

# Hackney Carriage and Private Hire licensing policy 2018

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# Introduction

## **Role of Hackney Carriages and Private Hire Vehicles**

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (or outside “normal”; hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

## **Aims of Licensing**

The aim of licensing the hackney carriage and private hire vehicle trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision.

It is important that the authority’s hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the Borough are safe, comfortable, properly insured and available where and when required. The hackney carriage and private hire industry within the Council’s area is comprehensive and provides its population with a reasonable service. This policy builds on the industry’s existing strengths.

## **Licensing Profile**

The Council currently licences (as of March 2018) 35 Operators, 170 hackney carriages and approximately 945 private hire vehicles. There are approximately 115 hackney carriage drivers, 879 private hire drivers and 365 dual drivers licensed by the Council, dual drivers are able to drive both private hire and hackney carriage vehicles.

## **Review of Policies & Practices**

The Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the borough of Luton. It has traditionally exercised this responsibility through a number of different policies and procedures that have been developed over a significant number of years.

At the same time, revised guidance has been issued to local authorities from central government. This guidance sets out what is considered to be best practice in terms of hackney carriage and private hire licensing.

The guidance does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance.

## **Best Practice Guidance and Legislation**

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing its report on the UK hackney carriage and private hire trade, the DfT was asked to produce Best Practice Guidance for local licensing authorities.

The Best Practice Guidance was produced and first issued in October 2006. It is directed at local authorities in England and Wales who will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”.

The DfT in its revised 2010 Guidance has stated that many licensing authorities considered their licensing policies in the context of the Guidance. However, in order to keep their guidance up to date, they embarked on a revision. The key premise remains the same - that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in light of their own views of the relevant considerations.

This document interprets the DfT’s considered views about what constitutes “Best or Good Practice” in terms of hackney carriage and private hire licensing, together with local factors specific to this Borough.

This document also takes account of the legislative basis of the Council’s hackney carriage / private hire licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended.

### **Costs and Benefits of Licensing Policies**

There is recognition within the Guidance that unduly stringent licensing requirements are likely to unreasonably restrict the supply of hackney carriages and private hire vehicles by increasing the cost of their operation, or by restricting access to the trade. The Council is aware, therefore, that a too restrictive approach may be detrimental to the public interest and could have adverse safety implications.

Licensing authorities are encouraged to ensure that each of their various licensing requirements is properly justified by the risk it seeks to address. The financial or other cost of a particular requirement, in terms of its effect on the availability of transport to the public should at least be matched by the benefit it will provide to the public, for example through increased safety.

In light of this and in order for the Council to maintain a modern, forward thinking licensing function, a full review of the Policy has been undertaken. This new Hackney Carriage and Private Hire Vehicle Licensing Policy (“the Policy”) is intended to ensure that both the trade and the public have a document that fully explains the licensing procedure.

# Background

## Objectives

In setting out its policy, the Council seeks to promote the following objectives, through the licensing process:

- The protection of public health and safety;
- The provision and maintenance of a professional and respected hackney carriage and private hire trade, by continued monitoring and improvement of their required standards of service;
- The assistance with public access to an efficient and effective public transport service, as part of the Councils integrated transport policy;
- The protection of the environment

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Council's wish to facilitate professional and responsible businesses, which display sensitivity to the wishes and needs of the general public.

## Policy Status

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

When considering each of the sections/appendices detailed in this document the Council has tried to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirements against the benefit to the public. When considering each section/appendix, the following question has been asked:

*“Are the costs of implementation commensurate with the benefits the policy is endeavouring to achieve?”*

The Council acknowledges that the current fleet of hackney carriages and private hire vehicles and drivers set a high standard of appearance and performance of which the Council is proud. This policy seeks to reinforce the high standards for all new licence holders joining the trade in Luton Borough Council and emphasise the full range of enforcement options available should they be needed.

This policy will provide those Council Officers who are required to administer the licensing function with appropriate guidelines within which to act.

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

This policy was approved at admin and regulation committee on **12/04/2016** which took immediate effect, it will be reviewed every 5 years. This policy was amended by the same committee on 24/04/2018 with legislative updates.

# 1. Definitions

## 1.1. Throughout this document:

- 'The Council' means the Council of Luton Borough Council
- 'The Licensing Authority' means Licensing Service, Luton Borough Council
- Authorised Council Officer means any officer of the Council authorised under the Council's Scheme of Delegation as contained in the Constitution
- 'This policy' means Luton Borough Council's Hackney Carriage and Private Hire Licensing Policy
- 'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire vehicle
- 'Hackney Carriage' means a vehicle licensed under the Town Police Clauses Act 1847 (TPC Act 47) to ply for hire throughout the district controlled by the Council.
- 'Private Hire vehicle' means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)Act 76) to carry passengers for hire or reward by prior booking
- 'Private Hire Operator' means a person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake
- The word 'Taxi' is used to describe Hackney Carriages.
- 'the licence plate' or 'the 'plate' means the vehicle licence plates issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles, and small replica in windscreen except if the vehicle is exempt
- 'Pre booked' door signs means signs to be fixed to all Private Hire vehicles to be displayed externally on nearside and offside front doors of vehicle
- 'The DfT' means the Department for Transport, including previous names under which that Department has been known.
- 'the DfT' Guidance' means the Department for Transport Best Practice Guidance on Taxi and Private Hire vehicle Licensing issued in March 2010
- 'the District' means the geographical region contained within the boundaries of Luton
- 'he', 'his', or 'him' means all references to 'he', 'his', or 'him' expressly also imply the definition of 'she', 'hers', or 'her'
- 'Service Director (PP) Public Protection Services' means the current post-holder (or the Service manager of the appropriate Service Area following any subsequent restructure), or any nominated Service manager authorised by the Council's Scheme of Delegation
- 'the Committee' means the admin and regulation committee.
- 'the panel' means Taxi and private hire panel.
- 'Disability Impact Assessment' means Assessments required to ensure compliance with the Equality Act 2010
- the term 'DVLA driving licence' means a full original UK driving licence.
- "Plug-in Hybrid Vehicles (PHEV)" means a hybrid electric vehicle whose battery pack can be recharged by plugging a charging cable into an external electric power source in addition to internally by its on-board internal combustion engine-powered generator.
- "Battery Electric Vehicle (BEV)" means a fully electric vehicle.

## 2. Vehicles

There is a distinctive difference between Hackney Carriage Vehicles and Private Hire Vehicles. The main differences are set out within this table:

	Taxi (Hackney Carriage)	Private Hire
Ply for hire	✓	X
Pre-booked	✓	✓
Operating from a rank	✓	X
Fare meter required	✓	X
Fare tariff set by Council	✓	X
Number of vehicles may be restricted by Councils	✓	X
Taxis require two types of licence:		Hackney carriage proprietors (vehicle) licence Hackney carriage drivers licence
The provision of a private hire service requires three types of licence		Private hire operator's licence Private vehicle licence Private hire drivers licence

### 2.1 Quantity Restrictions of Hackney Carriages

- 2.2 This Authority limits the number of hackney carriages that they licence.
- 2.3 The grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages, if the Licensing Authority is satisfied that there is no significant unmet demand for the services of hackney carriages.
- 2.4 In the event of a challenge to a decision to refuse a licence, it would, therefore, have to be established that the Licensing Authority had reasonably been satisfied that there was no significant unmet demand.
- 2.5 If the Authority were to take the view that a quantity restriction can be justified in principle, the Guidance advises that the level at which the limit should be set is addressed by means of a survey. It is necessary for this to be carried out sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.
- 2.6 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
- 2.7 Returned/ Expiry of Hackney Carriage Vehicle Licence and Re-Allocation**

2.8 If a hackney carriage licence is handed back (surrendered) to the Authority or expires and the vehicle is not renewed and the proprietor does not take steps to inform the Authority of his / her intentions **within 28 days**, then the plate will be re-allocated in accordance with the process determined by the Committee – see Appendix T.

## **2.9 Specifications and Conditions**

2.10 Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles. Luton Borough Council has a 100% Wheelchair Approved Vehicle (WAV) policy for all hackney carriage vehicles that was re-affirmed 2011 and 2012 respectively.

2.11 The Council is empowered to impose such conditions as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public; however, it is appropriate to set standards for the exterior and interior of the vehicle, provided that the standards are reasonable and proportionate.

2.12 The below appendices set out the minimum standards which this Authority has adopted for vehicle specification for both hackney carriage and private hire vehicles respectively, which will normally apply in respect of all licensed vehicle applications.

2.13 Appendix F - Private Hire vehicle licence standard conditions

2.14 Appendix G - Hackney Carriage vehicle licence standard conditions

2.15 Appendix H - general conditions for alternative vehicles to be licensed as hackney carriages.

2.16 Appendix I – Licensed vehicle fitness conditions

2.17 Appendix J – Hackney Carriage byelaws

2.18 Appendix P - Conditions in respect of Hackney Carriage Advertisements.

2.19 Appendix O –Council’s Policy in Respect of Advertising in Licensed Private Hire Vehicles.

2.20 Appendix M - Special Event conditions for Private Hire Vehicles.

2.21 In general, vehicles will be licensed for the carriage of up to eight passengers, provided that there is compliance with the specifications applicable to such vehicles. Purpose-built vehicles are amongst those which this Authority will licence only as hackney carriages in view of the possible confusion in the minds of the travelling public between the two types of vehicle.

## **2.22 Accessibility & the Equality Act 2010 – Taxi and Private Hire Vehicles**

2.23 The Council is committed to social inclusion and ensuring a wide variety of

opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

*“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible”.*

- 2.24 As of the 06<sup>th</sup> April 2017 the Department for Transport enacted sections 165, 166 and 167 of The Equality Act 2010 which states that drivers of Taxi and Private Hire Vehicles which appear on a licensing authority’s designated list have a duty to ensure the vehicle can carry passengers in wheelchairs unless they hold a valid exemption certificate issued by the local authority.
- 2.25 The Council published its list of vehicles designated as being wheelchair accessible for the purposes of section 165 in April 2017. At present only vehicles licensed as taxis (hackney carriages) appear on the list since all vehicles currently licensed as hackney carriages are capable of carrying a ‘reference wheelchair’. The Council is currently working towards the inclusion of suitable private hire vehicles to the list of designated vehicles.
- 2.26 A person who is aggrieved by the Council’s decision to include a vehicle on the list of vehicles designated as being wheelchair accessible may appeal to a magistrates court before the end of the period of 28 days beginning with the date of inclusion.
- 2.27 The duties of drivers of designated taxis are:
- a. To carry a passenger while in the wheelchair
  - b. Not to make any additional charge for doing so
  - c. If the passenger chooses to sit in a passenger seat, to carry the wheelchair
  - d. To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
  - e. To give the passenger such mobility assistance as is reasonably required.
- 2.28 Mobility assistance is assistance
- a. To enable the passenger to get into or out of the vehicle
  - b. If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
  - c. To load the passengers luggage into or out of the vehicle
  - d. If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 2.29 The Act does not require the driver
- a. Unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey;
  - b. To carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.

2.30 A driver of a designated Taxi or designated Private Hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 (currently £1,000.00) on the standard scale. Offences may also lead to revocation of suspension of licences.

### **2.31 Passengers with Assistance Dogs**

2.32 All licensed hackney carriages and private hire vehicles are required to carry assistance dogs with their owners, at no additional charge. This duty applies in respect of any dogs which are trained to guide or assist a blind person, a deaf person, a person with a disability or a person with a specified medical condition.

2.33 Private hire operators are also under a duty to take bookings from passengers with assistance dogs, with no additional charge made for carrying the assistance dog.

2.34 Drivers or operators who fail to comply with the above duties will commit a criminal offence, and may be liable to a fine not exceeding level 3 on the standard scale (currently £1,000.00) for each offence on summary conviction. Offences may also lead to revocation or suspension of licences.

2.35 These duties apply equally to dogs provided by charities affiliated with Assistance Dogs UK<sup>1</sup>, equivalent overseas organisations, or assistance dogs which have been trained by their owners; and regardless of whether the dog is wearing a recognisable harness or jacket, or subject to formal certification. Where a prospective passenger informs a driver that a dog they wish to travel with is an assistance dog, this should be accepted at face value.

### **2.36 Exemption Certificates**

2.37 The Licensing Authority must issue a person with a certificate exempting the person from the duties imposed under Section 165 of the Equality Act 2010 if satisfied that it is appropriate to do so:

- a. Medical grounds or
- b. On the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.

2.38 An application form for applying for an exemption certificate is available on request from the Licensing department. This should be completed in full, and submitted with accompanying documents from an appropriate medical professional involved in diagnosis or treatment of the relevant condition, setting out the effect of the condition, the long-term prognosis, and the risk to public safety or to the safety or wellbeing of the driver if an exemption is not granted to the driver. Evidence from a medical professional with no involvement in the diagnosis or treatment of the condition, or from a medical professional with a separate relationship to a driver, is unlikely to be considered acceptable.

<sup>1</sup> See the [Assistance Dogs UK website](#)

- 2.39 The Council expects that the vast majority of licensed drivers will be able to carry out the duties in full, and as such will require evidence of exceptional circumstances to justify the issue of an exemption certificate. As guidance, only a serious condition which would endanger either the safety or wellbeing of the driver, their passenger(s) or the general public if the duties were strictly enforced, is likely to provide sufficient justification for the issue of an exemption certificate.
- 2.40 It should be noted that different accessibility considerations should apply between hackney carriages and private hire vehicles in that hackney carriages can be hired in the street or at a rank, by the customer dealing directly with a driver. Private hire vehicles, however, can only be booked through an operator. It is considered particularly important that a person with a disability should be able to hire a licensed vehicle with the minimum delay or inconvenience. The Council will, therefore, actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010.
- 2.41 The private hire trade should, however, be aware of a good practice guide produced by the Equality and Human Rights Commission, as private hire operators also have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.

The Council must also issue an exemption certificate in relation to the duties to carry assistance dogs if satisfied that it is appropriate to do so on medical grounds. When deciding whether to issue an exemption certificate the Council must have regard to the physical characteristics of the taxi or private hire vehicle which the person concerned drives or for which they require the exemption. An exemption must specify the period for which it is valid and only applies if the prescribed notice of exemption is displayed on the vehicle.

## **2.42 Environmental Considerations and Maximum Age of Vehicles**

- 2.43 The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. It is, nevertheless, accepted that a greater frequency of testing may be appropriate for older vehicles. At first application vehicles must be no older than 5 years old to the date of application being submitted. Euro 6 diesel, PHEV and BEV licensed vehicles shall be no more than 7 years old to the date of application being submitted.
- 2.44 Local licensing authorities are, however, also advised to consider how far their vehicle licensing policies can and should support any local environmental initiatives that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest perhaps, setting stricter vehicles emissions standards by promoting cleaner fuels.
- 2.45 The Council have given careful consideration to the recommendation in the Guidance that, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles. However, Guidance suggests that local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and private

hire vehicles in the area would be an important consideration in deciding the

standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form). Therefore, the Council currently have no plans to introduce any stricter emission test than that required for an MOT.

2.46 Clearly emissions from hackney carriages and private hire vehicles could be further reduced through education and raising awareness of environmental issues. Simple measures such as:

- better and more frequent vehicle maintenance and servicing; or
- switching off engines when stationary or idling, particularly at hackney carriage ranks/stands

can make a significant environmental impact considering the number of licensed vehicles.

2.47 The Council does accept LPG conversions to vehicles.

## **2.48 Vehicle Testing**

2.49 A Certificate of Compliance (CoC) pass certificate, from an inspection carried out at the Council's garage at Kingsway Depot, Fleet Transport, Kingsway must be produced for all vehicles prior to submitting an application for the respective licence(s) and must be produced annually as part of the application process.

2.50 In addition to the annual vehicle test, the vehicle must also be mechanically tested and inspected at Kingsway Depot every six months. This process is referred to as acquiring a six monthly vehicle safety check. When required to produce a pass certificate, a "Certificate of Compliance" and / or vehicle inspection pass certificate must also be produced.

2.51 The licence of any vehicle which fails its inspection requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificate obtained.

2.52 The Authority may undertake its own programme of inspections between formal vehicle tests, where an Officer is unsure as to a vehicle's compliance. The vehicle where required will be referred to the Council's nominated testing station for a formal assessment. Where the testing requirements are not met, the Officer may either agree a period of time for rectification and re-inspection, or suspend the vehicle until rectification and re-inspection has occurred. The test will be at the owners expense.

2.53 Under normal circumstances all the vehicles the Council licence would require an MOT as provided under section 47 of the Road Traffic Act 1988. Under the Exemption of Motor (Test) Regulations 1981, the Council has applied for an exemption for those vehicles licensed to exempt them to hold an MOT, if the vehicles have been issued with a certificate of compliance (CoC). This in turn

provides a power direct to the Local Authority to test the vehicle. The Certificate of Compliance which is then issued under sections 47 and 48 of the Local Government Miscellaneous Provisions Act 1976 Act.

2.54 If licence holders wish to obtain an MoT separate to that of a CoC they may do so. It is worth noting that a Certificate of Compliance **will not** show your vehicle as having a valid MoT on the national recognised database.

## **2.55 Signage and Advertising**

2.56 Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or able to be hailed in the street. It is therefore, important that the public are able to easily distinguish each type of vehicle.

2.57 It is possible to prohibit private hire vehicles from displaying any identification at all apart from the local authority licence plate. Some clearer identification is, however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver, and secondly because it is quite reasonable (and in the interests of the travelling public) for a private hire vehicle operator to be able to state on the vehicle the contact details for hiring.

2.58 The Guidance recommends, as best practice, a licence condition that requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local Authority, and which specifies that the vehicle can be 'pre-booked' only. This approach identifies the vehicle as private hire and helps to avoid confusion with a hackney carriage, but also gives useful information to the public wishing to make a booking. The prescribed format of the door sign can be viewed on appendix Q.

2.59 Any different door sign designs will need approval by the Licensing Authority prior to being displayed on a licensed vehicle.

2.60 Within the Council's area, both hackney carriages and private hire vehicles are required to display a licence plate on the rear of the vehicle and a small internal replica plate. The plates are different colours to distinguish one type from another. This is a key feature in helping to identify vehicles that are properly licensed; it is also easily identifiable to members of the public, particularly if they need to register a compliment, comment or complaint with the Council.

2.61 In view of the above, hackney carriage vehicles licensed by this Council, except for those with built-in roof signs, must carry an illuminated roof-mounted sign indicating they are a taxi and these must be lit when plying for trade. In order to differentiate between the two types of licensed vehicle, private hire vehicles must have no signs (roof-mounted or otherwise) using the words "taxi", "taxi-cab" or "cab" whether in the singular or plural, or "hire", or any word of a similar meaning or appearance to any

of those words whether alone or as part of another word, or any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi as defined in section 64 of the Transport Act 1980.

