **Licence Compliance monitoring and enforcement**

The Council also has a responsibility to secure compliance with legal standards and licence conditions of the drivers, vehicles and operators it has licensed. Enforcement covers offences related to ‘taxi’ legislation, drivers’ behaviour, the condition of the vehicles and the investigation of complaints made by the public against any licence holder.

As well as granting and issuing licences the Council also has the power to suspend or revoke licences and take Court action if necessary against any offending licence holder. Licensing and enforcement is carried out by Council officers appointed ‘Authorised Officers’ for that purpose and they have been issued with written authority to do so as well as having a Council identity badge.

In any cases where checks on applicants for Drivers or Operator Licences reveal any concerns about the fitness or propriety to hold such licences then the application will be referred to the Councils Licensing Sub Committee for hearing and determination.

Following complaint or other investigation if information comes to light concerning breach of any Council Licence conditions then the matter may be dealt with through a Vehicle Notice or in accordance with the Council Formal Points system.

Vehicle testing in accordance with national best practice and the requirements contained in this handbook will be undertaken by the Councils appointed vehicle testing contractor as authorised agent for the Council at their nominated garage.

12. **Unfit Vehicle Notices**

Unfit Vehicle Notices can be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.
Immediate Unfit Notices will be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to either an Authorised Officer or the Councils approved testing station with the faults rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.

If the Notice is not lifted within two-months, the vehicle licence will be deemed revoked.

Deferred Notices can be issued which means the vehicle can continue to be used for the time specified and the faults rectified within a specified time. When the faults are rectified the vehicle must be presented to the Councils approved testing station for inspection.

13. General compliance
Any breach of the requirements of this policy, including failure to disclose information relating to convictions etc, may result in suspension or revocation of a licence or other appropriate action.
PROCEDURE FOR LICENSING A VEHICLE as a Hackney Carriage or Private Hire Vehicle

1. Suitability of vehicles for licensing

Only vehicles which meet the following specification will be considered for licensing

**Vehicle Specification - Generally**

- motor vehicles constructed or adapted to seat not more than eight (8) passengers. If you wish to licence a vehicle with above eight (8) passengers, you must contact the Traffic Commissioner’s Office;
- In the case of a first application for a vehicle licence the vehicle must be under 10 years old since the date of first registration and must not be left-hand drive; (The age of the vehicle to be taken from the vehicle registration document)
- Hackney Carriage Vehicles which have petrol or diesel engines must have an engine size of at least 1.4l (1400cc);
- Hackney Carriage vehicles that are London type vehicles must have at least two doors for the use of passengers travelling in the vehicle, neither being the door used by the driver. Normal saloon type vehicles must be fitted with four road wheels.
- Other vehicles may be plated as private hire vehicles where recommended by the Council’s Authorised Agent and confirmed by the Council’s Authorised Licensing Officer
- Hatchback type vehicles – the hatch will not be considered or counted as a door for means of entry or exit;
- The seating capacity of a vehicle will be determined as follows:
  - where separate seats for each person are provided, one person shall be counted for each separate seat;
  - where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 40.7cm (16”) measured in a straight line along the front of each seat. Where continuous seating is fitted with arms for separating the seating spaces and they can be folded back or put out of use, the seats shall be measured as if the arms had not been fitted;
  - any passenger(s) carried in the front of a vehicle must have separate seat(s) from the driver;
  - the number of seats for which the vehicle is to be plated will be decided by the Council’s Authorised Officer/Agent and will be based upon the items above and the bylaws. Any additional seating in the vehicle must be removed and the fixings plated over to prevent re-instatement, before the grant of a licence;
  - wheelchair accessible vehicles will have the seating capacity determined for fixed seating and separately for passengers carried in wheelchairs.
- all passenger seats must face forward or rearward to the direction of travel;
- luggage space must be a minimum of 0.5 m³ and be physically separated from the passenger seating;
- all motorised vehicles must be equipped with an operational fire extinguisher and a first aid kit (to comply with Health & Safety (First Aid) Regulations 1981);
- any vehicle with a ‘Q’ plate registration will not be licensed if more than five (5) years old from date of manufacture. Where the age of a ‘Q’ registered vehicle is not identifiable, the age will be calculated as three years old at the date of ‘Q’ registration in line with the policy of the DVLA;
- no vehicle will be granted a licence if it is licensed in another District due to the problems of meeting the variance in conditions applied in different Districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocation)
Landau and Second Class Hackney Carriages Specification

Only vehicles meeting the following specification will be considered for licensing:

- A landau of traditional construction and appearance having spoke wheels and solid rubber tyres with a door on each side of the carriage. A drop down hood in two sections, meeting in the middle when closed and having rigid glass or plastic windows.
- A carriage with one door only at the rear, having spoke wheels and solid rubber tyres. The hood being in one piece, closing from front to rear, with no rigid windows.

Pedicab and Third Class Hackney Carriages Specification

Only vehicles meeting the following specification will be considered for licensing:

- Purpose built Tricycle rickshaws fitted with at least 2 passenger seats

Cosmetic Appearance

- Rust - Any vehicle presented should be free from any visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed - any vehicle with more than three visible rust patches should be failed.
- Dents - For the purpose of these conditions, North Norfolk District Council defines the term ‘dent’ as ‘Any deviation from the manufactured contours of the vehicle’s body work, including all trim’. Any vehicle with any dents on three or more panels should be failed.
- Scratches - Any vehicle with un-repaired scratches on three or more panels should be failed.
- Seats - In conventional vehicles where it is intended that the licence shall be for four (4) passengers, the rear seat must be at least 122cm (48”) in width. All seats shall have a minimum of 40cm (16”) per person and complies with the Road Vehicle (Registration and Licensing) Regulations 1971. All seats, including the driver’s must be free from cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
- Carpets/Floor Covering - All carpets and floor covering shall be complete and free from cuts, tears or major soiling.
- Headlining And Other Trim - All interior trim, including headlining, shall be clean, complete, properly fitted, and free from serious cuts, tears or major soiling.
- Window Operation - All windows that by manufacture are made to open should be maintained to be easily operable by any passenger.
- Boot/Luggage Compartment - This should be empty except for a spare wheel, essential tools and a first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- Interior - The interior must be kept clean, tidy and free of any litter or rubbish.

2. Vehicle Inspection

- The inspection is to determine that the vehicle is in roadworthy condition and meets the standards required by the Council to be a licensed vehicle; in accordance with national best practice and the requirements contained in this handbook
- The vehicle must be inspected and a satisfactory report issued by the Council’s appointed testing agent within one month preceding the application for a vehicle licence or renewal of a vehicle licence.
- The requirement for Inspection applies to all vehicles, including those newly registered.
3. Licensing prerequisites
The following will be checked before a vehicle licence is issued:

- A satisfactory vehicle inspection report following an inspection by an Authorised Officer/Agent of the District Council (to include towing and the carriage of the number of wheelchairs for which the vehicle is adapted, if necessary)
- A current vehicle insurance certificate or cover note
- The registration document (V5) and/or proof of purchase
- Proof that the vehicle has current MOT (Hackney Carriage vehicle require MOT at one (1) year old, Private Hire require MOT at three (3) years old.)
- A duly completed Council’s application form
- Payment of the correct licence fee and any outstanding charge(s)

4. Issue of Licence
If all the prerequisites and all conditions are met and are satisfactory, a licence will be issued within seven (7) working days from receipt of an acceptable application. The Licence will be granted and will be valid for one (1) year from the date of issue.

5. Annual Renewal
- vehicles must comply with all prerequisites
- applications must be made in good time to enable all formalities to be completed and in any event three (3) weeks before the date of expiry
- applications made less than three (3) weeks before the expiry date may result in vehicles not being licensed by the date of expiry
- no licence will be issued unless the application is complete with all documents, information and the payment required. Incomplete applications will be returned to applicants
- applications made after the expiry date will be considered as new applications and not a renewal.
CONDITIONS RELATING TO VEHICLE LICENCES

1. Renewal
A licence can only be renewed if a licence has been previously held and it has not been allowed to lapse or been revoked, providing the application for renewal was received at least three (3) weeks prior to the date of expiry. There may be no lapse between licences.

2. Maintenance and Appearance of Vehicle
   • when it is available for hire, the vehicle and its fittings must at all times:
     o be safe
     o be tidy
     o be clean
     o comply with all statutory requirements applicable to the class of vehicle
   • the vehicle must be maintained to a high standard of appearance to the complete satisfaction of the Council, throughout the term of the licence
   • the vehicle must be kept in exceptional condition including cleanliness and cosmetic appearance

3. Inspection of Vehicle
The vehicle must not be made available for hire or used as a hackney carriage/private hire unless there is a current mechanical inspection certificate in force and lodged with the Council in respect of that vehicle.

4. Alteration of Vehicle
No alterations in the specification, design or appearance of the vehicle shall be made without the approval, in writing, of North Norfolk District Council.

5. Documents and Internal Signage
   • There must be carried in the vehicle when it is available for hire or being used as a licensed vehicle:
     o The sign issued by the Council giving the vehicle licence number and the maximum number of passengers to be carried. This is to be displayed on the front windscreen inside the vehicle in a position so as not to obstruct the driver's vision where it may be clearly seen by any passenger on board and persons approaching the vehicle from the front;
     o a current vehicle excise duty disc correctly displayed in the windscreen (tax disc)
   • Hackney Carriage vehicles must also carry a copy of the current tariff as approved by the Council clearly displayed within the vehicle where it may be seen by any passenger on board;

6. External Signs etc.
No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems, other than those mentioned below shall be displayed on, in or from the vehicle.
   • Signs permitted are:
     o any registration number
     o any sign required by statute or subordinate legislation
     o any sign on a taximeter indicating that the vehicle is for hire
     o the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle. This is in addition to the internal sign referred to above.
     o the roof sign referred to in clause 8 below
     o any sign indicating membership of a national motoring organisation
     o any sign informing passengers not to smoke in the vehicle
     o the tariff card as in clause 5 above
any sign approved by the Council to indicate that the payment of fares may be made by credit card shall be displayed on the front windscreen of the vehicle

any sign provided by the Norfolk County Council to show that the vehicle is used for school contracts shall be displayed in the windscreen in such a manner so as not to obstruct the driver’s vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.

any other sign specifically approved in writing by the District Council must meet the conditions as set out above,

no sign may contain any material of a religious or political nature or contain any matter likely to cause offence.

On private hire vehicles no sign may include in the lettering any word whether in the singular or plural the words ‘taxi’, ‘cab’ or ‘hire’ or any word of a similar meaning or appearance to any of those words whether alone or as part of another word

Any sign permitted must be positioned so as not to impede visibility and, in any event, no sign shall be placed on the rear window of the vehicle or hanging obstruction be placed in any part of the vehicle.

7. Licence Plate

The Council must be informed immediately should the licence plate showing the number of the Hackney Carriage or Private Hire Licence be broken, lost or defaced. On no account must a hackney carriage ply for hire without a correctly displayed plate, as required under the Police Town Clauses Act 1947, Sections 51 and 52.

Plates, badges and licences remain the property of the Council and must be returned immediately on ceasing operation. or when the Council revoke or refuse to renew a licence or where the Proprietor no longer holds a licence issued by the Council

The Licence Plate shall be fixed in a permanent manner and displayed outside and on the rear of the vehicle, either immediately above or below the bumper. It shall be fixed in such a position that it and the vehicle’s registration mark is not obscured, with its particulars facing outwards. The Licence Plate is to be clearly visible.

The requirements to display the Licence Plate on a Private Hire Vehicle do not apply if an exemption notice has been issued in writing by the licensing authority under section 75 of the Local Government (Miscellaneous Provisions) Act, on any occasion specified in that exemption, and the Licence Plate is in the vehicle as specified in the exemption.

8. Roof Signs

For Hackney Carriages

A sign bearing the word ‘taxi’ on its front face must be installed on the roof of the vehicle. The word ‘taxi’ must be plainly and distinctly visible. The sign may include the name and landline telephone number of the hackney carriage company, and must be capable of being illuminated during the hours of darkness. The sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.

This shall not apply to a vehicle complying with the Public Carriage office standards - any vehicle of this specification must display a sign bearing the word ‘taxi’ distinctly visible from the front of the vehicle.

For Private Hire vehicles no roof signs are permitted

9. Change of Address

The proprietor/vehicle licence holder must inform the Council of any change of address, in writing, before the change, where possible, but not more than seven (7) days afterwards.

10. Compliance

The responsibility for complying with these conditions, unless otherwise stated, shall be the proprietors/vehicle licence holder and drivers jointly and severally.
11. Wheelchair accessible vehicles (ie vehicles in which passengers may be conveyed whilst seated in the wheelchair)

- A vehicle complying with the specifications required by the Disability Discrimination Act must be adapted or designed to carry at least one wheelchair bound passenger:
  - there must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn
  - there must be sufficient space for a wheelchair to travel
  - there must be a separate means of securing the chair and the wheelchair occupant.
  - there must be wheelchair ramps carried in the vehicle.

- A vehicle designed or adapted in accordance with the above may carry a maximum of two signs indicating that it is capable of carrying wheelchair bound passengers;

- Any swivel seat fitted must meet the requirements of the above Act.