- 2.62 Private hire vehicles are required to display licence plates affixed externally on the rear of the vehicle, internal replica front plate on the windscreen and private hire 'pre-booked only' signs on the nearside and offside front doors.
- 2.63 Exemptions may be given for certain types of private hire vehicle not to display the plate(s) and/or door sign(s), however, a letter of exemption from the Council must be carried in the vehicle at all times. In the absence of a letter of exemption in the vehicle, plate(s) and door sign(s) must be displayed on the required areas of the vehicle.
- 2.64 Where an exemption has been applied not to display a plate, door sign(s) etc. this will be issued to vehicle(s) working for a specified licensed operator used for executive hire, corporate contracts, or work of a similar nature, private hire operators that carry out this nature of business cannot also operate day to day "town" work without a separate licence.
- 2.65 External advertising is permitted on both hackney carriage and private hire vehicles. All advertisements on the doors of private hire vehicles must contain a reference to the fact that the vehicle can only be 'pre-booked' in a prescribed format. All advertising will be considered on its own merits and the advertising process and policies can be viewed at appendix O and P.
- 2.66 Security/CCTV**
- 2.67 The hackney carriage and private hire trade provides a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.
- 2.68 It is not proposed that measures such as CCTV cameras should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The hackney carriage and private hire vehicle trade is, however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis and it will then be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection see [Information Commissioners' Office \(ICO\) website](#).
- 2.69 Approval from Luton Borough Council must be obtained prior to any form of recording equipment being installed in a licensed vehicle.
- 2.70 The hackney carriage and private hire trade are also encouraged to build good links with the local police force, including participation in any Community Safety Partnership (CSP).

## **2.71 Application Procedures**

2.72 The application procedures for a hackney carriage or private hire vehicle licence are prescribed by the Council. Application must be made on the specified application form in accordance with the application procedures set out in Appendix A.

## **2.73 Consideration of Applications**

2.74 The Council will consider all applications on their own merit once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

## **2.75 Grant and Duration of Vehicle Licences**

2.76 The Guidance makes no recommendations in respect of the duration of hackney carriage or private hire vehicle licences, and legislation limits the maximum period of such licences to 12 months.

2.77 Hackney carriage or private hire vehicle licences will thereby continue to be issued for a one-year period from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.

2.78 It is the vehicle owners responsibility to ensure that re-tests are carried out in sufficient time for a new Certificate of Compliance, and other necessary documentation, to be available for processing by Council staff.

2.79 Council officers will send a reminder letter to the current vehicle licence holder before the existing licence expires, in order to assist applicants in their prompt submission of renewal applications. Please note that this is only a courtesy measure and the responsibility to maintain the licence lies with the licence holder. Every effort will be made to ensure continuity of trade; however, it would assist if applications are received at the earliest opportunity.

2.80 If your application has not been received at the point when an existing licence expires, the licence holder must cease operating until a new licence application has been granted.

2.81 A vehicle licence is issued to a specified vehicle, therefore, at the end of the vehicle's licensed period that particular licence ceases to exist and any new vehicle would be subject to the requirements of a new vehicle application and procedure.

2.82 To assist owners who wish to be able to change vehicles during the period of an existing licence, the Council will operate a 'replacement vehicle policy' - see Appendix U. In certain cases for Hackney Carriage this will allow the existing licence holders to replace a vehicle no older than five years old to transfer another vehicle onto the remainder of the existing vehicle licence. Euro 6 diesel, PHEV and BEV licensed vehicles shall be no more than seven years old to transfer another vehicle onto the remainder of the existing vehicle licence.

2.83 Once a date of expiry of an existing licence has passed and a valid renewal

application form and fee has not been received, the licence automatically expires. All expired vehicle licences will be required to apply as a new licence application and meet all requirements of the licence conditions.

## **2.84 Stretched Limousines**

2.85 Stretched limousines are elongated saloon cars that are more frequently being used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.

2.86 Licensing authorities have generally considered there to be some problems preventing stretched limousines from being licensed including:

- many of the vehicles are capable of carrying more than eight passengers;
- many of them are left hand drive;
- many are fitted with all round darkened glass;
- most originate from the United States;
- many have been converted or modified after manufacture;
- due to their origin, many spare parts may not be available making adequate maintenance difficult.
- side facing seats

2.87 Most limousines are imported for commercial purposes and are, therefore, required to take an Individual Vehicle Approval (IVA) test. They cannot be approved as Passenger Carrying Vehicles (PCV) because they cannot meet the required standards for the door arrangements and means of escape in an emergency. The IVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for an IVA test the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of its restriction. Any subsequent purchasers must also be informed of the restriction.

2.88 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as *a motor vehicle constructed or adapted to carry fewer than nine passengers, other than the hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purposes of carrying passengers*. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:

- suitable in type, size and design for the use as a private hire vehicle;
- not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- in a suitable mechanical condition;
- safe; and
- comfortable

- 2.89 Stretched limousines can be licensed for private hire work providing they may carry no more than eight passengers and meet the requirements of the Act. Possible exemptions under the Local Government (Miscellaneous Provisions) 1976 Act provide that nothing shall:
- *apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;*
  - *apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;*
  - *apply to a vehicle being used in connection with a wedding.*
- 2.90 Any stretched limousines, which are offered for private hire or which are not used for funeral and weddings do, or course, require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week. Before licensing for private hire, therefore, a full insurance policy for private hire purposes will be required.
- 2.91 Once a vehicle is licensed as a private hire vehicle then only a licensed private hire driver in that Borough can drive the vehicle.
- 2.92 In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits. It is, however, proposed that imported stretched limousines type vehicles:
- be granted an exemption for the requirement under the conditions of licence for private hire purposes to be right hand drive; and
  - be approved for licensing as private hire vehicles subject to the additional conditions detailed in Appendix M
- 2.93 There are obviously concerns regarding the use of darkened glass in stretch limousines. It is, accordingly, considered that the glass in any windows surrounding the drivers must be clear and the rearmost window must allow a minimum of 70% light transmission.
- 2.94 It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If the limousine is to be provided whereby part of the booking includes “free alcohol”, the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.
- 2.95 The Council strongly recommends that anyone wishing to licence a limousine contacts the Licensing Service before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards, as each

vehicle will be considered on its merits.

## **2.96 Special Event Policy**

2.97 Any vehicle defined by this Policy as a Special Event Vehicle will be assessed on its own individual merits. Under certain circumstances, some or all of the requirements of this Policy may be waived – see Appendix M.

2.98 Under circumstances where any requirement of this Policy is waived, written authority of exemption will be given by the Council. Unless such authority is given, all requirements of this Policy will apply.

## **2.99 Contract Vehicles**

2.100 Previously, under Section 75(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976, there was no requirement for a vehicle to be licensed where it was used for a contract with an organisation/firm for a period of not less than seven days for carrying passengers for hire or reward under a contract for the hire of the vehicle. This exemption only applied to the vehicle and drivers subject to the contract and then only during the period of the contract. Any vehicle being used for a contract with one firm could not be used for any other contract or purpose during the period of that contract.

2.101 Effective from January 2008, the Road Safety Act 2006 repealed Section 75 (1) (b) of the LG (MP) Act 1976 removing this exemption to be licensed as a private hire if working under a contract. The implication is that additional vehicles will require licensing. While the Courts will provide the definitive interpretation of the law, Luton Borough Council is following guidance by the DfT in relation to definitions of private hire vehicles that will require licensing.

2.102 The DfT will be revising its current guidance note to offer a more definite view about which vehicles should be licensed as private hire vehicles. The current guidance note can be viewed on the DfT website at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/3985/phv-licensing-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3985/phv-licensing-guidance.pdf)

2.103 Organisations that may be affected by the changes described above should also consider seeking their own independent legal advice.

## **2.104 Funeral Vehicles**

2.105 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purposes of funerals.

## **2.106 Wedding Vehicles**

2.107 A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered to be a licensable activity.

## **2.108 Exemption from displaying licence and private hire 'pre-booked only' door signs**

2.109 The Local Government (Miscellaneous Provisions) Act 1976 requires that Private Hire vehicles and drivers display the relevant licence plate(s) and badge issued by the authority at all times. The same legislation also permits a Licensing Authority to exempt the display of private hire licence plate(s).

2.110 The open display of these identifying plates is important in terms of protecting both the public and the taxi / private hire trade. However, there are limited occasions when the display of such identification may have the opposite effect both in terms of customer safety and commercial implications for the operating business. The operation of chauffeured, executive and limousine vehicles is a case in point. Identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk. The display of local authority licence plates externally may also deter some customers from using the service.

2.111 It is not intended that all private hire vehicles should have access to an exemption, only a small minority operating this type of service. To that end it is only considered appropriate to consider the issue of exemption notices to a licensed private hire operator in line with assessing their business need and in exceptional circumstances.

2.112 Written applications for an exemption must be made to the Authority by the person holding a private hire operator's licence issued by the authority. The application may be accompanied by documentation to support the request. If the request satisfies the Licensing Authority then an exemption notice may be issued.

2.113 The Licensing Officer will consider whether to issue an exemption. If the application is refused, the person holding the private hire operator's licence may appeal to the Licensing Manager.

## **2.114 Courtesy Cars**

2.115 The Council takes the view that vehicles which are used as "courtesy cars", i.e. for transporting customers to and from garages, airports, hotels and night-clubs without charge, but with an obvious business benefit, are likely to need to be licensed under the private hire licensing scheme as should their 'operator'. Whilst there may not be

a separate charge for using the vehicles, they are being supplied with a driver for a specific purpose which is likely to result in a 'business benefit', for example a customer using that particular business as opposed to one that doesn't offer the same transport service

2.116 The Council will proactively seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Council considers that private hire vehicle licensing is necessary. In all such circumstances, the business will first be advised by the Council that they consider licensing as necessary

**2.117 'Accident management companies'**

2.118 Where companies wish to licence vehicles for hackney carriage / private hire vehicle owners who have had non-fault accidents, they will be required to submit what we call a 'Statement of Intent' to identify certain aspects the licensing authority feel necessary to ultimately ensure public safety and compliance – see Appendix N.

2.119 Luton Borough Council do not accept transfer applications from accident management companies for Private Hire Licensed Vehicles. If you would like to plate a Private Hire Vehicle you will have to apply for an annual licence, as there is no restriction on a full application being submitted.

2.120 Due to a limit on licensed Hackney Carriage Vehicles in the Borough, the Authority will help to maintain licences when a vehicle is damaged, the Authority allows an accident management Hackney Carriage vehicle to be allocated to that licence whilst that vehicle is being repaired in accordance with the requirements to obtain such a licence.

**2.121 Ambulances and Other Patient Transport**

2.122 Ambulances

All ambulances meeting the following requirements will be exempt from private hire vehicle licensing:

*“vehicles constructed to original manufacturer’s specification and equipped and used for the carriage of sick, injured or disabled people with a permanent rear compartment and means of conveying passengers in a recumbent position together with an attendant seat for use by accompanying medical professionals, readily identifiable as a vehicle used for the carriage of such people by being marked “Ambulance” on both sides.”*

2.123 Other Patient Transport

Other patient transport services provided by either:

- i) Primary Care Trusts, or
- ii) Voluntary services,

that do not qualify for exemption will require licensing as a private hire vehicle. In the event that the Council considers that a business within this section needs licensing, the Special Event Vehicle policy detailed at Appendix M will apply.

#### **2.124 Voluntary Sector Transport**

2.125 Luton Borough Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.

2.126 Luton Borough Council will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Council considers that private hire vehicle licensing is necessary. In all such circumstances, the business will first be advised by the Council that they consider licensing as necessary.

2.127 In the event that the Council considers that an organisation within this section needs licensing, the Special Event Vehicle conditions will apply.

#### **2.128 Livery (Advertising in or on licensed vehicles)**

2.129 In accordance with the advertising policies for Hackney Carriage and Private Hire vehicles all advertising must be formally approved by Luton Borough Council prior to being completed. These policies can be viewed at appendix O and P.

#### **2.130 Seating in Multi-Passenger Vehicles**

2.131 The Council will licence vehicles for seating arrangements of up to eight passengers where all licensing requirements are satisfied.

#### **2.132 Dual Plating**

2.133 The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another licensing authority or later found to be licensed by another local authority.

### 3. Drivers – (hackney carriage and private hire)

#### 3.1 **General**

3.2 The Council considers the practical criteria and qualifications for private hire and hackney carriage drivers to be the same (although there are some legislative differences). The sections below therefore apply equally to private hire and hackney carriage drivers unless otherwise specified. Any application will be considered on its own merits individually and not jointly.

#### 3.3 **Immigration Act 2016 – Right to licence**

The UK Government have changed the law regarding Private Hire, Hackney Carriage Driver's and Private Hire Operator Licences. You are required to provide proof of your right to work and live in the UK when you apply for a driver or operator licence.

This Law was introduced on 01<sup>st</sup> December 2016 and affects all applications that are submitted after this date.

Further information regarding this can be found within the Council's application forms and at Appendix A of this policy.

#### 3.4 **Licensed Drivers Licences**

3.5 The Council issues separate private hire drivers' licences and hackney carriage drivers' licences.

#### 3.6 **Period of Drivers Licences**

3.7 In most cases a licence will be issued for a period of no more than 3 years as standard practice however a shorter term licence may be issued if considered appropriate. If you wish to apply for a lesser licence period this request must be submitted in writing at the time of application. In addition following receipt of your licence application the Council may provide a Licence for a lesser period if a specific issue is identified that requires this e.g. a medical condition.

3.8 It should be noted that within the law Private Hire / Hackney Carriage Licences can be issued for a maximum of three years. Once a licence has been issued for three years it cannot be extended. It is your responsibility to ensure that any application to renew a licence is made with sufficient time to allow it to be fully processed and issued prior to the expiry of your current Licence. If sufficient time is not provided and determination made prior to the expiry of your licence you will be unable to work as a Private Hire /

Hackney Carriage driver from the expiry of your current licence until such time as a new licence is issued.

- 3.9 A licence issued in respect of an application made on or after 1 December 2016, will lapse if and when the holder's permission to be in the UK comes to an end. This could be because their permission to be in the UK has time-expired or because the Home Office have brought it to an end (for example, curtailed their permission to be in the UK). The licence holder will be made aware by the Home Office when their time limited permission has come to an end. Special rules also apply in relation to the period of a drivers licence when a person has been granted leave to remain in the UK for a limited period. Any drivers licence issued to a person who has been granted leave to remain in the UK for a limited period must expire no later than the day when that person's leave period ends. If a person has been granted leave to remain in the UK for a limited period but that period has been extended under section 3C of the Immigration Act 1971, any drivers licence issued to that person must specify the period for which it is in force and that period must be 6 months or less.
- 3.10 If a person has been granted a hackney carriage or private hire driver's licence or a private hire operator's licence and their immigration status changes so that they are no longer entitled to hold that licence, the licence ceases to be in force. In such a case the licence holder must return their licence (and drivers badge if a driver) to the Council within 7 days. If a person fails to return their licence and/or badge within 7 days they are guilty of an offence. A person guilty of this offence is liable on summary conviction to a fine not exceeding level 3 (currently £1,000.00) on the standard scale and a fine of up to £10.00 for each additional day on which they fail to return their licence and/or badge. This provision also applies if a drivers or operator's licence is suspended, revoked or not renewed due to an immigration offence or penalty.
- 3.11 **Age and Experience**
- 3.12 The Council does not impose either a maximum or minimum age limit for drivers. However, a minimum period of post-qualification driving experience of one year (twelve months) is required and in all cases regular and satisfactory medical checks must be made in accordance with standards specified within the drivers application pack. Licensed driver(s) conditions can be viewed at Appendix B, C and D, Code of Conduct for Hackney Carriage Drivers Licence can be viewed at Appendix E respectively.
- 3.13 In addition any applicant under 21 years must provide proof of having passed the Government's Driver and Vehicle Standards Agency's Taxi/ Private Hire Driving Assessment Test. Our current provider is [Blue Lamp Trust](#) you can access further information in relation to this requirement by visiting their [Taxi assessment webpage](#).

### 3.14 **Dual Licences**

This Council issues a dual licence which covers hackney carriage and private hire licences; this provides an increased choice for those drivers who wish to obtain licences that will allow them to drive either hackney carriage or private hire vehicles.

### 3.15 **Experience**

Applicants must have held a full UK DVLA driving licence for twelve consecutive months in accordance with Part III of the Road Traffic Act 1972 (as amended) immediately prior to the application, also have the appropriate documentation to work and live in the UK.

3.16 Where this requirement is not satisfied, the hackney carriage/ private hire drivers' licence will be automatically suspended pending compliance and in some circumstances revoked.

### 3.17 **Passenger Transport Contracts**

3.18 In addition to the hackney carriage and private hire role, there are additional measures in place for those drivers transporting vulnerable children on Council contracted routes:-

3.19 All hackney carriage and private hire vehicle drivers on school contracts must hold an appropriate valid licence and a current DBS which has been approved by Licensing Service in accordance with the full application process of obtaining a licence.

3.20 If a licenced driver wishes to undertake contracted work for the Council transporting school pupils, then they must also register with the Passenger Transport Unit (PTU) to do so. As part of this process, should a driver have had a prior application refused or previously been removed following an alleged offence, then their application may be refused.

3.21 Once an application is approved, all drivers are issued with the Councils "conditions and requirements of licence" which sets out the standards and expectations of the Council. Failure to adhere to these can result in either a suspension or removal from the Councils approved list.

3.22 Should a driver on a contracted route be the subject of a safeguarding investigation, the driver will be suspended with immediate effect whilst any investigation is on-going. Should the multi-agency investigation result in concerns over their future status as a driver on school contracts, then they can be removed from the approved drivers list.

### 3.23 **Driver Topographical Knowledge Test**

- 3.24 In order to maintain the high standards that the Council expects of drivers, a licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is satisfied that the applicant is a 'fit & proper' person, which includes a multiple choice electronic knowledge test of the area in which the potential licence holder operates including: safety matters, numeracy, knowledge of the highway code and basic hackney carriage / private hire licensing law. The test must be passed prior to applying for drivers application. Information on the knowledge test procedure can be viewed at appendix K.
- 3.25 The Council puts protecting the safety and welfare of the public at its core; specifically takes account of the Council's safeguarding responsibilities, particularly in relation to children, young people and vulnerable adults and strengthens this element to reflect best practice; makes it clear that the actions to promote the welfare of children and to protect them from harm is everyone's responsibility, in particular that prospective and licenced drivers and operators have a duty to tackle child sexual exploitation and trafficking; and minimises the risk to the public by providing greater confidence in the system for assessing whether a person is a 'fit and proper person' to drive a hackney carriage or private hire vehicle and that vehicles are safe.  
The procedures in relation to the above are set out in Appendix A.
- 3.26 **Medical Examination**
- 3.27 The DfT recognises that it is clearly good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and subsequent renewal.
- 3.28 The responsibility for determining any higher standards and medical requirements for licensed drivers over and above the driver licensing requirements rest with the Local Authority. The Council has adopted the relevant DVLA / DVSA medical standard i.e. 'Group 2' which is known as a D4 Medical form.
- 3.29 A medical examination by a General Practitioner, to assess an applicant's fitness to drive a licensed vehicle, is required before a licence may be granted. A DVLA Group 2 Standard of medical fitness for professional drivers will be required.
- 3.30 A request form for a medical examination, which must be presented to the applicant's GP, is obtainable from the Council. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the report must be submitted to the Council.
- 3.31 Existing licence holders, having presented a medical certificate upon first being granted a licence, will be required to be re-examined at specific ages during their driving history. Drivers aged **46, 52 or 58** years old during the duration of the new licence, will be asked to have a medical form completed by their GP. Over 60 year old will be asked to submit a medical each year. More frequent checks may also be required if, in the opinion of the medical practitioner, it is necessary.
- 3.32 Licence holders must advise the Council of any deterioration in their health that may

affect their driving capabilities. For the avoidance of doubt, the following medical conditions must be notified to the Council as soon as reasonable practicable; however, this list is not exhaustive:

- Any heart-related condition;
- Abnormal blood pressure;
- Diabetes (Type 1 or Type 2);
- Epilepsy;
- Sudden attacks of giddiness or fainting;
- Conditions causing excessive daytime sleepiness such as sleep apnoea;
- Alcohol or drug dependency;
- Mental or psychological disorders; or
- Any other condition that may affect the ability to drive.