12. Towing of trailers

- No licensed vehicle may tow any trailer unless evidence of valid insurance (see below) to cover such use of hire and reward has been produced to the Council and the licence endorsed.

- Any trailer used must comply in all respects with the requirements of EC94/20 Type Approval and any Acts and Regulations relating to trailers or parts thereof which may be in force at the time of licensing.

- The driver must hold the appropriate towing licence issued by the DVLA.

- **Tyres & Wheels**
  - Tyres and wheels for the trailer must comply to manufacturers specification and current legislation relating to tyres;
  - A spare wheel and tyre to manufacturers specification and current legislation must be fitted to the trailer; and
  - A suitable toolkit must be carried.

- **Lights** Full road lighting must be fitted to the trailer to comply with all legal requirements. All lights should be ‘E’ marked

- **Insurance**
  - A current certificate of insurance must be produced which covers the use of the trailer and the vehicle to be licensed to tow it: and
  - Public liability insurance to the value of £100,000 must be produced to cover any luggage carried in the trailer.

- **Advertisements** No advertisements will be allowed to be displayed on the trailer

- **Licence Plate** An additional North Norfolk District Council vehicle plate must be purchased and displayed on the offside rear of the trailer.

- **Number Plate** All trailers must be fitted with an approved style number plate bearing the same number as towing vehicle

13. Maintenance of vehicle and safety equipment

The proprietor/licence holder of the vehicle shall:

- Provide sufficient means by which any person in the vehicle may communicate with the driver
- Ensure the roof or covering to be kept watertight
- Provide adequate windows and the means of opening and closing them
- Ensure the seats to be properly cushioned and covered
- Ensure the floor to be covered with a proper carpet, mat or other suitable covering
- Ensure the fittings and furniture generally to be kept in a clean and well-maintained condition
- Provide means for securing luggage
• provide an efficient vaporising liquid or dry powder fire extinguisher that shall be carried in such a position as to be readily available at all times. This should be to British Standard (BS)EN3:1996 Standard. The extinguisher in full working order at all times
• provide a first aid kit as approved by the Health & Safety (First Aid) Regulations 1981. Such equipment to be carried in such a position in the vehicle as to be readily available at all times. The kit must be kept adequately stocked
• ensure that the vehicle and all its fittings and equipment are at all times when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and Use) Regulations) are fully complied with
• ensure that no material alteration or change in the specification, design, condition or appearance of the vehicle are made without the written approval of the Council at any time whilst the licence is in force
• ensure all vehicles with rear seat belt anchorage points be fitted with rear seat belts
• where a meter is fitted to maintain all meters in working order at all times. Meters to be inspected and sealed by the Council’s Authorised Officer/Agent before use
• Where a tariff card is provided it is clearly displayed where it may be seen by a passenger, giving the tariff applied by the operator through whom the vehicle is operated

14. Mechanical Breakdown
If any vehicle, for whatever reason, becomes unfit to complete a journey under a hire agreement:
• the driver shall be entitled to demand the fare for the distance already travelled
• the driver shall secure alternative transport immediately to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring, the driver shall be entitled to full fare with the exception of any time that the hirer waited for the repair to be executed
• any such incident must be reported to the Council within one (1) working day

15. Hackney Carriage Ranks
The number of hackney carriages stationed at any rank must not exceed the number for which the rank is appointed at any time. No private hire vehicle may use a hackney carriage rank.

16. Complaints, interim inspection and vehicle checks
• Any vehicle against which a complaint is laid must be presented to the Authorised Officer/Agent within one (1) working day of being so requested for inspection.
• The licensee, owner, registered keeper, operator, driver or other person in charge of the vehicle may be interviewed.
• A vehicle may be called for inspection, including documents, at any reasonable time by the Authorised Officer/Agent to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation of licence under Section 68 of the Act.
• An Authorised Officer/Agent may detain any vehicle, at any time, which is suspected of being involved in any infringement of legislation, bylaws or conditions, to ensure its fitness to be used as a licensed vehicle in the interest of public safety.
• if a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required then the plate may be removed by Authorised Officer/Agent, until such time as the vehicle passes the test. Until then, the plate is to be returned to the Licensing authority and the vehicle may not be used for hire and reward
• any vehicle called for inspection that fails to attend may cause the vehicle and operator licences to be suspended immediately and subsequently the licences may be revoked
17. Vehicle Damage and Replacement Vehicles

- the proprietor of any vehicle must report to the Council, in writing, as soon as reasonably practicable, and in any case within seventy two (72) hours, the occurrence of any accident involving the vehicle
- the Authorised Officer/Agent will inspect the vehicle and make a decision as to whether or not the vehicle can continue in service
- if the vehicle can continue in service until a permanent repair is undertaken, the repair must be completed within a maximum of 28 days of the Authorised Officer/Agent’s decision
- If any damage is considered by the Authorised Officer/Agent to be extensive enough to affect the safety or general appearance of the vehicle, it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired, submitted for a Council mechanical inspection and the cosmetic appearance inspected by an Authorised Officer/Agent, before the plate is re-affixed and the vehicle returned to service
- In the case of any dispute the matter will be referred to the Councils Licensing Sub Committee
- Any replacement vehicle, either a short-term or permanent replacement, must comply with licensing prerequisites above. A completed application form must be submitted together with the other necessary documents and the appropriate fee, before being used as a licensed vehicle. If all the above items and all conditions are met and are satisfactory, we will produce the licence within seven working days from receipt of an acceptable application

18. Operators Licence/Registration

The vehicle used must be covered by an Operator’s Licence/Registration issued by the Council

19. Specific Licensing Conditions For Landau and Second Class Hackney Carriages

- The vehicle shall be produced for examination and inspection by an Authorised Officer/Agent of the Council at such times and at such places as may be required
- The Council shall be notified if any alteration is proposed to be made to any part of the vehicle, before such alteration is carried out
- The vehicle shall be fitted with a sufficient drag-chain and slipper or other sufficient brake
- The vehicle shall be kept in good order, the inside and outside clean and braking machinery efficient
- The floor of the vehicle shall be covered with mats of a suitable material
- The vehicle shall have a watertight roof and a means of opening and closing the windows
- The seats of the vehicle shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of persons travelling in the vehicle
- The vehicle shall at all times display the plate showing the Hackney Carriage licence number
- The number of passengers carried in the vehicle shall not exceed the number on the Hackney Carriage licence
- The licensee is to indemnify the Council from and against all claims by third parties arising from or in connection with the exercise of these rights hereby granted
- The Council will require the licensee to obtain road and public liability insurance policies, which include the Council’s name. The amount of cover provided in respect of public liability should be a minimum of five million pounds (£5,000,000). The Council shall inspect and approve the policies before the licence is operated
- The licensee shall observe and comply with such bylaws and safety regulations recommended or imposed by law, and the bylaws and conditions from time to time in force within the District, which relate to the operating of horse-drawn vehicles
- The licensee shall not permit any person to mount, ride, drive, otherwise use, or treat any horse or the animal in their charge in such a manner as to cause suffering to the animal
- The licensee shall not cause or permit any horse or other animal in their charge to be kicked or ill treated in any manner
The maximum hours of working for any horse shall be six (6) hours per day and all horses shall be rested after three (3) hours for at least half an hour, during which time harnesses, shackles, bridles and other such items must be removed from the horse except for a head collar. A sufficient quantity of palatable and fresh food and water shall always be available to all animals. In addition, a supply of fresh water shall always be available to all animals. Food and water being contained in a proper bag or receptacle.