- 3.33 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical examination by a Doctor appointed by the Council. This will be at the applicant's own expense.
- 3.34 Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision in the light of the medical evidence available.
- 3.35 The format of the medical examination will be that prescribed by the standard Group 2 DVLA form issued. This form is available from Licensing Service.
- 3.36 **(DBS) Disclosure and Barring Service formally Criminal Record Bureau (CRB) Disclosures**
- 3.37 A criminal record check (DBS) on a driver is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence. An Enhanced Disclosure provided by the DBS is required by all applicants, whether new or renewal applications. These disclosures include details of spent convictions and police cautions.
- 3.38 The Rehabilitation of Offenders Act 1974 does not apply to applicants for Hackney Carriage/ Private Hire driving licences. They are required to disclose all convictions, including those that would normally be regarded as spent.
- 3.39 Before an application for a driver's licence will be considered, the applicant must provide a current (less than three months old) Enhanced DBS Disclosure Certificate (issued specifically for Luton Borough Council).
- 3.40 The Council uses an external company to process the DBS certificate; therefore, applicants should deal with the DBS through this route. The applicant will be responsible for the payment of the appropriate fee(s) in order to complete the issuing of a DBS certificate.

- 3.41 If a driver can satisfy the authority that they have been conviction, caution, fixed penalty notice or warning free in line with the Taxi and Private Hire Convictions & Fitness Policy. A conviction, caution or warning imposed after the licence has been issued may result in a requirement to obtain annual DBS check.
- 3.42 Licensed drivers are to notify the Council within 7 days of any motoring or other criminal conviction which has occurred since the grant or renewal of that licence.
- 3.43 When you are submitting an application you must declare all convictions and offences as part of your application.
- 3.44 The Council may consider any warning letter or other disciplinary sanction to be of equal concern to a conviction or warning on a DBS disclosure.
- 3.45 Additional DBS checks on drivers may be required. In the case of the requirement for an additional DBS check, the Council must have good reason prior to making this request, for example, reasonable belief that the licence holder has a criminal conviction not notified to the Council.
- 3.46 The Council is bound by rules of confidentiality, and will not divulge information obtained to any third parties. The applicant for a DBS certificate will be sent a separate certificate to their home address, it is the driver responsibility to ensure the DBS certificate is presented to the Council. Once the Council have obtained the necessary information from a DBS certificate, assessed against the application and determined a licence, the certificate will be destroyed and no information from the DBS will be retained by the Council.
- 3.47 As the Council do not directly employ any Hackney Carriage/Private Hire drivers, there is no requirement for a licensed driver to be registered with the Independent Safeguard Authority (ISA) to undertake normal licensed activity. If a licensed driver wishes to undertake regular work involving the transporting of vulnerable people, for example undertaking school contracts, they may have to obtain an ISA registration and provide details of the registration to the employer.
- 3.48 **DBS Update Service –What is the ‘Update Service’?**
- 3.49 The Update Service lets applicants keep their DBS certificates up to date online. If you register and pay the annual subscription fee you can have both your DBS certificates kept up to date so that the Licensing Service can check the status of your certificates without having to renew your DBS check.
- 3.50 There is a significant cost saving and benefit to drivers if they register their DBS checks with the Update Service and keep their subscription up to date.
- 3.51 **How do I register with the Update Service?**  
Further information regarding the DBS Update Service can be found at on the [Disclosure and Barring Service webpage](#) of the GOV.UK website.

3.52 **Relevance of Convictions and Cautions**

3.53 In relation to the consideration of convictions and cautions recorded against applicants, the Council will adopt the policy set out in Appendix B under the Taxi and Private Hire Convictions & Fitness Policy.

3.54 In assessing whether the applicant is a 'fit and proper' person to hold a licence, the Council will consider each case on its own merit. They will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. On receipt of a certificate from the DBS, the Licensing officer will assess whether any or all of the spent convictions are capable of having real relevance to the issue of whether or not the applicant is a 'fit and proper' person to hold a licence and, refer to the appropriate Service Manager for decision.

- 3.55 In relation to cautions, the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application.
- 3.56 In relation to previous convictions, the Council will have regard to the following;
- Whether the convictions are spent or unspent;
  - The class of the offences;
  - The age of the offences;
  - The apparent seriousness, as gauged by the penalty.
- 3.57 Applications will be referred to the designated service manager where the applicant's record includes one or more of the following:
- Any term of imprisonment or custody;
  - Any conviction for a violent or sexual offence, or dishonesty;
  - Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;
  - Any drug-related offence; or
  - Any combination of less serious offences where the Licensing officer is not minded to grant the application
  - This list is not exhaustive.

More information can be viewed in the Council's fitness and conviction Policy.

- 3.58 Where applicants have recently been living in another country, an Enhanced DBS check will still be required, although this will be of limited value. Therefore, in addition the applicant may be required to produce a Certificate of Good Conduct, or equivalent document, issued and authenticated by the appropriate embassy or a statutory declaration of absence of convictions, signed by a solicitor.
- 3.59 A DVLA driver endorsement check will be required upon applications for new or renewal of a driver licence, to ensure that the information held by the DVLA is in accordance with the information submitted by the applicant. The fee for the endorsement check will be incorporated into the application fee.
- 3.60 **Application Procedure**
- 3.61 An application for a Hackney Carriage/ Private Hire driver's licence must be made on the specified application form. The application procedure is set out in Appendix A.
- 3.62 Holders of existing Hackney Carriage/Private Hire drivers licences will be reminded when they are due to apply for a licence, up to (3) three months preceding the month of expiry. Please note this courtesy arrangement and the responsibility to renew any licence remains solely with the licence holder.
- 3.63 The council has adopted a best practice guide for renewing driver's licences. We advise as best practice that application forms, all supporting information and

appropriate fees to be submitted at least twenty eight days prior to the expiry of the current licence. The Council will not be in a position to renew a driver's licence without all supporting documentation being received and satisfying the requirements of this Policy.

3.64 If the licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received.

3.65 For the avoidance of doubt please note: once the date of expiry of an existing licence has passed and a valid renewal application form and fee has not been received, the licence automatically expires.  
All expired licences will be required to apply as a new licence application and meet all requirements of a new application including knowledge test and obtain a medical form completed by their GP.

3.66 **Conditions of Licence**

3.68 Conditions attached to a hackney carriage driver's licence are detailed in the Byelaws and code of conduct mentioned below. In respect of private hire driver's licences it is permitted to attach such conditions as are considered necessary.

3.69 It is considered that the conditions set out in Appendix D are reasonable, necessary and proportionate for all licensed drivers but accept that they may only be legally imposed in respect of private hire drivers.

3.67 **Code of Conduct for Hackney Carriage drivers**

The Licensing Authority has adopted a code of conduct for licensed Hackney Carriage drivers to ensure a minimum standard of expectation to operate as a Hackney Carriage driver in the Borough. These can be viewed at appendix E.

3.68 **Convictions during period of licence**

3.70 Where offences resulting in conviction are committed by licensed drivers, it is important, in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their Hackney Carriage/Private Hire driver's licence.

- 3.71 Driver licence holders, who are convicted of any criminal or motoring offence during the period covered by their existing licence, must disclose the conviction and the penalty involved to the Council within seven days of the convictions. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction. The exception to this is a parking ticket, which is in fact a Penalty Charge Notice.
- 3.72 Any breaches of relevant legislation or conditions attached to driver, operator and vehicles licences which may come to light following complaints, enforcement action, notification or investigations should be dealt with following the objectives of this Policy.
- 3.73 Any action taken in relation to the objectives of this Policy does not compromise the ability to supplement this action with the use of the convictions and fitness policy detailed in Appendix B.
- 3.69 **DVLA Licence Checking**
- 3.74 In order to ensure that the Council has a driver's complete driving history, thus enabling a fully-informed decision to be made in respect of an application, the Council will check the DVLA database for all new and renewal driver licence applications.
- 3.75 The application pack includes a Driving Entitlement Consent form where the applicant signs to give their consent for this check. The fee for the licence check will be incorporated into the application fee.
- 3.76 Any anomalies between the DVLA record and the applicants driving licence may be brought to the attention of the DVLA and the Police.

## 4. Disciplinary and enforcement measures

### 4.1 Enforcement / Compliance

- 4.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire trades.
- 4.3 In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate a proportionate compliance and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so.
- 4.4 Notwithstanding adhering to this Policy, the Council will also consider the Luton Borough Council Enforcement Policy also the Convictions & Fitness Policy.
- 4.5 Whilst the day to day enforcement of hackney carriage and private hire licensing, is a function carried out by the Licensing Officers under the supervision of the Service Manager, serious disciplinary matters will be dealt with in accordance with the council's enforcement policies.
- 4.6 Serious disciplinary matters will include:
- Any other incident or circumstance that may lead to the suspension or, revocation of a licence, or the refusal to re-licence
- 4.7 The Authorised Council Officer will consider the impact of transgressions of the law, on the fitness of an individual to hold a hackney carriage/private hire licence and take appropriate action.
- ### 4.8 Range of Powers
- 4.9 Issuing of Warnings and Cautions
- 4.10 As a method of dealing with less serious matters, the Council will issue warnings and cautions where appropriate to the circumstances. Minor or first-time transgressions are likely to attract either an oral or written warning. Repeated or more serious conduct is likely to lead to the issuing of a formal caution, provided:
- There is sufficient evidence to justify a prosecution;
  - The licence holder admits his/her guilt;
  - The licence holder agrees to be cautioned.

4.11 Suspension - Vehicles

4.12 Hackney Carriage and private hire vehicles must be kept in an efficient, safe, tidy and clean condition at all times. Compliance with the vehicle specifications and conditions is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the licence holder setting out the defect(s) and the required action.

4.13 Where there is a risk to public safety the further use of the vehicle will be suspended until the defects have been remedied. The suspension will not then be lifted until the vehicle has undergone a further test, at the licence holder's expense, and been passed as fit for use as a hackney carriage or private hire vehicle by a Licensing Officer.

4.14 Suspension - Drivers

4.15 The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period. Such action will, however, only be taken by the designated service manager in conjunction with the Convictions & Fitness Policy.

4.16 Revocation

4.17 Where a licence holder has been referred to the designated Service Manager because they have been convicted of a serious criminal offence, the Authorised Council Officer may order the revocation of the licence.

4.18 Suspension or revocation may be immediate due to the severity of the allegation or offence.

4.19 Refusal to Renewal

4.20 As an alternative to revocation, the designated service manager may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

**4.21 Prosecution**

4.22 Notwithstanding anything detailed in this Policy, the Council's discretion to prosecute for offence is not fettered.

**4.23 Referrals to the Licensing Committee**

4.24 Whilst it is envisaged that the majority of enforcement actions, can be dealt with by Officers, the following matters will normally be referred to the Panel due to their serious nature and the risk to public safety:

- Where it may be in the public interest;
- All Officers have been involved in the investigations

- Any other issues that the council feel would be appropriate to be referred committee;
- This list is not exhaustive

#### **4.25 Complaints – Customer**

4.26 It is important to us that every licensed driver is a ‘fit and proper’ person to be driving members of the public in their vehicle.

4.27 If a member of the public has a complaint where he / she considers that a hackney carriage/ private hire driver is not a ‘fit and proper’ person, then they are requested to put their complaint in writing with full details to include: description of the driver, date, time, place, where the journey was from and to and full details of what happened.

#### **4.28 Complaints – Driver**

4.29 If a driver wishes to make a complaint against another driver, please be aware that the Council can only deal with this if it is likely to indicate that the second driver is not a ‘fit and proper’ person to be carrying passengers in their vehicle. We cannot normally intervene in arguments between drivers.

4.30 If the offending driver is employed by a company then a complaint should be made to the company.

4.31 If a driver’s complaint can be dealt with by us then he is requested to follow the procedure for customer complaints above.

4.32 There are some incidents that may also be against the law. For example racist behaviour or comments and any form of harassment then you should report this to the Police.

#### **4.33 Offences**

4.34 Offences in relation to hackney carriages and private hire vehicles are derived from the following sources:

- Town Police Clauses Act 1847 (hackney carriages only);
- Local Government (Miscellaneous Provisions) Act 1976 (hackney carriages and private hire vehicles);
- Transport Act 1980 (private hire vehicles only);
- The Council’s Hackney Carriage and Private Hire Licensing Policy (hackney carriage and private hire vehicles)

4.35 It is also an offence to smoke, to allow a person to smoke, or fail to display appropriate signage in a licensed hackney carriage or private hire vehicle. Further details can be found in the Health Act 2006.

## 5. Private hire operators

### 5.1 Requirements and Obligations

- 5.2 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator's Licence.
- 5.3 The primary objective in licensing private hire operators is the safety of the public, both in the vehicles and at the operator's premises.
- 5.4 A private hire vehicle may only be dispatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 5.5 A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.
- 5.6 All three licences:
- private hire operator's licence;
  - private hire driver's licence; and
  - private hire vehicle licence;
- must be issued by the same Licensing Authority.
- 5.7 Your Private Hire operation must be within the borough of Luton in order to apply for a licence. If your premises falls outside of our boundaries we **do not** have the authorisation to grant you an operator licence.
- 5.8 The Council will not grant a licence to an operator whose premises are located outside the borough. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.
- 5.9 It is the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose.
- 5.10 Applications for operators' licences must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a 'fit and proper' person to hold an operator's licence.
- ### 5.11 Immigration Act 2016 – Right to licence
- 5.12 The UK Government have changed the law regarding Private Hire, Hackney Carriage Driver's and Private Hire Operator Licences. You are required to provide proof of your right to work and live in the UK when you apply for a driver or operator licence.

- 5.13 This Law was introduced on 01<sup>st</sup> December 2016 and affects all applications after this date.
- 5.14 Further information regarding this can be found within our applications and at Appendix A of this policy.
- 5.15 Sub-contracting**
- 5.16 Section 55A of the 1976 Act, inserted by the Deregulation Act 2015 permits Operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed private hire operator holding a private hire licence granted by another local authority.
- 5.17 However, regardless of which operator fulfils a booking, the operator can only despatch a vehicle licensed by the same Council that licences the operator and driven by a driver licensed by that same Council.
- 5.18 For example, if an Operator licensed by Council X choses to sub-contract a booking to an operator licensed by Council B, that operator must despatch a vehicle with a driver licensed by Council B. Or in, reverse, if a Council B licensed Operator sub-contracts a booking to a Council X licensed operator, the vehicle despatched, and its driver, must both be licensed by Council X.
- 5.19 Operators that accept a booking remain legally responsible for that booking even if they sub-contract the booking to another Operator and should record the booking as normal and the fact that it was sub-contracted.
- 5.20 Customers who book through a licensed operator expect a vehicle to be provided that is directly controlled by that operator and not one that is licensed in another district. The Council aims to have the highest standards possible as appropriate for its district. Other local authorities have different standards appropriate for their district and the vehicles and standards of drivers may differ.
- 5.21 For this reason the Council does not believe that sub-contracting bookings should be common place amongst its licensed Operators. It may be appropriate for Operators to sub contract in order to provide a certain type of vehicle that is not on its fleet such as WAV (Wheelchair Assessible Vehicle).
- 5.22 The Council does not have the ability to take enforcement action against those licensed by other authorities but may, upon the investigation of a complaint, take action against an Operator where they have sub-contracted to another Operator and failed to exercise all due diligence to ensure that the person making the booking was transported in compliance with the standards imposed by the Council.
- 5.23 Cross Border Hiring**

- 5.24 In relation to private hire vehicles, the 1976 Act permits members of the public to contact and book a private hire vehicle through any licensed private hire operator regardless of in which district they are licensed. Private hire bookings are private contracts between the hirer and the operator and are not a matter for the Council to regulate. In this regard, the Act leaves the selection of an operator entirely to market forces and the freedom of choice to the customer.
- 5.25 The Council intends for its private hire operators and their vehicles to aspire to the highest standards of service so that they are the operator of choice for its residents.
- 5.26 The Council does however recognise that members of the public may be confused by the appearance of vehicles licensed by other authorities working in Luton. The Council therefore encourages its residents to understand the difference between private hire vehicles and hackney carriages and the requirement that private hire vehicles, regardless of which authority licences them, must be booked in advance.
- 5.27 (DBS) formally Criminal Record Checks (CRB)**
- 5.28 Before an application for a private hire operators' licence will be considered, the applicant must provide a current (less than one month old) Basic DBS Disclosure of Criminal Convictions (issued specifically for Luton Borough Council) which is considered appropriate in promoting the objective of public safety.
- 5.29 Conditions**
- 5.30 The Council has power to impose such conditions on a private hire operator's licence as it considers reasonable, necessary and proportionate.
- 5.31 The Council considers the conditions detailed in Appendix R and S respectively, to be reasonable, necessary and proportionate. All private hire operators' licences will be issued with these conditions attached.
- 5.32 Insurance**
- 5.33 It is considered appropriate for a private hire operator and the Licensing Authority may check that appropriate public liability insurance has been taken out for premises that are open to the public.
- 5.34 Before an application for a private hire operator's licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.
- 5.35 The conditions applicable to Private Hire Operator's Licences require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate, as well as appropriate public liability insurance for their premises.
- 5.36 Licence Duration**

- 5.37 As of 1<sup>st</sup> October 2015 the Deregulation Act 2015 came into force that private hire operators are to be issued a standard licence for the duration of five years unless stated in writing for a lesser period, Luton Borough Council currently also offer annual licences running pro rata April to March.
- 5.38 The Council will, therefore, issue a successful applicant for a Private Hire Operator's Licence with a five year licence from the date of grant; subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances.
- 5.39 The licence period for a Private Hire Operator's licence will run for five years from the date of grant until March of that year on a pro rata basis.
- 5.40 A licence issued in respect of an application made on or after 1 December 2016, will lapse when the holder's permission to be in the UK comes to an end. This could be because their permission to be in the UK has time-expired or because the Home Office have brought it to an end (for example, curtailed their permission to be in the UK). The Licence holder will be made aware by the Home Office when their time limited permission has come to an end.
- 5.41 Address from which an Operator may operate**
- 5.42 Upon the grant of an operator's licence, the Council will specify on the licence the address from which the operator may operate within the Luton Borough. This address will be the address stated on the application form. The operator must notify the Council in writing of any change of address during the period of the licence, whether this is a home address or the operating address, within seven days of such a change taking place, a fee will accompany this change.
- 5.43 Gaming Machines**
- 5.44 Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005.
- 5.45 Public Safeguarding and Child Sexual Exploitation**
- 5.46 Child Sexual Exploitation (CSE) is a form of child abuse. It can involve sexual abuse, physical abuse and emotional abuse of children by adults. Licensed drivers, proprietors and Operators provide a public service and have a duty of care to all passengers. They also have a moral and social responsibility to report concerns about someone who is vulnerable. Should a licensed driver, proprietor or Operator have any concern about the vulnerability of a child or public safeguarding they must report this immediately to the Police on 999, or pass on information or intelligence to 101 or email: [cibintel@bedfordshire.pnn.police.uk](mailto:cibintel@bedfordshire.pnn.police.uk)  
Should a licence holder fail to report a concern then they will be investigated and may have their licence revoked or suspended.