Only horses shall be used to pull landaus. No horse, which in the opinion of any Authorised Officer/Agent, is incapable of pulling the vehicle or is in poor physical condition or which is suffering from any injury, disability or illness, shall be allowed to be harnessed to a landau or other vehicle.

Every part of the harness of animals drawing a Hackney Carriage shall be kept in order so that the animal is properly and securely attached to the carriage and under due control.

In the event of an Authorised Officer/Agent of the Council having reason to suspect that an animal being used in the operation of a Hackney Carriage is unfit to fulfil its functions, that animal shall be subjected to immediate inspection by a qualified veterinary surgeon and the licensee shall meet the costs involved. Where an animal is found unfit, its use in the operation of a Hackney Carriage shall be discontinued until a certificate of fitness signed by a qualified veterinary surgeon is produced to the Council’s Authorised Officer/Agent.

All horses engaged in pulling second class Hackney Carriages must be at least fifteen (15) hands high.

The licensee shall ensure that excreta from the horses, etc., are removed from the street immediately.

The current Council Fare Table shall be exhibited on the exterior of both sides of the carriage so as to be in full view of the public at all times.

No person shall be charged more than the fares set out in the current Council Fare Table and the choice of single or return journeys shall be at the discretion of the hirer.

The licence shall be revocable in case of the Council being reasonably satisfied that a breach of the foregoing conditions or any Act or Bylaw relating to Hackney Carriages has occurred.

20. Specific Licensing Conditions For Pedicab and Third Class Hackney Carriages

- The vehicle shall be produced for examination and inspection by an Authorised Officer of the Council at such times and at such places as may be required.
- The Council shall be notified if any alteration is proposed to be made to any part of the vehicle, before such alteration is carried out.
- The vehicle shall be kept in good order, the inside and outside clean and braking machinery efficient.
- The vehicle shall have a watertight roof.
- The seats of the vehicle shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of persons travelling in the vehicle.
- The vehicle shall at all times display the plate showing the Hackney Carriage licence number.
- The number of passengers carried in the vehicle shall not exceed the number on the Hackney Carriage licence.
- The licensee is to indemnify the Council from and against all claims by third parties arising from or in connection with the exercise of these rights hereby granted.
- The Council will require the licensee to obtain road and public liability insurance policies, which include the Council’s name. The amount of cover provided in respect of public liability should be a minimum of five million pounds (£5,000,000). The Council shall inspect and approve the policies before the licence is operated.
- The licensee shall observe and comply with such bylaws and safety regulations recommended or imposed by law, and the bylaws and conditions from time to time in force within the District.
The licensed Pedicab is exempt from the Council’s policy of requiring hackney carriage vehicles to be installed with a taximeter.

The licensed Pedicab is exempt from any requirement to carry wheelchair passengers.

For road safety purposes the licensed Pedicab may only operate between the following hours (1 hour after sunrise to 1 hour before sunset).

The maximum fares for a licensed Pedicab be set at a single maximum fare of £5.00 per route journey (or part thereof) for each vehicle hiring (not per passenger).

The current Council Fare Table shall be exhibited on the exterior of both sides of the carriage so as to be in full view of the public at all times.

No person shall be charged more than the fares set out in the current Council Fare Table and the choice of single or return journeys shall be at the discretion of the hirer.

The licence shall be revocable in case of the Council being reasonably satisfied that a breach of the foregoing conditions or any Act or Bylaw relating to Hackney Carriages has occurred.

All other relevant rules applying to Private Hire and Hackney Carriage vehicles not referred to or exempted above (including licence fees, plating, advertising, cleanliness, carriage of assistance dogs etc) shall apply.

**Other relevant considerations**

That subject to agreement with Norfolk County Council highways a taxi rank for the sole use of these vehicles is placed at appropriate locations. The Council does not have a duty to provide separate ranking provision for licensed Pedicabs but in the long-term this would be desirable and perhaps essential.

That the area of operation for licensed Pedicabs be set as a specified radius (to be determined by the Licensing Committee) of a specified town centre or tourist attraction (to be determined by the Licensing Committee). The view of the Licensing Authority being that it would be unreasonable to expect a licensed Pedicab driver to undertake a hiring outside the specified distance / radius.
HACKNEY CARRIAGE BYE LAWS

Made Under THE TOWN POLICE CLAUSES ACT 1847 & 1889 and THE PUBLIC HEALTH ACT 1875 (As Amended)

For regulating the conduct of the proprietors and drivers of hackney carriages plying for hire within the District in their employment, and determining whether such drivers shall wear any or what badges.

The driver of a hackney carriage shall:

- if the taximeter is fitted with a flag or other device bearing the words ‘for hire’
  - when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
  - as soon as the carriage is hired, whether by distance or by time and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible, and keep the machinery of the taximeter in action until the termination of the hiring;
  - calculate the fare or charge from the point at which the hirer commences their journey at a rate of fare or charge not greater than that fixed by the Council;

- if the taximeter is not fitted with a flag or other device bearing the words ‘for hire’
  - when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter, and operate a sign which shall bear the works ‘for hire’ in plain letters at least 3.8cms (1.5ins) in height and capable of being operated so that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire;
  - as soon as the carriage is hired, whether by distance or by time, operate the said sign so that the words ‘for hire’ are not conveniently legible by persons outside the carriage;
  - as soon as the carriage is hired by distance and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for that purpose, so that the word ‘hired’ is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - calculate the fare or charge from the point at which the hirer commences their journey at a rate or charge not greater than that fixed by the Council;

- cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for that purpose of the Road Traffic Act 1972 and at any other time at the request of the hirer.

- The driver or proprietor 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 its seals. Vehicles must be presented for inspection following any adjustments or repairs to the taximeter.

- The driver of a hackney carriage shall ensure that a statement of rates or fares currently in force in the District of North Norfolk shall be displayed at all times and shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time whilst the carriage is plying for or being used for hire.

- 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 most practical route and shall not, without reasonable cause, unnecessarily prolong in distance or in time the journey for which the carriage has been hired.

- The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
  - proceed with reasonable speed to one of the ranks appointed by the Council
  - if a stand at the time of their arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand
o on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage behind the carriage or carriages on the stand so as to face the same direction
o from time to time, when any other carriage immediately in front is driven off or moved forward, drive the carriage forward to fill the place previously occupied by the carriage driven off or moved forward.

• The proprietor or driver of a hackney carriage when standing or plying for hire, shall not be calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for that purpose.
• 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.
• Every proprietor or driver of a hackney carriage shall, at all times when standing, plying, or driving for hire, conduct himself in an orderly manner, and with civility and propriety towards every person seeking to hire, or hiring, or being conveyed in such carriage and shall comply with every reasonable requirement of any person hiring, or being conveyed in such carriage.
• The driver of a hackney carriage shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
• The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the vehicle:
  o carry a reasonable quantity of luggage;
  o afford reasonable assistance in loading and unloading;
  o afford reasonable assistance in removing the luggage to and from the entrance of any premises or other place on which he might take up or set down such person.
• The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.
• The driver of a hackney carriage shall, when standing or plying for hire and when hired or when driving the vehicle (as appropriate), wear in a conspicuous position to be plainly and distinctly visible, the drivers badge issued to him by the Council.
• Any driver who knowingly carries in the vehicle, the dead body of any person shall immediately thereafter notify the fact to:

Norfolk, Suffolk and Cambridgeshire Health Protection Unit (Health Protection Agency)
Thetford Community Healthy Living Centre
Croxton Road
Thetford IP24 1JD

Tel: 01842 767757
Fax: 01842 767767
Email: nhpuadmin@norfolk.nhs.uk

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages
• 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.
• The proprietor or driver of a hackney carriage shall, if any property accidentally left in the vehicle by any person who may have been conveyed therein be found by or handed to him, take the same within twenty four (24) hours, if not sooner claimed by or on behalf of its owner, to the nearest police station.
Penalties

- Every person who shall offend against any of these bylaws shall be liable, on summary conviction, to a fine not exceeding level two (£2), and in the case of a continuing offence to a further fine not exceeding two pounds (£2) for each day during which the offence continued after such conviction thereof.
PROCEDURE FOR LICENSING DRIVERS

1. Making an application
A preliminary interview will be required with an Authorised Officer prior to any formal application being submitted to the Licensing Authority. All applicants are advised to read the whole of this section before completing an application form.

The preliminary interview will consist of the following discussions:
- Clarification that prospective driver has knowledge and understanding of the taxi licensing scheme
- All documentation is complete and correct
- Questions regarding anomalies found in the information given
- General questions to explain to the applicant how the Council reaches it’s ‘fit and proper’ person decision
- To go through details listed in this handbook complete with conditions and bylaws

Before the issue of a licence, an applicant must comply with the following:
- Provide one (1) colour passport photograph
- Have paid the appropriate fee
- Produce your Original Birth Certificate to show date and place of birth
- Produce a full current driving licence (if photo card version, both parts are required) for the correct group as required for driving a hackney carriage or private hire vehicles, as issued by the DVLA. The licence must have been held for three (3) consecutive years without break
- Produce a medical certificate from a registered medical practitioner covering a group 2 medical. The medical examination may be undertaken by the applicant’s general practitioner or at any other medical test centre. Any driver with a medical reason not able to carry assistance dogs or carry wheelchair passengers in a wheelchair accessible vehicle must obtain a medical certificate from a registered medical practitioner to exempt him. An application must then be made to the Council for an Exemption Certificate.
- Have made an application to the Criminal Records Bureau for a criminal record search to be done in the name of North Norfolk District Council. A copy of that record will be sent to the applicant and a copy direct to the Council. Please refer to licensing guidance on www.northnorfolk.org

The application form must be completed fully:
- References will be obtained from the names provided. These must be persons of some standing in the community, and should include your current or last employer. A future employer, or relation is not acceptable. References are required on initial application and at any other time as required by the Council
- Any application not completed within six (6) months will be considered as withdrawn
- An application will not be considered as completed unless and until all requirements detailed below are in place
  - Full completion of the application form with a signed and dated declaration
  - All supporting documents; certificates; test reports etc
  - All fees and charges due

Once all formalities have been completed, a Hackney/Private hire drivers licence can then be issued for either a period of one (1) or three (3) years.
2. Renewal of Licence for Licensed Drivers
- licences are issued for either a period of one (1) or three (3) years from the date of granting the initial licence
- all applications for renewal must be made in good time to ensure all formalities can be completed and in any case a minimum of three (3) weeks prior to the date of expiry, with all papers required completed at time of application
- any applications received after the date of expiry will be deemed to be a new application and not a renewal of an existing licence (see below)
- any incomplete applications will not be processed until all correct documentation is received by the Licensing Authority
- no licence will be processed unless payment of correct fee has been submitted. Any application where payment is not honoured will have the licence immediately suspended and this will subsequently be revoked, unless cash payment is made within seven (7) days
- Any lapse in licence will result in application being treated as a new application, not a renewal. This will require the full application requirements as detailed above

3. Drivers Identity Badges
- One badge will be issued with the driver’s Licence; which is to be worn at all times whilst the driver is employed as a Hackney or Private hire driver, and in a manner clearly visible to passengers
- The badge remains the property of North Norfolk District Council
- Replacement badges will be supplied upon application to the Council and payment of the appropriate charge within seven (7) days

4. Complaints, Hearings and Penalty points system
- The Council reserves the right to refer any application by a prospective or licensed driver to the Licensing Sub-Committee for their determination
- Any driver against whom a complaint is laid will make him or herself available for an interview by an Authorised Officer/Agent of the Council. If necessary, the driver will attend the offices of the Council or any other specified venue, and undergo such tests as required by the Authorised Officer/Agent
- For breach of licence conditions or contraventions of licensing law in appropriate circumstances the Council may suspend or revoke a licence or institute legal proceedings
- The Council has the power to revoke or suspend licences after convictions for various offences, or failure to comply with the relevant provisions of The Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976 Part II, or any other reasonable cause
- In circumstances where breaches of licence conditions occur but the Council considers that to suspend or revoke a licence or institute legal proceedings is inappropriate they may award penalty points to the licence
- If more than 12 penalty points are accrued on a licence within 3 years then the licence holder will be required to attend a hearing before the Councils Licensing Sub-Committee