## **6. Hackney carriage fares**

### **6.1 General**

- 6.2 Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.
- 6.3 When determining the level of fares, consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at all times it is needed.
- 6.4 Out of Borough journeys can be negotiated prior to the commencement of the journey.
- 6.5 One of the main complaints relating to hackney carriage concerns overcharging. To protect the fare-paying public from overcharging, as well as to protect the drivers from complaints, the Council will operate a simple fare tariff that must be displayed in all hackney carriages.
- 6.6 The reviewing of the fare tariff would take place once a request has been received from the trade, the Council will then consult with all the Hackney Carriage trade and follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976.
- 6.7 These regulations in relation to fares do not apply to private hire vehicles.

### **6.8 Table of Fares**

- 6.9 The maximum fares currently prescribed by the Council are set out on the Council's website. A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

### **6.10 General**

- 6.11 A hackney carriage driver must, if requested by the passenger, provide a written receipt of the fare paid.

### **6.12 Commencement of the journey in a Hackney Carriage**

- 6.13 For the avoidance of doubt, the meter in a hackney carriage must only be started at the commencement of the journey - that is the time when the customer enters the vehicle.
- 6.14 It is not permitted to start the meter at a rank/stand or operating base or whilst en route to collect a passenger.

## 7. Licence fees

### 7.1 Fee Structure

7.2 The legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administration the control and supervision of hackney carriage and private hire vehicles.

7.3 The fees currently payable for the grant and renewal of hackney carriage and private hire licences are set out on the Councils' website. The fee structure is reviewed annually as part of the Council's budgetary process.

7.4 The setting of fees is the responsibility of the Licensing Service with approval from the committee.

### 7.5 Refunds, Duplicate Copies

7.6 In common with most types of licence, an appropriate application fee is payable which will be paid to cover the administration costs associated with the transfer of a licence.

7.7 Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the associated administrative costs.

7.8 In the case of a licence application that has been refused, please note the fee is non-refundable.

## **8. Taxi bays/ranks & supplementary**

### **8.1 Appointed Stands**

8.2 The Council will periodically review the provision of hackney carriage stands within the Borough. In the event that there is evidence of the need to amend the existing provisions, a full consultation would be undertaken prior to any amendments.

8.3 Comments are welcomed from either the trade or the public on the need for additional bays in specific locations, the potential for re-locating or extending existing bays or indeed arguments for the removal of bays which no longer fulfil a useful purpose.

8.4 Current locations of Taxi Bays/ Ranks within the Borough of Luton are detailed in Appendix V.

### **8.5 Waiting on Stands**

8.6 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any rank or stand for hackney carriages. Drivers of hackney carriages may only wait on a rank or stand whilst plying for hire or waiting for a fare; drivers who park on a rank or stand and leave their vehicle unattended are committing an offence.

8.7 The law states it is an offence to leave a vehicle unattended on a hackney stand, will be dealt with as an offence in accordance with this Policy.

### **8.8 Plying for Hire**

8.9 For the avoidance of doubt, the Council does not have a byelaw requiring hackney carriages to return to a taxi rank between fares. Hackney carriages can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Hackney carriages are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

### **8.10 Taxi & Private Hire Forum**

8.11 To have an established forum to the said meetings from both hackney carriage and private hire trade respectively. The Council wishes to encourage discussions between the trade and the Licensing Authority, in order to promote a successful working relationship. This forum will consider broad provisions for Licensing. Special cases will be dealt with outside the forum.

### **8.12 Departure from the Policy**

8.13 There may be instances whereby the Council may need to consider applications outside the policy. Where it is necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing Committee.

**8.14 Amendments to the Policy**

8.15 All changes to the Policy are made by the Committee only.

# Appendices

## Appendix A

### A: Application procedure and right to Licence information

Completed application forms, fee and original documentation must be provided to the Council submitting online, hand delivery to the offices, or by post, to Licensing Service, Luton Borough Council, George Street, Luton, LU1 2BQ.

#### **PERSONAL VISITS TO THE LICENSING SERVICE**

Office hours are normally Monday and Friday 9.00 – 16.00 and Wednesday 10.00 to 16.00. (Please note we cannot process applications after 16.00).

We will be situated part of the week at Kingsway Depot on Tuesday & Thursdays by appointment only for vehicles being tested between 09.00 and 15.00, Officers will be accepting grant / renewal vehicle applications booked in on these days/ times paying by card only.

**Please note hours of operation could change at any time in the future, you may wish to check opening hours prior to attending the service.**

#### **ONLINE APPLICATIONS – APPLY ONLINE**

The Licensing Service has introduced online services for Driver and Vehicle applications solely for new and renewal applications. It is now live which you can find on the council home page of the website and in the search box in the top right type “vehicle driver licence applications” select the top option then you can select the correct licence type you are applying for.

We will be able to accept these online applications with scanned documents (including good images taken on a mobile phone) and with electronic payments. The online facility will work on mobile phones, tablets and PC's/Laptops.

Plates and paper licences to be collected from the Licensing Service public counter of the Town Hall offices within Customer Services Centre, Luton Borough Council, Gordon Street, Luton LU1 2BQ within current operating times.

Prior to submitting the vehicle for testing, owners must ensure that the vehicle is in good condition, i.e., mechanically sound, and bodywork in a satisfactory condition. The Council's approved garage may ask for the engine and/or full chassis to be steam cleaned if the vehicle is presented in a state whereby the components are too dirty to inspect.

#### **Vehicles**

When presenting an application, the following documents **MUST** accompany the prescribed application form and fee; the application will not be considered complete until all documentation has been received.

- REGISTRATION DOCUMENT (which must show the keeper to be the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);
- INSURANCE CERTIFICATE (if a cover note, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note);
- CERTIFICATE OF COMPLIANCE (COC) CERTIFICATE

## **Drivers**

Applications for hackney carriage/ private hire driver's licences may be made at any time of the year.

Applications are to be made on the prescribed application form. In support of a completed application form, the applicant must provide the following original documentation;

- A current full UK driving licence held for at least twelve (12) consecutive months
- An enhanced disclosure from the DBS following the process within the drivers application pack)
- Two passport-sized photographs
- The specified fee, which is non-refundable in the event of refusal of the application / licence,
- Completed DVLA mandate
- Right to work documents, if applicable
- Applicant under 21 years of age must provide proof of having passed the Government's Driving Standard Agency's Taxi/ Private Hire Driving Assessment Test.

To complete an application, it is the responsibility of the applicant to supply in addition to above;

- Knowledge test pass certificate
- Completed medical form

## **Applicants under 21 years**

Applicants under the age of 21 years of age must provide proof of having passed the Governments Driving Standard Agency's Taxi/ Private Hire Driving Assessment Test prior to applying for a Licence. Our current provider is [Blue Lamp Trust](#) you can access further information in relation to this requirement by visiting their [Taxi assessment webpage](#).

## **New Driver Knowledge Tests**

### Introduction

In order to maintain the high standards that the Council expects of its licensed hackney carriage and private hire drivers operating within the Borough, all potential new drivers are required to pass a knowledge test.

A fee will be charged for each test attempt, a further test cannot be taken within one calendar month of the failed test.

Full details on the knowledge test process can be viewed within the appendices of this policy.

### **The consideration of applications**

Upon receipt of an application form, including the fee and supporting documentation, the Council will start the application process. However, to complete the application process, it is the responsibility of the applicant to supply any additional items as requested by the Council. Where an application is incomplete, it will not be considered until all the requested details or documents are supplied and will be returned to the applicant until all such supporting information is obtained.

If satisfied that an applicant is a 'fit and proper' person to hold a hackney carriage/ private hire drivers licence, having satisfied all the licensing requirements, the application will be granted under delegated powers as provided for by the Council's Scheme of Delegation.

Applicants who are granted drivers' licences shall be issued with the appropriate paper licence and a driver's badge, which shall remain the property of the Council and must be surrendered when the driver ceases employment as a driver.

Those who are granted vehicle licences shall be issued with the appropriate paper licence and licence plates, which shall remain the property of the Council and must be surrendered when the vehicle ceases to be used as a licensed vehicle.

Where the Licensing Officer is not satisfied that the applicant should be granted a licence, the applicant has the right of appeal to the magistrates court at their cost.

Where the designated service manager feels that making a decision would be in the public interest or exceptional circumstances apply, then they have the right to make the decision alongside the chair of the Panel.

If a meeting is arranged, the Panel shall hear representations from the applicant and may ask any pertinent questions, before deciding upon whether a licence should be granted. The applicant will be told of the outcome at the conclusion of the meeting and this will be confirmed in writing within five (5) working days.

Unsuccessful applicants will be informed of their right to appeal against the decision to the magistrate's court within twenty one days of receipt of the formal notice of refusal of the application (where applicable).

### **Criminal Conviction Certificate's DBS (Disclosure & Barring Service) formally (Criminal Records Bureau checks)**

#### **New Applicants**

No application for a new hackney carriage/ private hire driver's licence will be considered without an enhanced DBS disclosure issued within the last three months satisfying the requirements of this Policy.

## Applications for Renewal

No application for the renewal of a hackney carriage/ private hire driver's licence will be considered without a current enhanced DBS disclosure issued within last three months from date of submitting a renewal application.

If the subsequent DBS disclosure highlights a relevant conviction, the drivers licence may be suspended or revoked in accordance with this Policy. In addition, the driver may be prosecuted for failing to advise of the relevant conviction and for making a false declaration as part of the application process.

In order to obtain an enhanced DBS disclosure you must apply to the Licensing Service's preferred supplier and follow all requirements as specified within the drivers application pack.

## **PRIVATE HIRE OPERATOR**

Applications for a private hire operator licence may be made at any time of the year, please bear in mind licence durations are issued to the 31st March of the specific year.

Your Private Hire operation must be within the borough of Luton in order to apply for a licence. If your premises falls outside of our boundaries we **do not** have the authorisation to grant you an operator licence.

The Council will not grant a licence to an operator whose premises are located outside the borough. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

It is the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose.

For premises with public access you must have valid, relevant public liability insurance for the premises in question and may be requested to provide proof of this by the Licensing Authority.

Applications are to be made on the prescribed application form.

In support of a completed application form, the applicant must provide the following original documentation;

**ONLY** original certificate(s) and document(s) in your **FULL** current name and address will be accepted, including correct spelling.

a) The enclosed application form completed in full and correctly, including full lists of both drivers and vehicle's which are to work for you.

b) One passport sized photograph taken within the last 12 months for each owner, partner or director.

c) Two means of identification such as (Passport, Birth Certificate, Driving licence, National Insurance Card) **AT LEAST ONE MUST BE PHOTOGRAPHIC** - the full name and address on which must be the same as that on the application form, correctly spelt

name for all persons.

d) DBS (Disclosure and Barring Service) formally (Criminal Record Check) - no older than one calendar month from date of submission of application.

e) If the Operator Licence is being issued to more than one individual – such as: a partnership, all persons details must be provided on the application form and provide all supporting documentation detailed above.

f) The appropriate application fee (please see application pack for fee details).

g) The standard duration for an Operator's Licence is 5 years. It may be issued for a lesser period, only if the application is accompanied by a request to do so in writing, we also offer an annual licence.

The application form, fee and original documentation(s) must be provided to the Council either by hand delivery to the offices, by post, to Licensing Service, Luton Borough Council, George Street, Luton, LU1 2BQ.

Please Note: - you cannot lawfully trade until your application has been determined and your licence has been issued to you.

Further information in relation to Private Hire Operator applications can be found in our Private Hire Hackney Carriage Policy.

## **Immigration Act 2016 – Right to work in the UK Check Required**

The UK Government has changed the law regarding private hire and hackney carriage driver's licences and private hire operator licences with effect from 1 December 2016. These changes will affect you if:

- you apply for a driver's or operator's licence on or after 1 December 2016; or
- you already hold a driver's or operator's licence and you apply for your licence on or after 1 December 2016.

The legislation does not affect applications for vehicle licences.

This note explains what the changes mean, how they will affect you and what you need to do.

### **What do the changes mean?**

The changes mean that, from 1 December 2016, the council as a licensing authority is under a new legal duty to ensure that driver and operator licences are only issued to applicants who have the right to hold a licence in the UK.

In order to comply with this duty the council has to check that all applicants for a licence on or after 1 December 2016 have the right to work in the UK. By law this applies to everyone regardless of where they were born, how long they have lived in the UK and, if they already hold a driver or operator licence, how long they have held that licence.

### **How the changes will affect you**

For applications received on or after 1 December 2016 you will be required to provide original and valid evidence of your right to work in the UK before your licence will be issued. Should you fail to do so, your licence will not be issued and will not be

processed further. Please see below for further details as to what is required for you to evidence your right to work in the UK.

## **What you need to do**

You will be notified when to attend the licensing public counter where a council licensing officer will check your original valid documentation evidencing your right to work in the UK. You must attend in person and bring evidence of your right to work in the UK with you to the council offices. Only certain forms of documentation are acceptable. For applicants who are British citizens all they need to produce will be a passport. For British Citizens who do not have British passports there are other documents which can be produced instead these are contained in List A attached to this note.

For applicants who have restrictions on their right to work in the UK they must produce one of the documents in List B attached to this note.

Please note that you must provide the original (not a copy). If you do not possess any of the mentioned forms of documentation, you must let us know as soon as possible. It is your responsibility to make sure that you can provide one of the acceptable forms of documentation and you should take steps to obtain this, if required.

The licensing officer at the time you personally produce your documents to is required to follow a 3 step process:

1. obtain the original version of one or more of the acceptable documents referred to above;
2. check the document's validity in the presence of the applicant; and
3. make and retain a clear copy of the document.

Please assist the licensing officer in helping them to follow this legally required 3 step process.  
**Once your documentation has been checked**

If the documentation you provide demonstrates that you have a permanent right to work in the UK (from List A) you **will not** be required to produce this on future applications.

In other cases, you will be required to provide your documentation when you next apply to apply your licence so that your documentation can be checked again or this may be earlier than your next application for a licence if your right to work in the UK is limited to a shorter period.

As part of these changes from the Home Office it is also important to highlight that if you currently have a VISA that confirms your stay in the UK that is attached in an expired passport, this is no longer accepted and as a result you will need to apply to the home office in order to get this corrected before being issued with a driver or operator licence.

**No restrictions on right to work in the UK. Once the council has undertaken the necessary check once, and retained a copy of your document, you will not have to repeat the check when you subsequently apply to renew your licence.**

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents (including an official extract of an entry in the register of births in Scotland in long form), **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

## List B

**Restrictions on right to work in the UK. The council may issue your licence (subject to statutory limitations) up to the expiry date of your permission to work in the UK. The council will check your immigration status each time you apply to renew your licence.**

1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
5. A Certificate of Application issued by the Home Office under regulation 18(2) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months** old **together with Verification** from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.
6. A **Verification** issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK and work because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

## Appendix B

### LUTON BOROUGH COUNCIL

#### B: Taxi and Private Hire Licensing Convictions and Fitness Policy

##### 1. Introduction

- 1.1 The purpose of this Policy is to provide guidance on the criteria used 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, private hire driver or operator licence (“a licence”) and whether to exercise powers to refuse, revoke or suspend such a licence
- 1.2 The overriding aim of the Council as licensing authority is to protect the safety of the public.

The Council is concerned to ensure:

- a. That a person is a fit and proper person,
  - b. That the person does not pose a threat to the public,
  - c. That the public are safeguarded from dishonest persons, and
  - d. The safeguarding of vulnerable persons, children and young persons.
- 1.3 This Policy provides guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:
- a. Applicants for drivers’ and private hire operator licences,
  - b. Existing licensed drivers or private hire operators whose licences are reviewed,
  - c. Licensing Officers,
  - d. Officer’s with delegated powers,
  - e. Members of the Licensing Committee and the Taxi and Private Hire Licensing Panel, and
  - f. Courts hearing appeals against local authority decisions.

Where Licensing Officers, or others, have delegated powers they will utilise these guidelines when making a decision in relation to a licence decision.

- 1.4 Whilst Licensing Officers and Taxi and Private Hire Licensing Panel (“the Panel”) will have regard to the guidelines in this Policy, each case will be considered on its individual merits and, where the circumstances demand, the Licensing Officer / Panel may depart from the same.

## **2. General Policy**

- 2.1 There may be occasions where it is appropriate to depart from the guidelines.
- 2.2 A person who has been convicted of a serious offence need not automatically be barred from obtaining a licence, but would normally be expected to:
  - a. Remain free of conviction for the appropriate period indicated in this Policy and
  - b. Show adequate evidence that he / 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 this Policy requires an applicant to be free from conviction for any specified period, that period shall commence from either the date of sentence or the date of completion of a sentence, wherever date is the later. The same specified periods will apply to a suspended sentence of imprisonment, as apply to an immediate custodial sentence and community penalty orders.
- 2.4 Any reference in this Policy to conviction for an offence also includes convictions for aiding and abetting, counselling or procuring that offence or an attempt or conspiracy to commit that offence and / or any offence which replaces that offence due to a change in law.

## **3. Appeals**

- 3.1 Any applicant refused a licence on the grounds that the Council is not satisfied that he or she is a fit and proper person to hold such a licence, or an existing licence holder, has had a licence suspended or revoked or had conditions attached to their licence, has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal or the decision attaching conditions.

## **4. Powers**

- 4.1 Sections 61 and 62, Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') allow the Council to suspend, revoke or refuse to renew a licence if the applicant / licence holder has been convicted of a offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Causes Act 1847 ('the 1847 Act'); failure to comply with the provisions of Part II of the 1976 act; been convicted of an immigration offence or been required to pay an immigration penalty; or where there is any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended), allows the Council to take into account **all** convictions recorded against an applicant for, or the holder of, a private hire or hackney carriage driver's licence, whether they would otherwise be spent or not. The exception to this is where a person is convicted of an immigration offence which is spent under the Rehabilitation of Offenders Act 1974 or where more than three years have elapsed since they were required to pay an immigration penalty *and* the penalty has been paid in full.

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

- 5.1 Under Sections 51, 55, and 59 of the 1976 Act, the Council is required to ensure that an applicant for the grant or renewal of a hackney carriage and / or a private hire driver licence and / or private hire operator's licence is a 'fit and proper' person to hold such a licence.
- 5.2 If an applicant has been convicted of any offence, received warnings, cautions, reprimands, or has matters recorded against them where restorative justice has been used, has charges against them awaiting trial, is on bail before being charged or has been the subject of an anti-social behaviour order, the Council will consider:
  - a. How relevant the offence(s) are to the licence being applied for,
  - b. How serious the offence(s) were,
  - c. When the offence(s) were committed,
  - d. The date of conviction,
  - e. The sentence imposed by the Court,
  - f. The applicant's age at the time of conviction(s),
  - g. Whether the conviction(s) form part of a pattern of offending,
  - h. Any other character check considered reasonable (e.g. personal references), and
  - i. Any other factors that might be relevant.
- 5.3 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.
- 5.4 The Council may also consider evidence of an applicant's conduct even though the applicant has not been convicted of any offences, received a caution or a warning or been dealt with under restorative justice procedures, etc. in relation to that conduct. Any decision regarding the conduct concerned will be based on the civil standard i.e. on the balance of probabilities.