6. Unlicensed Drivers
Your attention is drawn to Section 46 of each of the 1847 and 1976 Acts. These require all drivers of hackney carriage and private hire vehicles to hold the appropriate driver’s licence as issued by the Council. It is an offence, which affects the insurance of taxi vehicles to allow any unlicensed person to drive a licensed vehicle.
CONDAIONS RELATING TO DRIVER'S LICENCES

1. Appearance
   • the Driver shall be clean and tidy in appearance
   • the Driver shall at all times be dressed in a manner not to cause embarrassment to
     members of the public and in particular, but without prejudice, to the generality of the
     foregoing:
       o shall wear smart casual or business dress, which includes tailored knee length
         shorts and smart jeans
       o shall not wear
         • swimming costumes
         • sleeveless vests or singlets
         • ripped or torn jeans
         • cut-down shorts
         • T-shirts containing any printing of an offensive or inflammatory matter

2. Permitting or Employing any other Person to Drive
   • Before any proprietor of a vehicle permits or employs any person to drive his vehicle, he
     shall ensure that the vehicle is adequately insured for that person to drive and produce
     evidence of that insurance for inspection by any person permitted or employed to drive
   • If the proprietor of a vehicle permits or employs any other person to drive his/her vehicle, he
     shall, before the person commences driving, cause the driver to give him Licence to Drive
     for retention until such time as the driver ceases to be permitted or employed to drive a
     licensed vehicle owned by the proprietor

3. Receipts
   Any passenger requesting a receipt for any payment made, must be provided with a receipt
   showing the date, fare paid and must be signed by the driver. This shall be in such a form as to
   identify the company or individual providing the receipt.

4. Conduct
   • the Driver shall behave in a professional, courteous, civil and orderly manner at all times
   • the Driver shall take all reasonable precautions to ensure the safety of persons conveyed
     in, entering or alighting from the vehicle
   • the Driver shall at all times when operating, wear the badge provided by the Council in such
     position as to be plainly visible
   • the Driver shall not smoke in the vehicle at any time
   • eating or drinking in the vehicle without the express consent of the passenger(s) is not
     permitted
   • the Driver shall not, without the express consent of the passenger(s), play any radio or
     similar equipment in the vehicle, other than for the purpose of sending or receiving
     messages in connection with the operation of the vehicle
   • the Driver shall not cause or permit the noise emitted by any radio or other equipment in the
     vehicle to be a source of nuisance or annoyance to any person, whether inside or outside
     the vehicle

5. Prompt Attendance
   The Driver who has agreed or has been hired to be in attendance with the vehicle at an appointed
   time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with
   the vehicle at such appointed time and place.
6. Number of Passengers
   - The Driver shall not convey in the vehicle a greater number of persons than the number of persons specified in the vehicle licence and on the plate affixed to the outside of the vehicle, regardless of the age of any passenger carried.
   - The Driver shall not convey in the front seat, any child below the age of twelve years, unless that child is wearing a suitable restraint and not more than one person in that seat.
   - The Driver shall not, without the consent of the hirer, permit any other person to be carried whilst hired.

7. Death of a Passenger
   Any driver, who knowingly carries in the vehicle, the dead body of any person shall immediately thereafter notify the fact to:

   Norfolk, Suffolk and Cambridgeshire Health Protection Unit (Health Protection Agency)
   Thetford Community Healthy Living Centre
   Croxton Road
   Thetford IP24 1JD

   Tel: 01842 767757
   Fax: 01842 767767
   Email: nhpuadmin@norfolk.nhs.uk

8. Luggage
   The Driver of a vehicle so constructed as to carry luggage shall, when requested by a person hiring the vehicle:
   - convey a reasonable amount of luggage
   - afford reasonable assistance in loading and unloading
   - afford reasonable assistance in removing it to or from the entrance of any building, station or any place at which he may take up or set down such person

9. Lost Property
   - the Driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
   - any property accidentally left in a vehicle by any person who may have been conveyed therein that is found by or handed to the driver, unless it is sooner claimed by or on behalf of its owner, shall be taken within 24 hours to the nearest police station and left in the custody of the officer in charge.

10. Touting and Soliciting
    The Driver shall not, whilst driving or in charge of a private hire vehicle:
    - tout or solicit any person to hire, or be carried for hire in any private hire vehicle
    - cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle
    - ply for hire or appear to be plying for hire

11. Deposit of Licence
    - If a driver is permitted or employed to drive a vehicle of which the operator is someone other than himself/herself, he/she shall, before driving that vehicle, deposit his private hire licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle.
    - The operator must return such licence to the driver when he ceases to drive any vehicle operated by that operator.
12. Fare to be Demanded
The Driver shall not demand from any hirer of a private hire vehicle a fare in excess of that previously agreed for the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the taximeter. Journeys shall be by the shortest or most direct route unless requested otherwise.

13. Change of Address
The Driver must inform the Council of any change of address, in writing, before the change of address, where possible, but not more than seven (7) days after in any case of such a change.

14. Convictions/Criminal Offences/Serious Illness
- The Driver must immediately and in any case within seven (7) days, disclose to the Council in writing, details of any arrest, conviction, caution or penalty ticket (motoring or otherwise) imposed upon him during the period of his licence.
- The Driver must immediately and in any case within seven (7) days, disclose to the Council in writing, details of any serious illness or any change in medical fitness to drive during the period of his licence.
- The Council will have the power through its Authorised Officer/Agent to take drivers off the road in serious criminal offences pending Licensing Sub-Committee hearing and in cases of serious illness especially any change in medical fitness to drive.
- For the avoidance of doubt such disclosure is made when it is received by the Licensing Manager in writing. The onus is on the driver to ensure the disclosure is received accordingly. The driver making a disclosure should obtain a receipt or other proof that the Council has received the information.

15. Badges
The Driver’s badge must be worn in a position where it may be seen at all times. The driver shall upon expiry (without immediate renewal), revocation or suspension of his licence, forthwith return to the Council the driver’s badge issued to him by the Council. Driver badges remain the property of the Council at all times.

16. Operators
All drivers are responsible to check that the operators through whom they are working has a current operators licence.

17. Carriage of Animals
- The driver shall not convey in any vehicle any animals belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- Any animal belonging to or in the custody of any passenger (other than an assistance dog) may be conveyed in a vehicle at the discretion of the driver.
- No driver (unless they hold an Exemption certificate) may refuse to carry a Guide, Hearing, and other assistance dogs – Dogs for the Disabled, Support Dogs, Canine Partners for Independence - that is in the charge of a fare paying passenger. No charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog and the dog should be allowed to remain with the passenger.
- Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him. An application must then be made to the Council for an Exemption Certificate. An payment for such certificate(s). All vehicles and drivers must comply with the requirements of the Disability Discrimination Act 1995 in respect of carrying assistance dogs.