## **6. Serious offences involving violence**

- 6.1 A licence will not normally be granted where an individual has been convicted of an offence involving violence, unless free of conviction for 5 years, as determined in Section 2.3 above. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.2 Unless there are exceptional circumstances a licence will not normally be granted where an individual has been convicted of an offence of:
  - a. Murder,
  - b. Manslaughter,
  - c. Manslaughter of Culpable Homicide while driving, or

d. Terrorism offences

6.3 A licence will not normally be granted where an individual has been convicted of an offence, unless free of conviction for 10 years, as determined in Section 2.3 above:

- a. Arson,
- b. Wounding or grievous bodily harm, S17 or S20 Offences Against the Person Act 1861,
- c. Actual Bodily Harm which is racially aggravated,
- d. Robbery,
- e. Possession of a fire arm,
- f. Riot,
- g. Any racially aggravated violent, or
- h. Violent disorder

6.4 A licence will not normally be granted where an individual has been convicted of any other racially aggravated offence (see Section 6.3 above) unless free from conviction for 7 years, as determined in Section 2.3 above.

6.5 A licence will not normally be granted where the applicant has been convicted of an offence unless free from conviction for 5 years, as determined in Section 2.3 above:

- a. Common assault,
- b. Assault occasioning actual bodily harm,
- c. Affray,
- d. Section 5 Public Order Act 1986 offence (harassment, alarm or distress,)
- e. Section 4 Public Order Act 1986 offence (fear or provocation of violence),
- f. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress),
- g. Assaulting a Police Officer,
- h. Resisting arrest, or
- i. Obstruction.

6.6 Under Section 6.5 above a licence will not normally be granted if an individual has been convicted of more than one offence of a violent nature in the last 7 years, as determined in Section 2.3 above.

## **7. Possession of a weapon**

7.1 A licence will not normally be granted where an individual has been convicted of an

offence, unless free of conviction for 5 years, as determined in Section 23 above.

## **8. Sexual and indecency offences**

- 8.1 Licensed drivers often carry unaccompanied and vulnerable passengers. An individual convicted of the more serious sexual offences will normally be refused.
- 8.2 Any individual on the Sex Offenders Register will normally be refused a licence.
- 8.3 A licence will not normally be granted where an individual has been convicted of more than one sexual or indecency offence.
- 8.4 Unless there are exceptional circumstances, an application will normally be refused where the applicant has been convicted of an offence such as:
  - a. Rape,
  - b. Assault by penetration,
  - c. Offences involving children or vulnerable adults,
  - d. Sexual assault,
  - e. Possession of indecent photographs, child pornography etc.,
  - f. Exploitation of prostitution, or
  - g. Trafficking for sexual exploitation.
- 8.5 A licence will not normally be granted where an individual has been convicted of an offence below, unless free of conviction for 5 years, as determined in Section 2.3 above:
  - a. Indecent exposure,
  - b. Soliciting (e.g. kerb crawling), or
  - c. Any similar offences (including attempt or conspiracy to commit) or offences which replace the above.

## **9. Dishonesty**

- 9.1 A licence will not normally be granted where an individual has been convicted of an offence **listed below**, unless free of conviction for 5 years, as determined in 2.3 above. Offences involving dishonesty include but are not limited to:
  - a. Theft,
  - b. Burglary,
  - c. Fraud,
  - d. Benefit fraud,

- e. Handling or receiving stolen goods,
- f. Forgery,
- g. Conspiracy to defraud,
- h. Obtaining money or property by deception,
- i. Other deception,
- j. Taking a vehicle without consent, or
- k. Perverting the course of justice.

## **10. Offences against property**

10.1 A licence will not normally be granted where an individual has been convicted for offences against property unless free of conviction for 3 years, as determined in Section 2.3 above.

## **11. Drugs**

11.1 A licence will not normally be granted where an individual has been convicted of an offence related to the supply or possession of drugs unless free of conviction for 5 years, as determined in Section 2.3 above.

11.2 A licence will not normally be granted where an individual has been convicted of more than one offence related to the supply or possession of drugs and has not been free of conviction for 7 years, as determined in Section 2.3 above.

11.3 If there is evidence of persistent drug use, misuse or dependency a specialised medical examination (in accordance with DVLA Group 2 medical standards) will be required before the licence is granted.

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

12.1 A licence will not normally be granted where an individual has been convicted of an offence listed below unless free of conviction for 10 years, as determined in Section 2.3 above.

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

13.1 A licence will not normally be granted where an individual has been convicted of an offence related to drink driving or driving under the influence of drugs unless free of conviction for 5 years, as determined in Section 2.3 above.

13.2 More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. Where an applicant has been convicted of more than one such offence a licence will not normally be granted unless free of conviction for 7 years, as determined in Section 2.3 above.

13.3 Medical evidence will also be required in accordance with paragraph 10.3 above where there is evidence of misuse or dependency.

#### **14. Disqualification of DVLA License / Totting up of points**

14.1 A licence will not normally be granted where an individual has been disqualified from driving unless free of conviction for 3 years, as determined in Section 2.3 above.

14.2 If an existing licence holder accrues penalty points that result in a period of disqualification of the DVLA licence then the driver's Luton licence will be suspended and the matter referred to the Licensing Manager.

14.3 If an existing driver accrues 12 or more penalty points on their DVLA licence then the Council will review the driver's suitability to remain a Council licensed driver.

#### **15. Motor Vehicle Insurance offences**

15.1 A licence will not normally be granted where an individual has been convicted for offences of insurance unless free of conviction for 5 years, as determined in Section 2.3 above.

#### **16. Other Motoring Offences**

16.1 The Council considers all convictions for motoring offences as a serious matter in deciding whether a person is fit and proper to hold a licence or to continue to hold a licence. All drivers are expected to have no points on their DVLA licence.

16.2 An isolated conviction for a motoring offence may not normally mean a refusal of a licence, subject to the offences already mentioned in the Policy; however, each case will be considered on its own merit.

16.3 Discretion may be exercised by the Director of Environment and Regeneration to grant a licence where there are no more than 9 penalty points.

16.4 A new applicant with points on their licence will normally be treated as follows:

- a. Up to and including 6 points over a period of 3 years, applicant should be free of conviction for 12 months and the licence will normally be granted, with an advice letter,
- b. 7 to 9 points, over a period of 3 years, applicant should be free of conviction for 24 months and the licence will normally be granted, with a warning letter, or
- c. 10 points and above over a period of 3 years, application will normally be refused.

16.5 An existing Luton licensed driver who accrues DVLA points during the term of their licence will normally be treated as follows:

- a. A total of 6 points of DVLA, advice letter to be issued,
- b. Between 7 and 9 points on DVLA licence, warning letter to be issued, or
- c. 10 points and above, interview with Licensing Service and the licence reviewed.

16.6 In considering motoring convictions the type of offence for which the points were imposed will be considered in each case.

## **17. Outstanding charges or summonses**

17.1 If the individual is subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed either at the conclusion of any legal proceedings or at the end of the licensing process, whichever is earlier.

17.2 If the outstanding charge or summons involves a serious offence / or 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.

17.3 Where information is received through the Notifiable Occupations Scheme on existing licence holders, then the Council will take appropriate action depending upon the nature of the incident, the driver's past history and with consideration to Section 1.2 above.

## **18. Non-conviction information**

18.1 If an individual has been arrested or charged, but not convicted, for a serious offence which suggests an individual could be a danger to the public, consideration should be given to refusing the application. The Council will consider all available evidence and determine whether a licence should be granted.

18.2 Where information is received on existing licence holders, then the Council will take appropriate action depending upon the nature of the incident, the driver's past history and with consideration to Section 1.2 above. The Council may consider all available evidence and determine whether a licence should be granted.

## **19. Cautions**

19.1 If an individual has received a caution a licence will not normally be granted until the applicant is free of conviction or caution, based on the time period for the category of offence referred to in this Policy and as determined by Section 2.3 above.

19.2 An existing driver who receives a caution may have their licence reviewed and appropriate action taken by the Council.

## **20. Licensing offences, Breaches of Legislation, Conditions, Bye Law and Complaints**

20.1 The primary legislation for licensed drivers, vehicle owners and private hire operators is contained in the 1847 Act and the 1976 Act. Examples of these offences are contained in Appendix A.

20.2 A licence will not normally be granted where an individual has been convicted for offences under hackney carriage and private hire legislation unless free of conviction for 2 years, as determined in Section 2.3 above.

20.3 Licence holders are expected to comply with all relevant statutes, the Council's by-laws, appropriate licence conditions and the Highway Code at all times. Individuals who persistently breach these will be liable to have their licence reviewed to consider whether they are still a fit and proper person to hold a licence.

20.4 Individuals who are the subject of persistent complaints will be liable to have their licence reviewed to consider whether they are still a fit and proper person to hold a licence.

## **21. Other Offences**

21.1 The Council reserve the right to consider any other offences not specifically mentioned in this Policy in deciding whether an applicant or existing licence holder is a fit and proper person.

## **22. Taxi and Private Hire Licensing Panel**

22.1 Cases may be referred to the Panel for the to decide, where the Delegated Officer;

- a. Has prior to the completion of the Convictions and Fitness Report, been involved in the case and this involvement could create a conflict of interest, or
- b. Wishes to depart from the Convictions and Fitness Policy.

## **23. Summary**

23.1 While it is possible that an applicant may have been convicted of a number of offences that individually meet the Policy, the overall offending history must be considered when assessing an applicant's suitability to be licensed.

23.2 Some discretion can be afforded in a conviction for an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

## Appendix C

### Luton Borough Council

## C: Hackney Carriage and Private Hire Enforcement Policy

### Introduction

1. This document is the Licensing Service Enforcement Policy. The Luton Borough Council (“the Council”) Enforcement Policy applies to all enforcement actions taken by the Council.
2. The Licensing Service (“the Service”) Enforcement Policy has been produced to provide additional details and guidelines on the processes which may be used by the Licensing Service to support the Council’s main policy.
3. The Licensing Service is responsible for enforcing legislation and, where appropriate, Council bye laws and imposed conditions, on premises, activities and persons required to comply with the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1982 and any secondary legislation pertaining to each of the above. This is not a complete list of the legislation but intended as a guideline only.

### Enforcement Aim

4. The aim of any sanctions and penalties is to
  - Change the behaviour of the offender
  - Eliminate any financial gain or benefit from non-compliance
  - Be proportionate to the nature of the offence and the past history of the offender
  - Aim to deter future non-compliance

### Verbal and written advice and warnings

5. The Council may issue warnings at any stage, based on the various options below, depending upon the seriousness of the breach(s). In appropriate cases, the Council may decide it is not necessary to follow each stage of the process below.
6. The Service will consider the following options as a course of action when dealing with non compliance matters.

#### a) Verbal advice

This option may be considered for a single minor breach of licence requirements, or conditions, or road traffic breach observed by Licensing Officers, other Council officers or members of the general public. A note of the incident and advice given will be recorded against the person or premises and will remain active for 9 months unless further advice or a warning is given within the initial 9 month period.

#### b) Stage 1 Written Warning

This option may be considered for a further minor breach of licence requirements, or conditions, or road traffic breach observed by Licensing Officers, other Council officers or members of the general public. All breaches must be of a minor nature and a copy

of the letter will be recorded against the person or premises and will remain active for 12 months unless further advice or a warning is given within the 12 month period.

### **c) Stage 2 Written Warning**

This option may be considered for repeated minor breaches, or for a more serious breach, of licence requirements, or conditions, or road traffic breach observed by Licensing Officers, other Council officers or members of the general public. A taped interview may be required with the Licensing Service to fully investigate the incident and obtain all the relevant details. A copy of the letter will be recorded against the person or premises and will remain active for 12 months unless further advice or a warning is given within the 12 month period.

### **d) Stage 3 Written Warning**

This option may be considered for repeated minor breaches, or for more serious breaches, of licence requirements, or conditions, or road traffic breach observed by Licensing Officers, other Council officers or members of the general public. A taped interview may be required with the Licensing Service to fully investigate the incident and obtain all the relevant details. A copy of the letter will be recorded against the person or premises and will remain active for 18 months unless further advice or a warning is given within the 18 month period.

### **e) Stage 4 Written Warning**

Offender will be requested to attend a taped interview to discuss more formally, either persistent minor or, one or more incidents of a serious breach, to ensure that the person understands the nature of their breaches and what measures they intend to take to prevent further breaches. Following interview a warning letter will be issued and will remain active for 24 months unless further advice or a further breach occurs within the 24 month period.

If a further breach is committed after the issue of a Stage 4 warning letter then more formal action may be taken by the Service, as detailed below.

## **Suspensions and Revocations**

7. Officers, in certain circumstances, have been given statutory powers, under various legislation, and delegated powers, as detailed in the Council's constitution, which enables them to suspend or revoke a licence e.g. on the grounds of maintaining public safety, non-payment of fees etc.

## **Licence Review**

8. Licence review powers may be used where breaches of legislation (including any of the licensing objectives), or serious, or persistent minor, breaches.
9. In some circumstances Officers have been delegated powers which enables them to take action, as indicated below, without referral to a Committee.
10. In all other cases the Licensing Committee or Sub Committee ("Committees") may be asked to consider a review of a licence, where this is authorised either by statute or the Council.
11. The Committees, or Officers' with delegated powers, depending upon the type of licence, may
  - Allow the licence to continue, or

- Allow the licence to continue and modify the conditions, or
- Exclude a licensable activity from the scope of the licence, or
- Remove the designated premises supervisor (premises licence only) or,
- Allow the licence to continue with a warning, or
- Allow the licence to continue with a warning and with conditions, or
- Suspend the licence, stating the grounds for the suspension
- Revoke the licence, stating the grounds for revocation

### **Simple Caution**

12. The issue of a Simple Caution may be considered as an alternative to prosecution and where the offender's response to the problem makes repeat offending unlikely. Cautions can only be issued where the offender makes a clear and reliable admission of guilt and understands the significance of acceptance.
13. The Cautioning Officer must not have taken an active part in the investigation.
14. Where a person declines the offer of a simple caution a prosecution will be recommended.

### **Prosecution**

15. A prosecution may be considered where there is a breach of a legal requirement. This could be a one off serious breach, a number of serious breaches or the result of a history of minor breaches.

## Appendix D

### LUTON BOROUGH COUNCIL SCHEDULE

#### D: Private Hire Driver's Licence Standard Conditions

- 1) The Licensee shall not assign or in any way part with the benefit or the licence that is personal to him or her. Any change of name or address of the Licensee must be notified to the Licensing Manager within 7 days of the occurrence.
- 2) The Licensee shall at the request of any Authorised Officer of the Council or of any Police Constable produce for inspection this Licence either forthwith or
  - a) in the case of a request by an Authorised Officer of the Council, at the Town Hall, Luton, or such other place as may be specified, before the expiration of the period of seven days beginning with the day following that on which the request is made.
  - b) in the case of a request by a Police Constable before the expiration of any such period and any such place as may be specified in writing for the purpose
- 3) The Licensee shall, unless specifically exempted in writing by the Council, whilst working as a Private Hire Driver wear, in such a position and manner as to be plainly and distinctly visible, a driver's badge issued in accordance with the grant or renewal of this Licence incorporating his or her photograph and badge number (the badge shall be provided by and remain the property of the Council at all times).
- 4) The Licensee shall pay a deposit to the Council (as determined by the Council) in respect of his or her Private Hire Driver's badge which shall be held on his or her behalf by the Council and shall be forfeited to the Council in the event of the loss of the badge or of damage occurring to the badge which renders it unfit for use.
- 5) Where the Council suspend, revoke or refuse to renew this Licence the Licensee shall on demand return the badge to the Council.
- 6) The Licensee shall not while driving or in charge of a Private Hire Vehicle:-
  - a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle; or
  - b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle; or
  - c) offer that vehicle for immediate hire whilst the vehicle is on a road or other public place; or
  - d) accept any offer for the immediate hire of that vehicle whilst the Licensee of that

vehicle is on a road or other public place except where such offer is first communicated to the Licensee by a Licensed Operator by telephone or by radio or such other equipment fitted to that vehicle as may be specifically approved in writing by the Council.

- e) in this Condition "Road" includes any highway and any other road to which the public has access and includes bridges over which a road passes
- 7) The Licensee shall not permit or cause or suffer to be conveyed in a Private Hire Vehicle a greater number of persons from that specified in the Licence issued in respect of that Private Hire Vehicle.
- 8) The Licensee shall not without reasonable cause, unnecessarily prolong, in distance or in time, a journey for which the Private Hire Vehicle he or she is driving has been hired.
- 9) Condition 9 is made without prejudice to the provisions of Section 25 of the Road Traffic Act 1972.
  - a) If the Licensee is not the proprietor of the Private Hire Vehicle he or she is driving or is in charge of when the vehicle is involved in an accident he or she shall report or cause to be reported to the proprietor of that vehicle details of the accident in which the vehicle has been involved as soon as possible after the occurrence of the accident.
  - b) The Licensee shall report to the Council as soon as practicable, but in any event within 72 hours after the occurrence of the accident, any accident in which he or she is involved whilst driving or in charge of a Private Hire Vehicle irrespective of the extent to which the vehicle is physically damaged.
- 10) The Licensee shall, if any property is accidentally left in a Private Hire Vehicle driven by him or her or by any person who may have been conveyed in the vehicle be found by or handed to him or her, carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to the Luton Police Station, Buxton Road, Luton and leave it in the custody of the officer in charge of the office on his or her receiving a receipt for it.
- 11) The Licensee must inform the Council in writing within seven days of any motoring or other criminal conviction which has occurred since the grant or renewal of this Licence.
- 12) When the Licensee is driving a Private Hire Vehicle equipped with a taximeter they shall
  - a) when the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter;
  - b) at the commencement of the journey when the vehicle is hired by distance bring the machinery of the taximeter into action 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;
  - c) be entitled to demand and take for the hire of the vehicle by distance the rate of

fare indicated in the statement displayed inside the vehicle in accordance with Condition 11 of the Council's Standard Conditions for a Private Hire Vehicle Licence, provided always that the Licensee shall not take or demand a fare greater than that shown on the face of the taximeter;

- d) ensure that during the time the vehicle is hired by distance the recording of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated; and
  - e) not wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle in accordance with Condition 11 of the Council's Standard Conditions for a Private Hire Vehicle Licence to be concealed or rendered illegible at any time while the vehicle is hired.
- 13) The Licensee shall not tamper with or permit any person to tamper with the taximeter or the fittings thereof or seals affixed thereto with which any Private Hire Vehicle in his or her charge is equipped
- 14) Medical Conditions and Certificates
- a) The Licensee shall notify the Council within 72 hours of any medical condition that could affect the Licensee's fitness to drive a Private Hire Vehicle.
  - b) A medical certificate confirming the Licensee's fitness to drive a Private Hire Vehicle shall be produced within seven days of the request of the Council for such certificate.
  - c) If the Licensee has reached the age of 60 years he/she shall produce a medical certificate to the Council on the Renewal/Grant of his/her licence each year.
- 15) The Licensee when driving a Private Hire Vehicle so constructed as to carry luggage shall carry a reasonable quantity of luggage in the vehicle if requested to do so by any person who has hired the vehicle and shall assist in stowage or removal of that luggage from the vehicle as the case may be
- 16) The Licensee shall conduct himself or herself towards any person who has hired the Private Hire Vehicle he or she is driving and any other person conveyed in such vehicle in an orderly, seemly and courteous manner and shall take all reasonable precautions for the safety of persons conveyed in such vehicle.
- 17) If the Licensee has knowingly conveyed in a Private Hire Vehicle a dead body of any person he/she shall immediately thereafter notify the facts to the Council's Licensing Manager.
- 18) The Licensee shall ensure that he/she is employed or otherwise engaged as a Private Hire Driver by an Operator who holds a current valid Operator's Licence.
- 19) The Licensee must not attend at or near any premises in order to wait for passengers. This does not affect pre-booked passengers where there is an entry in a booking record, with a Private Hire Operator licensed by the Council, prior to the journey taking place.
- 20) The Licensee must not sound their horns outside any premises where they have

been sent for a fare, irrespective of the hours of the day.

- 21) The Licensee must not use a mobile phone whilst the vehicle is in motion.
- 22) The Licensee whilst working for a Private Hire Operator must carry proof of a Private Hire insurance for that vehicle and must produce on demand to an Authorised Officer of the Council or a Police Constable an appropriate insurance certificate or cover note
- 23) The Licensee must on request provide copies of his/ her badge and licence for the Licensed Private Hire Operator, by whom they are employed and to provide further copies on renewal of their Badge and Licence
- 24) The Licensee must carry on request any assistance animal such as a guide dog. No additional charge should be made for the assistance dog.
- 25) The Council reserves the right to vary, delete or waive any of the foregoing conditions.

## Appendix E

### LUTON BOROUGH COUNCIL

#### E: Code of conduct for a hackney carriage driver's licence

##### Approved at admin and regulation on 12 April 2016.

- 1) The Licensee shall not assign or in any way part with the benefit or the licence that is personal to him or her. Any change of name or address of the Licensee must be notified to the Licensing Manager within 7 days of the occurrence.
- 2) The Licensee shall at the request of any Authorised Officer of the Council or of any Police Constable produce for inspection this Licence either forthwith or
  - a) in the case of a request by an Authorised Officer of the Council, at the Town Hall, Luton, or such other place as may be specified, before the expiration of the period of seven days beginning with the day following that on which the request is made.
  - b) in the case of a request by a Police Constable before the expiration of any such period and any such place as may be specified in writing for the purpose
- 3) The Licensee shall, unless specifically exempted in writing by the Council, whilst working as a Hackney Carriage Driver wear, in such a position and manner as to be plainly and distinctly visible, a driver's badge issued in accordance with the grant or renewal of this Licence incorporating his or her photograph and badge number (the badge shall be provided by and remain the property of the Council at all times).
- 4) The Licensee shall pay a deposit to the Council (as determined by the Council) in respect of his or her Hackney Carriage Driver's badge which shall be held on his or her behalf by the Council and shall be forfeited to the Council in the event of the loss of the badge or of damage occurring to the badge which renders it unfit for use.
- 5) Where the Council suspend, revoke or refuse to renew this Licence the Licensee shall on demand return the badge to the Council.
- 6) The Licensee shall not permit or cause or suffer to be conveyed in a Hackney Carriage Vehicle a greater number of persons from that specified in the Licence issued in respect of that Hackney Carriage Vehicle.
- 7) The Licensee shall not without reasonable cause, unnecessarily prolong, in distance or in time, a journey for which the Hackney Carriage Vehicle he or she is driving has been hired.
- 8) Condition 8 is made without prejudice to the provisions of Section 25 of the Road Traffic Act 1972.
  - a) If the Licensee is not the proprietor of the Hackney Carriage Vehicle he or she is driving or is in charge of when the vehicle is involved in an accident he or she shall report or cause to be reported to the proprietor of that vehicle details of the accident in which the vehicle has been involved as soon as possible after the occurrence of the accident.

- b) The Licensee shall report to the Council as soon as practicable, but in any event within 72 hours after the occurrence of the accident, any accident in which he or she is involved whilst driving or in charge of a Hackney Carriage Vehicle irrespective of the extent to which the vehicle is physically damaged.
- 9) The Licensee shall, if any property is accidentally left in a Hackney Carriage Vehicle driven by him or her or by any person who may have been conveyed in the vehicle be found by or handed to him or her, carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to the Luton Police Station, Buxton Road, Luton and leave it in the custody of the officer in charge of the office on his or her receiving a receipt for it.
- 10) The Licensee must inform the Council in writing within seven days of any motoring or other criminal conviction which has occurred since the grant or renewal of this Licence.
- 11) When the Licensee is driving a Hackney Carriage Vehicle the taximeter shall:
  - a) when the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter;
  - b) at the commencement of the journey when the vehicle is hired by distance bring the machinery of the taximeter into action 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;
  - c) be entitled to demand and take for the hire of the vehicle by distance the rate of fare indicated in the statement displayed inside the vehicle in accordance with Condition 11 of the Council's Standard Conditions for a Private Hire Vehicle Licence, provided always that the Licensee shall not take or demand a fare greater than that shown on the face of the taximeter;
  - d) ensure that during the time the vehicle is hired by distance the recording of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated; and
  - e) not wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle in accordance with Condition 11 of the Council's Standard Conditions for a Private Hire Vehicle Licence to be concealed or rendered illegible at any time while the vehicle is hired.
- 12) The Licensee shall not tamper with or permit any person to tamper with the taximeter or the fittings thereof or seals affixed thereto with which any Hackney Carriage Vehicle in his or her charge is equipped
- 13) Medical Conditions and Certificates
  - a) The Licensee shall notify the Council within 72 hours of any medical condition that could affect the Licensee's fitness to drive a Hackney Carriage Vehicle.
  - b) A medical certificate confirming the Licensee's fitness to drive a Hackney Carriage Vehicle shall be produced within seven days of the request of the Council for such certificate.

- c) If the Licensee has reached the age of 60 years he/she shall produce a medical certificate to the Council on the Renewal/Grant of his/her licence each year.
- 14) The Licensee when driving a Hackney Carriage Vehicle so constructed as to carry luggage shall carry a reasonable quantity of luggage in the vehicle if requested to do so by any person who has hired the vehicle and shall assist in stowage or removal of that luggage from the vehicle as the case may be.
- 15) The Licensee shall conduct himself or herself towards any person who has hired the Hackney Carriage Vehicle he or she is driving and any other person conveyed in such vehicle in an orderly, seemly and courteous manner and shall take all reasonable precautions for the safety of persons conveyed in such vehicle.
- 16) If the Licensee has knowingly conveyed in a Hackney Carriage Vehicle a dead body of any person he/she shall immediately thereafter notify the facts to the Council's Licensing Manager.
- 17) The Licensee must not sound their horns outside any premises where they have been sent for a fare, irrespective of the hours of the day.
- 18) The Licensee must not use a mobile phone whilst the vehicle is in motion.
- 19) The Licensee whilst working must carry proof of 'hire and reward' insurance (for hackney carriage use) for that vehicle and must produce on demand to an Authorised Officer of the Council or a Police Constable an appropriate insurance certificate or cover note.
- 20) The Licensee must carry on request any assistance animal such as a guide dog. No additional charge should be made for the assistance dog.
- 21) The Council reserves the right to vary, delete or waive any of the foregoing conditions.

### F: Private hire vehicle licence standard conditions

**Amended at regulation committee 17 December 2012. Subsequently amended at admin and regulation committee 9 January 2018 in relation to removal of roof signs. Amended at admin and regulation committee June 2023 vehicle age limit**

1. The licensed vehicle must not be:
  - 'London type taxi'; or
2. If the licensed vehicle is a hatch-back, estate type car or a people-carrier type minibus it must be fitted with:
  - a. With a boot cover insert or a guard-rail of a type approved by the council to separate the loading area from the passengers, and:
  - b. With either a wing mirror or door mirror on both its near and offside to afford the driver vision to the rear.
3. The licensed vehicle shall be no more than five years old from first date of registration when first accepted for a licence.
4. Euro 6 Diesel, Plug-in Hybrid Vehicles (PHEV) and Battery Electric Vehicles (BEV) licensed vehicles shall be no more than seven years old from the first date of registration when first accepted for a licence.
5. If during the currency of this licence it is intended that the appearance or design of the bodywork or engine of the licensed vehicle is to be materially altered, the written consent of the council to such an alteration must first be obtained before any such action is taken.
6. The vehicle must be mechanically tested and inspected by the council's inspector of licensed vehicle at the Central Depot, Kingsway, Luton less than one month before the commencement date of the private hire vehicle licence applied for in respect of the vehicle.
7. The proprietor of the licensed vehicle shall:
  - a. Keep it in a mechanical condition suitable for its use as a private hire vehicle at all times during the period of its licence in accordance to the national standards and local fitness conditions.
  - b. Keep the exterior of the vehicle, including the windows clean, and free from damage.
  - c. Provide adequate windows and a means of opening and closing not less than one window on each side.
  - d. Cause the seats to be properly cushioned and covered.
  - e. Cause the floor to be provided with a proper carpet, mat or other suitable covering.
  - f. Cause the fitting and furniture generally to be kept in a clean condition and well maintained;
  - g. Provide in the case of a people-carrier type minibus vehicle above, two sliding doors, one on the nearside and one of the offside, giving when open, clear and unobstructed ingress and egress to and from the vehicle.

- h. Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available to use at all times;
  - i. Provide at least three doors for the use of persons conveyed in the vehicle and a separate means on ingress and egress for the driver;
  - j. Provide and maintain in the vehicle at all times when it is in use or available for hire a First Aid Kit complying with the Road Vehicles (Construction and Regulations) Act 1986, Schedule 7, Part II, Regulation 43. The first aid kit is to be carried in such a position as to be readily visible and available for immediate use in an emergency.
8. The proprietor of the licensed vehicle, if the vehicle is provided with a taximeter, shall cause it to be so constructed, attached and maintained as to comply with the following requirements that is to say;
  - a. The taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and to cause the word 'Hired' to appear on the face of the taximeter;
  - b. Such key, flag or other device shall be capable of being locked in such a position that machinery of the taximeter to not in action and that no fare is recorded on the face of the meter;
  - c. When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity, the fare which the proprietor or the driver of the vehicle is entitled to demand take for the hire or the vehicle by distance in pursuance of the statement of fares fed by the proprietor in that behalf in accordance with Condition 11 below;
  - d. 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;
  - e. The taximeter shall be so placed:
    - i. That all the letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letter and figures shall be suitably illuminated during and period of hiring and;
    - ii. That all the letters and figures on the face thereof are not readily visible from outside the vehicle.
9. The taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practical for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
10. The proprietor of the licensed vehicle shall not tamper with or permit any person to tamper with a taximeter or permit any person to taximeter with which the vehicle is provided or with the fittings thereof or with seals affixed thereto.
11. The proprietor of the licensed vehicle shall notify the council immediately if for any reason the seals affixed to the taximeter are broken.
12. If the licensed vehicle is provided with a taximeter the proprietor of the vehicle shall;
  - a. Produce a statement, in a form approved by the council, or the fare rate on which the date recorded on the date recorded on the face of the taximeter is based;

- b. Cause the statement referred to in (12) (a) above to be painted or marked on the inside of the vehicle or on a plate affixed thereto in clearly distinguishable letters and figures of a size and in a position approved by the council.
- c. Renew such letters and figures as often as is necessary to keep them clearly visible;
- d. Not wilfully or negligently cause or suffer the letters or figures referred to in the statement in (12) (a) above to be concealed or rendered illegible at any times while the vehicle is hired.

13.

- a. The plate shall be a plastic plate issued by the council upon the vehicle satisfying Conditions(1) (2) and (7) and the proprietor paying the council such deposit (“the deposit”) as the council determine. The plate shall state the number of this licence (the right to use this number remains with the council) and the maximum number of passengers which the council has licensed the vehicle to carry (which may be up to and including eight passengers) and must be affixed to the rear of the vehicle in a position determined by the Licensing Service unless a specific exemption from these requirements has been granted by the Licensing Service manager, prior to this application being made.
- b. A small replica plates issued by the Council shall be affixed on the inside front windscreen of the vehicle on the upper nearside to be plainly and distinctly visible from the exterior of the vehicle unless a specific exemption from these requirements has been granted by the Licensing Service Manager, prior to this application being made.

14. No part of the plate and replica plate shall not be obscured by any means

15. a) Notwithstanding Section 58 of the Local Government (Miscellaneous Provisions) Act 1976 the Proprietor of the licensed vehicle shall remove forthwith the plate, replica plate and disc referred to in Condition (13):

- i. When the vehicle ceases to be a licensed vehicle; or
- ii. When the licence is revoked or suspended by the council including suspension and revocation under Section 60 and 68 of the above act. If the plate, replica plate or disc are not removed in accordance with the above, they may be removed by an authorised officer of the council or a police constable.
- iii. In the event of the plate being defaced or damaged to the extent that it is illegible and therefore unfit for display, or lost or stolen, the deposit shall be forfeited and the Proprietor of the licensed vehicle shall pay to the council a further sum to be held as a deposit for the issue of a replacement plate
- iv. If in the event of either the plate, replica plate or disc referred to in Conditions (13) (a) and (13) (b) above being removed by an authorised officer of the council or a police constable or defaced or damaged to the extent that they are illegible and therefore unfit for display the proprietor of the licensed vehicle shall purchase the necessary replacements from the council at a price determined by the council.
- v. The proprietor of the licensed vehicle shall notify the council immediately if for any reason the plate, replica plate or disc referred to in Condition(13) are not being displayed or they are not fit for display on the licensed vehicle.

16. The licensed vehicle must not display any sign which consists of or includes the word ‘taxi’, ‘taxi-cab’ or ‘cab’, whether in the singular or plural, or ‘hire’, or any word of a similar meaning or

appearance to any of those words whether alone or as part of another word, or any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi as defined in Subsection 3 of Section 64 of the Transport Act 1980.

17. Subject to Condition (16) above, no advertisement sign or light may be placed inside or outside the vehicle which is not required by law or by Condition (13) of these conditions to be displayed or fitted except the licensed vehicle must carry on the outside of the two front doors of the vehicle a sign to the size of 560mm by 210mm and be black lettering on a yellow background.
  - a. To include the wording in descending order **advance bookings only** (letters must be 30mm in height), the **name, number or logo** of the operator of that vehicle, **to validate insurance** (letters must be minimum height of 30mm), & wording **Luton Council**. The use of the Luton Council's crest or logo is not permitted. This provision is standard unless a specific exemption from these requirements has been granted by the Licensing Service manager to the specified operator;
  - b. The licensed vehicle may carry a panel not exceeding 10 inches by six inches in size inside the vehicle for the display of an advertisement provided that such panel is not illuminated and is not readily visible from the outside of the vehicle.
  - c. There shall be no other form of advertising or markings, both inside and outside the vehicle except as specified in Condition (17) (a) and (b) above.
    1. There shall not be included in any sign or advertisement referred to in this Condition the words 'cab', 'taxi', 'taxi-cab' or 'for hire' or any other word or combination of letters which when pronounced would sound similar to such words or a form of wording which is in any way such as to suggest that the licensed vehicle is presently available to take up passengers wishing to hire it or it would be so available if not already hired.
18. The proprietor of the licensed vehicle shall ensure that the vehicle is insured for the carriage passengers for hire or reward at all times.
19. The ownership of the licensed vehicle may be transferred to another person in compliance with statutory requirements, the council's requirements with regard to the licensing of a private hire vehicle and these conditions.
20. The proprietor of the licensed vehicle shall maintain the vehicle at all times, including when it is in use, or available for hire and submit that vehicle to a safety check when required, on demand of an authorised officer of the council or a police officer.
21. The proprietor of the licensed vehicle shall not permit of cause or suffer to be conveyed in the vehicle a greater number of persons than that specified in the licence.
22. The proprietor of the licensed vehicle which has sustained damage in any accident (or by any other means) shall without prejudice to provisions and obligations under Section 25 of the Road Traffic Act 1972 and Section 50 of the Local Government (Miscellaneous Provisions) Act 1976:
  - a. Notify the council in writing of such damage as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof; and
  - b. Shall produce the vehicle at such place for inspection as may be notified by the council.

23. The proprietor of the licensed vehicle shall ensure that the vehicle is at all times driven for a person who holds a valid private hire operator's licence and must on request provide proof of that vehicle being licensed through this council to that operator.
24. The proprietor of the licensed vehicle shall ensure that the vehicle is at all times driven by a person who holds a valid private hire driver's licence and request that, the person provide up to date proof of his/her private hire insurance by way of a cover note/policy for the licensed private hire vehicle; a copy of which must be given to the private hire operator and must be presented on demand to an authorised officer of the council or police officer.
25. Drivers must not sound their vehicle horns outside of any premises at which they collecting a fare, irrespective of the hour of the day.
26. The driver of the vehicle shall carry on request any assistance animal such as a guide dog.
27. The council reserve the right to vary, delete or waive any of the foregoing conditions.

### G: Hackney carriage vehicle licence standard conditions

**Amended at regulation committee 17 December 2012.**

**Amended at admin and regulation committee June 2023 vehicle age limit**

1. The licensed vehicle shall be:
  - a) 'London type taxi' or
  - b) A wheelchair accessible people-carrier type minibus which must be of a form and design approved by the council in accordance to the general conditions for alternative vehicles.
2. The licensed vehicle shall be no more than five years old from first date of registration when first accepted for a licence.
3. Euro 6 Diesel, Plug-in Hybrid Vehicles (PHEV) and Battery Electric Vehicles (BEV) licensed vehicles shall be no more than seven years old from the first date of registration when first accepted for a licence.
4. The Licensed vehicle shall have adequate space for the legs of a passengers seated on the rear seat of the vehicle when both the front passengers and driver's seats are adjusted to the position nearest to the rear passenger seat.
5. If the Licensed vehicle is a people-carrier type or minibus it must be fitted with:
  - a) Boot rear insert or a guard-rail of a type approved by the council to separate the loading area from the passengers; and
  - b) Either a wing mirror or door mirror on both its near and offside to afford the driver vision to the rear.
6. The vehicle must be mechanically tested and inspected by the council's inspector of hackney carriages at the Central Depot, Kingsway, Luton less than one month before the commencement date of the hackney carriage vehicle licence applied for in respect of the vehicle.
7. If during the currency of this licence it is intended that the appearance or design of the bodywork or engine of the licensed vehicle is to be materially altered the consent of the Council to such an alteration must first be obtained before any such action is taken.
8. The licensed vehicle shall be kept in a mechanical condition suitable for its use as a hackney carriage at all times during the period of its licence in accordance to the national standards and local fitness conditions.
9. The exterior of the licensed vehicle including the windows shall be kept clean and free from damage.
10. Except in cases of vehicles of the type specified in Condition 1 of this licence, the licensed vehicle shall carry an electrical illuminated roof sign as approved by the council, such may be the standard Lucas roof sign.

The sign must be mounted centrally on a roof mounted cross-member specifically for that purpose

or may be attached directly to the roof of the vehicle and may carry the legend 'Taxi' on that side of the sign which faces the front of the licensed vehicle and may carry an inscription identifying the proprietor of the licensed vehicle or the association of proprietors to which he or she belongs and/or a telephone number on that side of the sign which faces the rear of the licensed vehicle.

The illumination mechanism shall be operated when the licensed vehicle is plying for hire during the hours of darkness but shall not be operated during any period for which the vehicle has been hired.