18. General Licence Conditions
All drivers shall operate strictly within the terms of any licence issued by the District Council.
Any requirements of legislation, which affects the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.
PENALTY POINTS SYSTEM

North Norfolk District Council operates a local penalty points scheme. This is a separate scheme to that which operates under the Road Traffic Offenders Act 1988.

Penalty points can be imposed on the drivers of Private Hire Vehicles and Hackney Carriages, proprietors of vehicles and Operators of Private Hire Vehicles are shown below. This system is designed for the public interest, as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need for the Council to resort straight to suspension/revocation or prosecution.

Drivers aggrieved by the imposition of penalty points on their hackney carriage/private hire drivers licence may appeal in writing to the Licensing Manager within 21 days of the notification of points awarded and have the matter considered by the Councils Licensing Sub Committee.

If an individual concerned accrues a total of 12 local penalty points within a 3 year period then he/she will automatically be referred to the Licensing Sub Committee of the Council to show just cause why their licence should continue.

<table>
<thead>
<tr>
<th>Infringement</th>
<th>Penalty</th>
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<tbody>
<tr>
<td>Failing to have a Private Hire Driver or Hackney Carriage Driver badge in his possession whilst driving a licensed vehicle</td>
<td>3 Points</td>
</tr>
<tr>
<td>Not having an appropriate Fire Extinguisher and/or first aid kit in the vehicle</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to notify the Licensing Office, in writing within 7 days, of a change to name and/or address</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to carry Licensing Handbook whilst driving a licensed vehicle</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to display any Plates, Signs or Notices required by North Norfolk District Council</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to deal with lost property in the correct manner</td>
<td>3 Points</td>
</tr>
<tr>
<td>Private Hire Operator failing to notify the Licensing Office of any complaints received</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to attend the Council Offices when directed by an authorised officer</td>
<td>3 Points</td>
</tr>
<tr>
<td>The issue of an Unfit vehicle notice for any reason other than for an accident</td>
<td>3 Points</td>
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<tr>
<td>Unreasonable prolongation of journeys or any misconduct regarding the charging of fares</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to attend at appointed time and place without sufficient cause</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to display fare card (Hackney carriage)</td>
<td>3 Points</td>
</tr>
<tr>
<td>Parking/Stopping contrary to authorised road markings</td>
<td>3 Points</td>
</tr>
<tr>
<td>Parking/Stopping with one or more wheels on the pavement – in avoidable circumstances where obstruction has been caused</td>
<td>3 Points</td>
</tr>
<tr>
<td>Failing to notify the Licensing Office, in writing within 7 days, of any points or convictions being imposed</td>
<td>4 Points</td>
</tr>
<tr>
<td>Failing to produce a valid insurance certificate/cover note within 7 days of request</td>
<td>4 Points</td>
</tr>
<tr>
<td>Failing to notify the Licensing Office, in writing within 72 hours, of being involved in an accident</td>
<td>4 Points</td>
</tr>
<tr>
<td>Leaving a vehicle unattended on the rank</td>
<td>4 Points</td>
</tr>
<tr>
<td>Private Hire Operator failing to maintain their records in the correct format</td>
<td>4 Points</td>
</tr>
<tr>
<td>A licensed vehicle not carrying a spare wheel that is capable of being used</td>
<td>4 Points</td>
</tr>
<tr>
<td>Using a mobile phone, radio hand set, eating or drinking whilst the vehicle is in motion unless specifically exempted by law</td>
<td>6 Points</td>
</tr>
<tr>
<td>Displaying any feature on a private hire vehicle which would suggest it is a taxi</td>
<td>6 Points</td>
</tr>
<tr>
<td>Failing to carry an assistance dog without requisite exemption</td>
<td>6 Points</td>
</tr>
<tr>
<td>Infringement</td>
<td>Penalty</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Using a unlicensed vehicle</td>
<td>6 Points</td>
</tr>
<tr>
<td>Private Hire drivers touting for business</td>
<td>6 Points</td>
</tr>
<tr>
<td>Failing to notify the Licensing Office of any change in medical fitness to drive</td>
<td>6 Points</td>
</tr>
</tbody>
</table>

In appropriate cases, additional penalty points to those specified above may be imposed by a Panel of the Licensing Sub Committee following a hearing when they have considered the circumstances of an individual case.
CRIMINAL OFFENCE GUIDELINES

Guidelines relating to the relevance of convictions which will be used by the Council when determining applications for a Licence to Drive

1. General
   - each case will be decided on its own merits
   - person with a conviction for serious crime need not be permanently barred from obtaining a licence, but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before the application is entertained. However, persons with convictions for offences of a sexual or child-related nature or other very serious crime will not normally be issued with a licence
   - some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public
   - the applicant who has unspent convictions, convictions for serious crimes, crimes of a habitual nature or other reason which may merit further consideration, will be referred to the Council’s licensing Sub-Committee for a decision on whether a licence shall or shall not be granted
   - the Council reserves the right to act as a judicial authority in the case of spent convictions involving serious offences (i.e. death by dangerous driving, drugs, violence, sexual offences or offences of a habitual nature)

2. Minor Motoring Offences
   Isolated convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application. Any new applicant must have held a full DVLA Licence for a period of twelve months without any period of suspension during those twelve months. Licence holders convicted during the period of the licence of such offence may be warned as to future conduct, and that any disqualification may lead to revocation of any Licence to Drive held with the Council.

3. Major Motoring Offences
   An isolated conviction for driving without due care and attention etc, will merit at least a warning as to future driving and advice on the standards expected of a person who holds a Licence to drive issued by the Council. More serious convictions such as dangerous driving or repeat offenders (those with more than one conviction for these types of offences within two years) will merit revocation, or refusal in the case of new applicants, and no further application will then be considered until a period of at least three years free from convictions has elapsed.

4. Drunkenness
   In a Motor Vehicle:
   - a serious view will be taken of convictions of driving or being in charge of a vehicle under the influence of drink. An isolated incident in the past will not necessarily debar an applicant provided he has been free of conviction for at least three years, but strict warnings will be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to an applicant’s fitness to hold a Licence to Drive. At least three years should elapse after conviction before an applicant is considered for a Licence to Drive. If the applicant is found to be an alcoholic, a minimum period of five years should elapse after treatment is completed before a licence application is considered
   - a driver found guilty of driving passengers for hire and reward whilst under the influence of drink will have his Licence to Drive revoked immediately and be banned from holding a Licence to Drive with the Council for a minimum period of five years
Not in a motor vehicle:
- An isolated conviction for drunkenness need not debar an applicant from obtaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination.