11. The plate shall be a plastic or metal plate issued by the council, the proprietor paying to the council such deposit ('the deposit') as determined by the council and stating the number of this licence (the right to use the number remains with the council) and the maximum number of passengers which the council has licensed the vehicle to carry (which may be up to and including eight passengers) must be affixed to the vehicle as follows:
  - i The licensed vehicle shall carry a small replica plate issued by the council which shall be affixed inside the vehicle to the lower nearside front bulkhead safety screen so that the information thereon is plainly and distinctly visible from the interior and exterior of the vehicle, and
  - ii One affixed to the rear of the vehicle, to be clearly and plainly visible from the exterior of the vehicle.
12. No part of the plate and small replica plate shall not be obscured by any means.
13.
  - a) Notwithstanding Section 58 of the Local Government (Miscellaneous Provisions) Act 1976 the Proprietor of the licensed vehicle shall remove forthwith plate, replica plate and disc referred to in Condition 11
    - i. When the vehicle ceases to be a licensed vehicle; or:
    - ii. When the licence is revoked or suspended by the council including suspension and revocation under section 60 and 68 of said act.
      1. If the plate, replica plate and disc are not removed in accordance with the above they may be removed by an authorised officer of the council or a police constable
  - b) In the event of either the plate, replica plate or disc referred to in condition (11) being removed by an authorised officer of the council or police officer or:
    - i. Defaced or damaged to the extent that they are illegible and therefore unfit to display the proprietor of the licensed vehicle shall purchase the necessary replacements from the council at a price to be determined by the council.
  - c) The proprietor of the licensed vehicle shall notify the council immediately if for any reason any of the labels stated in condition (11) are not being displayed or are not fit for display on the licensed vehicle.
14. No advertisement, sign or light may be placed either inside or outside the licensed vehicle which is not required by law or by the council's byelaws for the time being in force with respect to hackney carriages to be displayed or fitted or is not a roof sign, identifying disc or replica plates as referred to in conditions (10) and (11) except:
  - a) An illuminated "For Hire" sign which must be fitted inside the licensed vehicle of a type fitted in a position within the licensed vehicle approved by the council and must be extinguished during any period for which the vehicle has been hired:

- b) A panel not exceeding 10 inches by six inches must be fitted inside the licensed vehicle and may be used for advertisement purposes, provided that such panel is not illuminated and is not readily visible from the outside of the licensed vehicle; and:
  - c) Any other sign or advertisement in or on the licensed vehicle the display of which in that position has been approved by the council.
15. The proprietor of the licensed vehicle shall ensure that the vehicle is insured for the use of the carriage of fare paying members of the public at all times. The driver or proprietor of the vehicle must carry proof of insurance for that vehicle, and must produce on demand to an authorised officer of the council or police officer, an appropriate insurance certificate or cover note.
16. The proprietor of the licensed vehicle shall not employ as a driver thereof any person who does not have a current hackney carriage drivers licence issued by the council
17. The proprietor of the licensed vehicle which has sustained damage in any accident (or by any other means) shall without prejudice to the provisions and obligations under Section 25 of the Road Traffic Act 1972, and Sections 50 (4) of the Local Government (Miscellaneous Provisions) Act 1976:
- a) Notify the council's Licensing Service writing with 72 hours of such damage occurring.
  - b) Submit the licensed vehicle where defined necessary to the council's transport manager for a vehicle inspection before using the vehicle for hackney carriage use.
  - c) An authorised officer of the council and/or the transport manager shall determine whether the licensed vehicle can be safely used in its existing state and condition for conveyance of members of the public.
  - d) No licensed vehicle damaged in any accident shall be used for conveyance of members of the public unless and until an authorised officer of the council and/or the council's transport manager has certified that it may safely so be used.
18. The licensed vehicle shall be provided with a fully maintained first aid Kit in accordance with the Road Vehicles (Construction and Use) Regulations 1986, schedule 7 Part II Regulation 43. The first aid kit is to be carried in such a position in the vehicle as to be readily visible, accessible and available for immediate use in an emergency.
19. The licensed vehicle shall at all times carry a fire extinguisher which shall be readily visible and available for use.
20. The proprietor of the licensed vehicle or his/her agent shall submit that vehicle to a safety check, when required on the demand of an authorised officer of council or police officer.
21. The driver must at all times convey in the vehicle a guide for or any other assistance which normally assist a blind or disabled person.
22. Drivers must not sound their vehicle horns outside any premises at which they are collecting a fare irrespective of the hour of the day.
23. The council reserve the right to vary, delete or waive any of the forgoing conditions.

### H: Conditions for alternative vehicles to be licensed as hackney carriages

#### LBC MINUTE 534/96

#### Amended regulation committee 23 February 2011 CONDITIONS

##### 1.0 Seating Capacity

The vehicle shall have a minimum seating capacity of 3 adults and at least one wheelchair bound passenger and a maximum of 8 adults and at least one wheelchair bound passenger subject to the following:

**1.1** All passenger seats and the space/spaces provided for the wheelchair shall be to the rear of the security screen detailed in Condition 7.0.

**1.2** Only rearward and foreword facing passenger seats shall be allowed.

**1.3** All passenger seats and the devices used to secure them to the vehicle shall comply to the relevant M2 standards contained in European Directive 76/115 EEF (as amended by Directive 90/629 EEC).

**1.4** All passenger seats shall be permanently fixed to the vehicle. Demountable seats that are removed for the purpose of providing space for wheelchair passenger's shall not be allowed. Fold away seats shall be permitted providing they remain attached to the vehicle and comply with the requirements of Condition 1.3.

##### 2.0 Seat belts

**2.1** All passenger seats shall be provided, where possible with a lap and diagonal 3 point seat belt and where not possible a 2 point lap seat belt appropriate to the type and position of the seat as laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) AND Regulation 46 and 47 of "The Road Vehicle (Construction and Use) Regulations 1986" whether or not those Directives or Regulations apply to that particular seat or the vehicle.

**2.2** The wheelchair bound passenger/passengers shall be provided, where possible with a 3 point seat belt and where not possible a 2 point lap seat belt appropriate to the position of the wheelchair as laid down in European Directive 76/115EEC (as amended by 90/629 EEC) and Regulation 46 and 47 of "The Road Vehicle (Construction and Use) Regulation 1986" whether or not those Directives or Regulations apply to that particular seat or the vehicle.

**2.3** All seat belts fitted shall comply with Regulation 47 of "The Road Vehicle (Construction and Use) Regulations 1986" and bear the designated mark required by that Regulation whether or not those Regulations apply to that seat belt or the vehicle.

**2.4** All seat belts shall be fitted to the vehicle with the number of anchorage points appropriate to the type of seat belt. All anchorage points shall comply with M2 standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or EEC Regulation 14 whether or not those instruments apply to that particular anchorage or the vehicle.

### **3.0 Wheelchair Restraint**

**3.1** A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces in accordance with Condition 4.0. The system and the devices used to secure it to the vehicle shall comply with M2 standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) whether or not those Directives apply to those devices or the vehicle.

### **4.0 Wheelchair Space**

**4.1** The vehicle shall have a designated wheelchair space sufficient to accommodate at least one wheelchair bound passenger. The space/spaces shall be immediately adjacent to the vehicle door fitted with the wheelchair access equipment (see Condition 5.2) so as to allow the wheelchair bound passenger to ingress the vehicle and use the anchoring equipment with the minimum of manoeuvring.

### **5.0 Wheelchair Access Equipment**

**5.1** The vehicle shall be fitted with either of the following forms of wheelchair access equipment.

**5.1.1** A purpose designed wheelchair lift constructed and installed to the requirements of the LOLER 98 Regulations. A report confirming that the lifting equipment is safe to use shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheelchair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.

**5.1.2** A purpose designed wheelchair access ramp which is carried must be lightweight and easy to deploy. On level ground the ramp shall have a maximum gradient of 20% in the fully deployed position. The installed ramp shall have a visible reference to safe working load of 250 kgs and certified to BS 6109.

**5.2** The wheelchair access equipment shall be fitted either into the rear or a side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the right side of the vehicle when viewed from the front i.e. kerbside when stopped in a normal road.

**5.3** The wheelchair access equipment shall be fitted such that it terminates at the vehicles interior floor level so as to allow for smooth ingress without the need to negotiate any step etc.

**5.4** The aperture of the door into which the access equipment is fitted shall have a minimum clear headroom in its central third of 48 ins (1,220mm). 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 fully deployed on level ground.

**5.5** The aperture of the door into which the access equipment is fitted shall have sufficient width to allow the easy ingress of a wheelchair bound passenger. A locking mechanism shall be fitted that positively holds the access door in the open position whilst in use.

### **6.0 Floor Height and Steps**

**6.1** At every access door into the passenger area of the vehicle steps shall be provided to aid ingress as follows:

6.1.1 Where the internal floor height of the vehicle exceeds 12ins (305mm) Intermediate steps shall be fitted every 9ins (228mm) from road level up to the internal floor height.

6.2 The tread area of all steps shall have a minimum depth of 6 ins (152 mm) and shall have a slip resistant surface.

6.3 All steps shall be capable of supporting the weight of an adult.

6.4 Hand rails shall be fitted in appropriate positions in all passenger access doors so as to facilitate the use of the steps provided.

## **7.0 Bulkhead/Drivers Safety Screen**

7.1 A full width full height bulkhead/safety screen shall be fitted in the vehicle directly behind the driver's seat. The upper section of the bulkhead/safety screen shall contain a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger compartment which must include vision of all access doors. A section of the bulkhead/safety screen shall be openable so as to allow verbal communication between the driving and passenger compartments. Except for the openable section the surface of the bulkhead shall have no discontinuities such that a passenger could reach into the drivers compartment from the passenger compartment.

7.2 The vision panel section of the bulkhead/safety screen shall be constructed of safety glass to the standard required for windscreen laid down in Regulations 30,31 & 32 of The Road Vehicles (Construction and Use) Regulations 1986 or any clear material with at least the same impact resistance and safety qualities as that of safety glass.

## **8.0 Emergency Exits**

8.1 The vehicle shall have a minimum of 2 means of exit from the passenger compartment for use in emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the passenger compartment and have an aperture through which an adult can pass without undue difficulty.

8.2 Both exits shall be clearly marked "Emergency Exit" together with clear instructions relating to the means of opening, all markings shall be both inside and outside of the vehicle.

## **9.0 Windows/Ventilation**

9.1 The vehicle shall have windows fitted on both sides and the rear of the passenger compartment. A minimum of one window on each side shall be openable for the purpose of ventilation.

9.2 All windows shall comply with Regulations 30,31 & 32 of The Road Vehicles (Construction and Use) Regulations 1986.

## **10.0 Luggage Area**

10.1 There shall be a luggage compartment situated at the front of the vehicle forward of the bulkhead/safety screen and on the opposite side to the driving compartment. The luggage compartment shall be divided off by a barrier capable of preventing any luggage from entering the driving compartment.

**10.2** The luggage compartment shall have sufficient capacity to accommodate one medium size suitcase for each of the maximum number of passengers that can be carried and a suitable restraint system shall be provided. The luggage compartment shall have a permanently fitted light for illumination during the hours of darkness.

### **11.0 Floors and Passageways**

**11.1** All floor areas and passageways between seats over which passengers will be expected to pass shall be free of all steps, encumbrances or trip hazards. Floor coverings must be complete, properly secured and in good condition.

### **12.0 Rear View Mirrors**

**12.1** The vehicle shall have rear view mirrors fitted in accordance with Regulation 33 of The Road Vehicles (Construction and Use) Regulations 1986. The mirror reflecting surface should not be deteriorated or broken and in such position that a person sitting in the driver's seat can see clearly to the rear.

### **13.0 Interior Lighting**

**13.1** The vehicle shall have interior lighting fitted in the passenger compartment sufficient to light the whole of that compartment. The lights shall be switched such that they may be turned on or off from either the driving or passenger compartments. All interior lights fitted as per the manufacturers standard equipment must illuminate.

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

### **14.0 Fire Extinguisher/First Aid Kit**

**14.1** The vehicle shall have fitted in the driving compartment an appropriate fire extinguisher and first aid kit.

### I: Licensed vehicles fitness conditions.

#### Amended Regulation Committee 23 February 2011

- 1. Lighting Equipment.** The vehicle lights must work in accordance with the requirements of the MOT/ Certificate of Compliance. Note: Coloured side lights, headlights or number plate bulbs will not be accepted.
- 2. Steering and Suspension.** The vehicle's steering and suspension must meet the requirements of the MOT Test. Note: Any steering or suspension component which would constitute an MOT test pass advice is more likely to fail taking into consideration the additional stresses and demands placed on a Private Hire Vehicle.
- 3. Brakes.** The vehicle's braking system must meet the requirements of the MOT Test. Note: Any braking component which would constitute an MOT Test pass and advice is more likely to fail taking into consideration the additional stresses and demands placed on a Private Hire Vehicle.
- 4. Tyres.** All tyres, including the spare where fitted, to have a minimum of 3mm depth of tread over the whole tread area. Only correctly insulated tyres will be accepted. The boot/luggage area is to be clean and free from tools or other loose equipment. See condition for dual fuelled vehicles.
- 5. Seatbelts.** All forward or rear facing seats must have a suitable seatbelt fitted.

**General.** The vehicle is expected to meet the minimum requirements to enable it to pass an MOT Test. In addition it is required to have:-

- A clean exterior and interior, including the boot.
  - A suitable fire extinguisher and First Aid Kit to be carried in date and sealed and permanently marked with the appropriate vehicle plate number.
  - The vehicle lighting switch is operated in accordance with the vehicle's head lights;
  - No recording/CCTV shall be fitted without prior approval and consent of the Council.
  - Radio equipment must be securely fixed in the vehicle.
- 6. Body-corrosion-paintwork.** The exterior of the vehicle is to be in a clean and well maintained condition to include the following:-
  - 7. Rust** - any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed:-
    - Any vehicle with a visible rust patch of more than 10cm<sup>2</sup> will be failed.
  - 8. Dents** - any vehicle with damage of more than one dent of 5cm in any one panel length or diameter on a clearly visible panel may be suspended. Any vehicle, which has an accumulation of dents to adversely affect the appearance of a vehicle, may be suspended.
  - 9. Scratches** - any vehicle with unrepaired scratches down to bare metal or primer on three or more panels of 5cm in length or a single scratch of more than 20cm in length may be

suspended. Any vehicle, which has an accumulation of dents to adversely affect the appearance of a vehicle, may be suspended.

**10. Paintwork** - all panels on all vehicles shall be painted in the manufacturer's colour without significant runs or blemishes. Panels with unmatched colours or primer may be suspended.

**11. Accident damaged vehicles.** Vehicles, which have sustained major accident damage, will not be accepted for plating until a satisfactory steering geometry and alignment report is produced. This will be in the form of a written or printed report from an approved VBRA vehicle repairer.

**12. Windows.** All windows, which are designed to open and close, must operate correctly. No dark 'privacy' tinted windows will be accepted, only lightly tinted manufactured safety glass. After market kits will not be acceptable. For the avoidance of doubt, inline with the construction and use regulations for front windows issued by VOSA. At least 75% of light must pass through the front window, and at least 70% of light through ALL other windows. This is considered an essential safeguard in the protection of the travelling public. This enables passengers to see into the vehicle prior to entering and ensure that the view of travelling passengers is not obscured and also for drivers to be seen for their own protection.

**13. Dual Fuel or LPG.** A vehicle powered by LPG or other approved alternative fuel that has a tank or container which is fitted where the spare wheel is normally accommodated, must have the spare wheel properly secured in the boot. (if carried).

**14. Cleaning for mechanical inspection.** Under bonnet or under body areas, which may be subject to oil or road dirt, contamination must be steam cleaned before presenting the vehicle for testing. Significant oil leaks or unreasonable amounts of contamination will result in that vehicle failing its test.

**15. Luggage.** Luggage should be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. This should be physically separated from the passenger compartment by means of a sliding cover or dog guard type of barrier. High back seats may be suitable on some vehicle types.

**16. Mirrors.** Mirrors must be fitted to the offside, nearside and interior rear view. These will be to the original manufacturer's specification and must be secure, complete and offer a correct, unimpaired view to the driver.

**17. Seats.** Seats must be correctly secured and properly cushioned and covered. All seats including the driver's must be matching, 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. Loose, dirty, damaged or badly fitted seat covers will not be accepted. All seats must be properly fixed to the vehicle and be forward or, in the case of the first row behind the driver, rear facing. Side facing seats are not acceptable. Minibus type vehicles or conversions must meet the prescribed vehicle inspectorate seatbelt installation minimum standard.

**18. Emergency exits.** Vehicles of the MPV or minibus type must have more than one exit from the rear passenger compartment. These exits must be clearly marked with "EMERGENCY EXIT" and the opening instruction e.g. "PULL TO OPEN". All exits must open from both the inside and outside of the vehicle and be free from obstruction. Note: Vehicles currently licensed, which cannot or do not comply, must carry a glass smash hammer, fixed visible to the passengers.

- 19. Access to the passenger compartment.** At every access door into the passenger compartment the step area must have an automatic illumination when the door is opened, a minimum depth of 6in with a slip resistant surface and be capable of supporting the weight of an adult. Handrails should be fitted where appropriate. The access door must allow passenger access and egress to the vehicle from the nearside.
- 20. Floors and passageways.** All floors and passageways between seats shall be free of steps and tripping hazards. Floor coverings must be complete, properly secured and in good condition.
- 21. Interior lighting.** The passenger compartment shall have sufficient interior lighting to illuminate the whole of that area. All interior lights fitted as per the manufacturers standard equipment must illuminate. These lights shall be switchable from the driving or passenger compartments.
- 22. Vehicle configurations.** Two door saloon vehicles, 3 door hatchback and convertible vehicles will not be accepted for licensing.
- 23. Advertising.** No advertising may be carried or displayed with the exception of a company name or logo on the front doors (outer panels) unless approved by the Licensing Service Manager.
- 24. Temporary suspension of plate.** If any vehicle fails either the annual or six monthly inspections, on any item, which renders the vehicle dangerous to drive, the plates will be removed and a notice of suspension issued by the testing station until the defect(s) has been rectified. In the case of a vehicle that vehicle fails its compliance test on any item other than those listed as "classed as minor" and that vehicle will be de-plated and the licence suspended. Vehicles, which are not tested within five working days of the original six monthly test date, will have their Licence suspended.
- 25. Refusal to test.** The testing station or any Department for Transport approved vehicle inspector may refuse to test any vehicle, which in their opinion is unsafe or dangerous. Vehicles over five years old or seven years for euro 6 diesel, plug-in hybrid electric vehicle PHEV or battery electric vehicle BEV vehicle whose licence has been allowed to expire will not be able to re-license as a licensed Vehicle.
- 26. Deferred notice of suspension.** If during a test defects are found, e.g. bodywork condition, which are not of a serious nature but require rectification a deferred notice of suspension may be issued with the date of re-inspection given. The vehicle will only be re-inspected on the item(s) listed.
- 26. Dual plating.** Vehicles, which are currently licensed by another local authority, will not be accepted for licensing in Luton. Vehicles found to be licensed by another local authority at the time of the vehicle test will be failed.

**J: Hackney carriage byelaws**

**BOROUGH OF LUTON**

**BYELAWS**

made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Mayor, Aldermen and Burgesses of the County Borough of Luton, acting by the Council with respect to Hackney Carriages in the County Borough of Luton.

**INTERPRETATION**

1. Throughout these Byelaws "the Council" means the Mayor, Aldermen and Burgesses of the County Borough of Luton, acting by the Council and "the district" means the County Borough of Luton.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE, CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.

2. Every proprietor of a Hackney Carriage shall
  - (a) cause the number of the Licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage, or on plates affixed thereto,
  - (b) 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,
  - (c) not cause or permit the vehicle to 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. Every 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 fit for public service,

- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage,
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use,
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver,
4. Every proprietor of a Hackney Carriage shall cause the carriage to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,
- (i) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter,
  - (ii) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter,
  - (iii) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity 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,
  - (iv) 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,
  - (v) the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be suitably illuminated during any period of hiring,
  - (vi) 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. Every driver of a Hackney Carriage provided with a taximeter shall:-
- (a) 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;
  - (b) 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, flag

or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter;

- (c) 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 in Section 17 of the Road Transport Lighting Act, 1957, and also at 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. Every 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 and station the carriage on 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 same 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.
8. Every proprietor or driver of a Hackney Carriage who shall have an agreed or shall have 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.
9. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying, or driving for hire, wear that badge in such a position and manner as to be plainly and distinctly visible.
10. Every 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,
  - (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.
11. Every driver of a Hackney Carriage

- (a) shall conduct himself towards any person hiring or seeking to hire the carriage and any persons conveyed in such carriage in an orderly, seemly and courteous manner,
- (b) shall take all reasonable precautions for the safety of persons conveyed in such carriage.