5. Insurance offences

With a motor vehicle
- 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 debar an applicant provided he has been three (3) years free of conviction, but strict warning will be given as to future behaviour. More than one (1) conviction for these offences will raise grave doubts as to an applicant’s fitness to hold a Licence to Drive issued by the Council. At least three (3) years should lapse (after the restoration of the licence) before an applicant is considered for a hackney carriage or private hire driver's licence.
- a driver found guilty of driving passengers for hire and reward without insurance will have his Licence to Drive revoked immediately and be banned from holding a Council Licence to Drive for a minimum of five (5) years.
- any applicant with three (3) or more insurance offences, will not normally be considered fit and proper to hold a Licence to Drive.

6. Drugs
An applicant with a conviction for a drug related offence will be required to show a period of at least three (3) years free of convictions before any application is entertained, or a minimum of five (5) years after detoxification treatment if the applicant was an addict.

7. Violence
As hackney carriage and private hire drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for offences such as grievous bodily harm, wounding or assault etc. A minimum of three (3) years free of convictions should be shown before an application is entertained and even then, a strict warning will be administered. An existing licence holder could expect his licence to be suspended or revoked if convicted of these offences.

8. Dishonesty
Licence holders are in a position of trust. The widespread practice of delivering for companies, taking children to school and families on holiday shows this trust. It is easy for dishonest drivers to defraud foreign visitors when giving change or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. For these reasons, a serious view will be taken of any convictions involving dishonesty. In general, a period of at least three (3) years free of any convictions will be required before entertaining an application for a Licence to Drive by the Council. Any existing driver convicted of offences of dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a Licence to Drive for a minimum of three (3) years.

Notes
This is not an exhaustive list. Any conviction/caution etc not mentioned within points 1 to 8 above must be included by the applicant /driver as required on the application form or where required under the continuing duty to keep the Council updated.

It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the applicant for a licence, punishable by up to seven (7) years imprisonment upon conviction. Applicants are therefore advised to make a full statement of all offences, (whether spent or not) on the relevant form.
PROCEDURE FOR LICENSING AS A PRIVATE HIRE OPERATOR

1. General

Anyone who makes provision for the invitation or acceptance of bookings must hold an Operator’s Licence (with the exception of those who only operate vehicles covered by Section 75 of the Local Government (Miscellaneous Provisions) Act 1976. This means that any individual (group or company), which advertises the services of any vehicle with the services of a driver for hire and reward, or has a mobile telephone or pager which is carried within a licensed vehicle, then that driver and vehicle have made provision for the acceptance of bookings for hire and reward, and will be required to hold a private hire operator licence.

2. Prerequisites

- application form must be completed and returned to the Licensing Authority
- the appropriate application fee must be paid
- applicant will be checked to ensure that he is a fit and proper person to hold a private hire operator licence
- applicant is required to provide proof of planning permission for the address where the business is to operate from and any other area offices/depots/booking offices
- applicant is required to provide proof of holding a radio transmission licence (and planning permission for any aerial) if the operator uses such radios
- in the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure they are clean, adequately heated, ventilated and lit both for bookings and waiting and has adequate seating facilities
- operator premises to be licensed must be situated within the District of North Norfolk
- operator may only utilise drivers and vehicles licensed by the District of North Norfolk
- no licence will be issued until all licence requirements are met to the satisfaction of the Council and the appropriate fee has been paid
- all operators’ premises to which the public has access must be covered by a £5,000,000 Public Liability insurance policy to cover all risks

Notes

Any requirements of legislation, which effect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.
CONDITIONS RELATING TO OPERATORS LICENCES

1. Records to be kept by the Operator
   - records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder or other means approved by the Council, and produced for examination or on demand by an Authorised Officer/Agent or Police Officer
   - the operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking invited or accepted by him
     - name and contact details of the hirer
     - location of the pick-up point
     - location of the destination
     - time the pick-up is required
     - time the booking was made
     - fare agreed and other details of booking
     - licence number of the vehicle and driver completing the hiring
   - the operator shall keep records of the particulars of all vehicles operated by him, including details of the owner, registration number and drivers and badge numbers, of such vehicles, together with any radio call sign used
   - the operator shall keep all records for a period of not less than six months following the date of the last entry

2. Standard of Service
   The operator shall provide a prompt, efficient and reliable service to members of the public at all times of operation, and for this purpose shall in particular
   - ensure when a vehicle has been booked, the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient means
   - any premises provided by the Operator for the benefit of the public (whether for the purpose of booking or waiting), must be kept clean, adequately heated, ventilated and lit
   - ensure the waiting area provided has adequate seating facilities
   - ensure good order is maintained on the premises

3. Provisions Regulating Signs on Vehicles
   The proprietor of a private hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the words 'taxi', or 'cab', whether in the singular or plural, or words of similar meaning or appearance to either of these words, whether alone or as part of another word. Only licensed vehicles may carry any advertisement in relation to any hackney carriage or private hire operator.

4. Provisions Regulating the Conduct of the Operator
   - operator shall immediately upon receipt, notify the Council in writing, of any complaints concerning the cleanliness/condition of a vehicle or a complaint against a driver
   - operator shall notify the Council, in writing, of any change of address during the period of the licence within seven days of such change
   - no operator may change the address from which he operates without prior agreement, in writing, from the Council and all licence requirements being met
   - operator shall, within seven days, disclose to the Council in writing, details of any convictions (motoring or otherwise) imposed upon him (or if the operator is a company or partnership, or on any of the directors or partners) during the period of the licence

5. Operator Office Location
   Operator’s office must be located within the District of North Norfolk to enable any Authorised Officer/Agent access to the premises or any records as required by statutes or conditions.
6. Deposit of Driver and Vehicle Licences

- Any operator who employs or permits anyone to drive any licensed vehicle owned by him or her will ensure that the driver’s licence is deposited with him during the period that the driver is employed or permitted to drive. The licence must be returned to the driver at the end of that period.

- Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his vehicle is so employed. The operator must return the licence to the vehicle proprietor at the end of that period.
PROCEDURE FOR HACKNEY CARRIAGE FARE INCREASES

- within 28 working days of receipt of request for consideration of an increase in fares from a member of the hackney carriage trade, the Council will circulate the request to all hackney carriage proprietors for their views
- if the general consensus of the trade is in agreement with a fare increase, representatives of the trade will be canvassed on proposals by officers of the Council who will then present any proposal to the Council for their consideration and decision
- no increase in fares can come into operation until the proposals have been publicly advertised as required and objections considered
- any fare increase approved must be set into the taximeter within one week of the date on which such increase comes into force
- no proprietor may charge any increase until the due date and the taximeter has been recalibrated to the new fares
- the Council may not set fares for private hire vehicles as these are set and advertised at the discretion of individual operators