12. Every proprietor or driver of a Hackney Carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Chief Public Health Inspector of the Council.

#### PROVISIONS FIXING THE STANDS OF HACKNEY CARRIAGES.

13. Each of the several places specified in the following list shall be a stand for such number of Hackney Carriages as is specified in the list:-

*(Note: A schedule of the current Stands is enclosed as a separate document).*

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express 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 it may not be possible to record on the face of the taximeter.

#### FARES FOR DISTANCE

*(Note: The current Table of Fares is enclosed as a separate document.)*

15. (1) Every proprietor of a Hackney Carriage applying for hire for which any fares are fixed by any byelaws in that behalf shall

- (a) cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures,

- (b) renew such letters and figures as often as is necessary to keep them clearly visible.

(2) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

#### PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.

16. Every proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring, carefully search the carriage for any property which may have been accidentally left therein.
17. Every 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,
  - (1) carry it within twenty four hours, if not sooner claimed by or on behalf of its owner, to the Bedfordshire and Luton Police Office, Dunstable Place, Luton and leave it in the custody of the officer in charge of the office on his giving a receipt for it,
  - (2) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to one shilling in the pound of its estimated value (or the fare for the distance from the place of finding to the Bedfordshire and Luton Police Office, Dunstable Place, Luton whichever the be the greater) but not more than five pounds.

*(Note: The current address of the Police is: Police Office, Bedfordshire Police, Buxton Road, Luton).*

## **PENALTIES**

18. 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 further fine not exceeding forty shillings for each day during which the offence continues after conviction therefor.

*(Note: The maximum penalty for offences under these Byelaws is currently £400).*

## **REPEAL OF BYELAWS**

19. The byelaws relating to Hackney Carriages which were made by the Mayor, Alderman and Burgesses of the Borough of Luton on the 28th day of November, 1944, and which were confirmed by the Minister of Health on the 22nd day of January 1945, are hereby repealed.

The **common seal** of the **mayor** )  
**alderman and burgess** of the )  
**Borough of Luton** was hereunto )  
affixed on the twenty-eighth day of )  
June, 1949, in the presence of: )

**Claude A. Sinfield**

Mayor

**W.H. Robinson**

Town Clerk

I hereby confirm the foregoing byelaws and fix the date on which they shall come into effect as the 1 October 1949.

**J. Chuter Ede,**

One of Her Majesty's

Principal Secretaries of State

## Appendix K

### K: Knowledge Test information

#### **PRIVATE HIRE / HACKNEY CARRIAGE AND OR DUAL DRIVER'S KNOWLEDGE TEST REQUEST**

Applicants are required to pass a knowledge test before submitting a driver's application. Private Hire and Hackney Carriage knowledge tests are carried out on computer and include questions from the following categories: Highway Code, numeracy, driver conditions, streets, places and routes.

Written and electronic Hackney Carriage and Private Hire knowledge tests are scheduled, where possible, every Monday. Please note that these dates may be changed due to service demand.

To book a knowledge test, please complete a Knowledge Test Request Application form and submit to the Licensing Service along with your original driving licence held for at least 12 months (passport if you have the old style driving licence) and the knowledge test fee which can be found within the request pack.

**Please note:** that if you fail a knowledge test you are not entitled to re-take another test for at least one calendar month. There is a charge for each further knowledge test.

Once a knowledge test has been passed and an enhanced DBS Certificate obtained you will be in a position to submit a Licence application. You can apply online for your application.

In order to submit a Licence application you must be eligible to work in the United Kingdom and if requested be in a position to provide the original documentary evidence of this to the Licensing Service. If the right to work in the United Kingdom is removed then the Luton Borough Council driver's licence and badge must be returned to the Licensing Service with immediate effect.

**Please note:** from 1st October 2015 the law has changed and a Private Hire / Hackney Carriage driver licence will be issued as standard for a period of three years. If you wish to apply for a lesser licence period this request must be submitted in writing at time of application. In addition following receipt of your licence application the Authority may provide a Licence for a lesser period if a specific issue is identified that requires this e.g. a medical issue.

#### Knowledge Test Information

- Five categories within the test (Places, Journeys, Conditions, Numeracy and Highway Code)
- 26 questions

- 30 minutes allocated for PH and HC tests.
- Multiple choice questions and answers given in the test and applicant must select correct answer for each.

There is no overall mark to pass; each category must be passed in order to pass the test as follows

	<b>HC TEST</b>	<b>PH TEST</b>
Places	HC 60% (3/5)	PH 72% (5/7)
Journeys	HC 67% (4/6)	PH 50% (2/4)
Conditions	HC 80% (4/5)	PH 80% (4/5)
Numeracy	HC 80% (4/5)	PH 80% (4/5)
Highway Code	HC 80% (4/5)	PH 80% (4/5)

### L: Intended Use Policy Hackney Carriage

#### **INTENDED USE OF VEHICLES**

A person applying for a licence for a hackney carriage vehicle should do so with the intention of using the vehicle in the administrative area of Luton Borough Council. Where the intention is to use a hackney carriage licensed vehicle in another council's area for private hire, then the applicant should apply to that council for an appropriate licence.

In accordance with section 57 of the Local Government (Miscellaneous Provisions) Act 1976, a person applying for a hackney carriage licence will be required to indicate whether the vehicle will be used primarily within the administrative area of Luton Borough Council or outside the area. Details will be required as to the proportion of business that will be carried out both within and out of Luton Borough Council's administrative area. In addition, details of the location of business carried on outside the Council's area will be required. Applications received where the primary use of the vehicle is or is likely to be outside the Council's area will be refused.

#### **INTENDED USE AND LICENSING OF HACKNEY CARRIAGES**

##### **Reasons for Policy**

1.0 The Council wishes to ensure that applications for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgment, and the declaration made in the case of *Newcastle City Council v Berwick upon Tweed Council* [2008].

##### **Applications for the grant of a new hackney carriage licence**

1.2 Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the administrative area of Luton Borough Council under the terms of the licence for which application is being made.

1.3 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of Luton Borough Council will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its individual merits.

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

##### **Applications for the renewal of a hackney carriage licence**

1.5 Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within the administrative area of Luton Borough Council under the terms of the licence for which application is being made.

1.6 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of Luton Borough Council will not be granted a

hackney carriage licence authorising them to do so. Section 60 of Local Government Miscellaneous Provisions Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.

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

### **Transfer of ownership – when a licensed vehicle is transferred from one person to another**

1.8 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his interest to another must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse to register the new proprietor: see *R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd* [1947] KB 583.

1.9 Provided requisite notice has been given in accordance with section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.

1.10 The transferee of a licensed hackney carriage will be asked to inform the Council whether he/ she has a bona fide intention to use the vehicle to ply for hire within the administrative area of Luton Borough Council.

Transferees should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his / her functions under the legislation. Where there is a failure to provide the requested information or to keep the records, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73.

1.11 Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the administrative area of Luton Borough Council under the terms of the licence in respect of the vehicle being transferred.

1.12 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the administrative area of Luton Borough Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of Luton Borough Council there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

1.13 The Council is required to register the name of the new proprietor of a vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court referred to in paragraph 1.0 above, unless precautionary steps are taken. The paragraphs in this section are intended to put the Council in a position to respond responsibly to the transfer of a Luton hackney carriage into the name of someone who operates outside the administrative area of Luton Borough Council or remotely from it.

1.14 Unless there has been a change in the proprietor's intentions with regard to plying for

hire within the administrative area of Luton Borough Council, there should be no reason why he/ she should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within the administrative area of Luton Borough Council, and who on application to replace that vehicle with another discloses that he/ she no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

### **Change of vehicle – when a proprietor replaces a licensed vehicle**

1.15 Applicants seeking the grant of hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the administrative area of Luton Borough Council will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent in the administrative area of Luton, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

### **Revocation of licence**

1.16 Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the administrative area of Luton Borough Council but is subsequently found not to be plying for hire to a material extent in the administrative area of Luton Borough Council and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be revoked.

### **Exceptional circumstances**

1.17 Each application will be decided on its merits. However the presumptions that intended use is to ply for hire to a material extent within the administrative area of Luton Borough Council will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

## Appendix M

### M: Special event policy

#### **Additional Conditions Applicable to Vehicles Licensed As Special Event Private Hire Vehicles**

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976, are specific to vehicles adapted by lengthening the wheelbase of a standard, factory built vehicle and to other unusual Private Hire Vehicles. They differ from standard conditions for Private Hire Vehicles in recognition of the fact that these vehicles will:

- be easily recognisable by the hirer;
- be heavier and considerably longer than standard cars; and
- may be adapted and converted by someone other than the original manufacturer

#### **DEFINITION**

A Special Event Private Hire vehicle is a private hire vehicle capable of carrying up to, but not exceeding, eight passengers booked in advance with a driver.

It does not comply with the specifications and conditions of the Policy attached to a private hire vehicle licence by reason of seating arrangements or being left hand drive, or is not considered to be an ordinary passenger vehicle.

For the purposes of the Private Hire Vehicle Licence Conditions the vehicle is classed as a Special Event private hire vehicle.

A Special Event includes such special occasions as outings to the races, transport to parties or proms, hen and stag nights and children's birthday parties.

The vehicle shall not be used for hire or reward except for special events, weddings, or funerals.

# PRIVATE HIRE (SPECIAL EVENTS) VEHICLE LICENCE

## CONDITIONS OF LICENCE

### 1. PRIVATE HIRE (SPECIAL EVENTS) VEHICLES

- (a) Shall not be used for every day Private Hire use.
- (b) The proprietor of the vehicle shall:-
  - (i) ensure that the vehicle is at all times only driven by a person who holds a current Private Hire (Special Events) Vehicle Driver's Licence issued by (Luton Borough Council);
  - (ii) not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
  - (iii) not supply any intoxicating liquor in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

### 2. VEHICLE AND SAFETY EQUIPMENT

The Proprietor of a vehicle shall:-

- (a) provide 2 efficient fire extinguishers which conform to British Standards 5423 of the following type:
  - (i) a BCF (green Halon type) extinguisher minimum capacity 1kg; or
  - (ii) a dry powder 34B rated extinguisher minimum capacity 1kg; or
  - (iii) a AFFF foam 21B rated extinguisher minimum capacity 0.9 litres

These items shall have a label provided by the Council affixed to them bearing the registration mark of the vehicle and the date when last inspected and adhere to the following requirements. One fire extinguisher should be mounted on brackets, in a convenient position in the driver's compartment, if practical. The other should be similarly mounted within the boot of the vehicle, so as to be readily available at all times.

- (b) ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles(Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance is rectified;
- (c) ensure that loose luggage is not carried within the passenger compartment of the vehicle;
- (d) CCTV cameras to be installed in the vehicle which have received:-
  - (i) prior written approval of the Council; and

- (ii) display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment is in operation.
- (e) Vehicles may be left or right hand drive providing that they have proof of full DETR vehicle type approval.
- (f) Vehicles must be fitted with a life safety hammer which is securely located in the driver's compartment.
- (g) a Council approved first aid kit marked with the vehicle's registration number is to be carried within the driver's compartment at all times.
- (h) The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio

### **3. VEHICLE IDENTIFICATION DISCS**

The proprietor of the vehicle will be issued by the Council with two Private Hire (Special Events) Vehicle Discs on which will be displayed the number of the licence issued for that vehicle and the number of passengers permitted to be carried. The proprietor shall ensure that:-

- (i) one vehicle identification disc will be displayed on the inside and nearside of the front windscreen in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon read. The other identification disc shall be fixed inside the vehicle in such a position such as the bulkhead or security screen, as to be visible to persons conveyed therein;
- (ii) no Private Hire (Special Events) Vehicle Disc shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle discs shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs and licence to the Council within seven days.

### **4. SIGNS, NOTICES, ETC**

No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those approved by the Council.

### **5. INSURANCE/MOT TEST CERTIFICATE**

- (a) The vehicle must not be used to carry passengers for private hire special events unless there is in force for the vehicle:
  - (i) a current Certificate of Compliance test certificate.
  - (ii) a policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Private Hire (Special events) Vehicle Drivers who drive the vehicle are covered.

These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

- (b) The proprietor shall deposit a valid and original Certificate of Compliance Test Certificate and Certificate of Insurance or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.
- (c) If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Licence Office shall be informed immediately and the vehicle shall not be used until appropriate cover is produced to the Licensing Department.

## **6. DEPOSIT OF LICENCES**

- (a) If the proprietor permits or employs any other person to drive his Private Hire (Special Events) Vehicle, he shall before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire (Special Events) Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.
- (b) The proprietor of the vehicle will deposit within five working days, a copy of the Private Hire (Special Events) Vehicle licence with the Operator before any bookings are accepted.
- (c) The loss of any vehicle or driver licence shall be reported to the Council as soon as possible within 5 working days of discovery of the loss.

## **7. CHANGE OF ADDRESS**

The proprietor of the vehicle shall notify the Council in writing of any change of address during the period of the licence within 5 days of such change taking place and if a replacement licence is not received from the Council within 14 days then he must inform the Licensing Office by personal visit immediately.

## **8. CONVICTIONS**

The proprietor shall within 7 days disclose to the Council in writing, details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence. If an acknowledgement is not received from the Council within 14 days then he must inform the Licensing Office by personal visit immediately.

## **9. VEHICLE DAMAGE**

- (a) The proprietor of the vehicle must notify the Council in writing as soon as possible or in any event within 72 hours if the vehicle is involved in an accident or incident causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The notification must give details of the extent of the damage and details of how and what occurred. If requested, the vehicle must be presented for inspection by an authorised officer of the Council.

- (b) Where the damage materially affects the safety, performance or appearance of the vehicle, it shall not be used for hire until the damage is repaired and inspected to the satisfaction of an authorised officer of the Council.
- (c) The proprietor must arrange for all accident damage to be repaired with the minimum of delay.
- (d) The proprietor must inform the Council in writing immediately upon satisfactory completion of repairs to allow for a vehicle inspection at the Council's Depot to take place.
- (e) Should a Private Hire (Special Events) Vehicle fail to complete a booking for any cause whatsoever, the circumstances and cause of the failure shall be reported promptly to the Licensing Office.

## **10. TYPES OF VEHICLES**

The vehicle must be approved by the Council and must conform to the Council's 'Specifications for Private Hire (Special Events) Vehicles'. On being presented for licensing for the first time, the vehicle must have one of the following:

- (i) A UK Single Vehicle Approval Certificate
- (ii) A European Whole Vehicle Approval Certificate
- (iii) UK Low Volume Type Approval Certificate
- (iv) Limousine Declaration of Condition of Use

## **11. VEHICLE TESTING**

- (a) A Private Hire (Special Events) Vehicle will be subject to twice-yearly mechanical examination at intervals to be specified by the Council, at its authorised testing station. When presenting the vehicle for mechanical examination the proprietor will ensure the vehicle is in a good and clean condition.
- (b) A vehicle that has been damaged will not be mechanically examined unless all relevant sections of Condition 9 have been complied with.
- (c) The proprietor shall permit an authorised officer of the Council or police constable to inspect the vehicle for the purpose of ascertaining its fitness. Should there be doubt as to the fitness of the Private Hire (Special Events) Vehicle the proprietor shall make the vehicle available for further inspection at such reasonable time and place as specified by the authorised officer or police constable.

## **12. PURCHASE/SALE OF VEHICLE**

- (a) The sale or change of ownership of a licensed Private Hire (Special Events) Vehicle must be notified to the Council on the form provided for that purpose within 14 days of such change, if no acknowledgement is received from the Council within 7 days then the proprietor selling the vehicle must inform the Licensing Office by personal visit immediately. If sold out of trade or local authority area the licence and discs must be returned at the time of notifying this sale or change.

- (b) The purchase of the licensed Private Hire (Special Events) Vehicle must be notified to the Council on the form(s) provided for that purpose within 14 days of such change of ownership occurring. If a replacement licence with the new owner's name and address is not received from the Council within 21 days then the proprietor purchasing the vehicle must inform the Licensing Office by personal visit immediately.

### **13. GENERAL CONDITIONS**

- (a) Any licence obtained by any form of payment which is subsequently dishonoured, will render the licence invalid. The licence and vehicle discs associated with that licence must be returned to the Council until an alternative form of acceptable payment is made.
- (b) All licences and vehicle discs remain the property of the Council.
- (c) The proprietor of the vehicle shall ensure that during the period of this licence the vehicle is not licensed with another Authority.
- (d) All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.
- (e) Stretched limousine vehicles licensed by the Council shall be so licensed for a maximum period of 10 years from the date of first manufacture.
- (f) The Licensee must produce a copy of the SVA certificate at time of licensing.
- (g) Stretched limousines vehicles will comply with the existing Conditions of Licence applicable to all licensed private hire vehicles and the local private hire licence fee shall be the same.
- (h) All tyres, (including the spare) must be suitable for the vehicle.
- (i) The license holder/driver shall not allow any passengers to be conveyed in the front seat.

### **14. PENALTIES**

The Council may under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 suspend or revoke a Private Hire (Special Events) Vehicle licence if any of the above conditions are not complied with.

K:\LicensingUnit\Bacon\Licence-PH(Special Events)

## Appendix N

### N: Accident management statement of intent requirements

#### **PLATING VEHICLE'S FOR PRIVATE HIRE / HACKNEY CARRIAGE USE IN LUTON.**

If you wish to offer replacement vehicles to Licensed Private Hire / Hackney Carriage Driver's within the Luton area if they have been involved in a non-fault accident.

Before you will be able to offer this service in Luton we will require a statement of intent from yourselves to ensure that you can comply with all our Licensing requirements.

The statement will need to fully cover the following points:-

- **How we will be notified when your vehicle(s) will be used in the Luton area and who will be using the vehicle(s).**
- **How you will notify us when a vehicle(s) will be taken out of the Luton area.**
- **What method you use for delivering and taking away the vehicle(s).**
- **Where the vehicle(s) will be kept whilst not being used in the Luton area.**
- **A record of the mileage before and after the vehicle is used for Private Hire / Hackney Carriage.**
- **You will also need to provide a concise over view of your company and what your aims and objectives are by licensing the vehicles in the Luton area.**
- **You must state in your statement that your company acknowledge that Luton Borough Council DO NOT allow dual plating of vehicles nor allow tinted windows on vehicles.**

When we receive your Statement of Intent covering all of the following points, we will review and assess all information, once this has been approved, then only application(s) can be processed and accepted for Plating and Licensing of your vehicle(s).

#### **Please note:**

That Luton Borough Council Does Not Allow Dual Plating of a Vehicle and do not allow any form(s) of tinted windows.

We no longer accept transfer applications from accident management companies for Private Hire licensed vehicles. If you would like to plate a Private Hire Vehicle you will have to apply for an annual licence.

May I bring to your attention, that once a vehicle is Licensed as a Private Hire or Hackney Carriage Vehicle then only a licensed driver within the Borough can drive the vehicle.

**Please note:** that all Accident Management Companies should be registered with the Ministry of Justice under the provisions of claims management services/ personal injury claims. Therefore we will require you to provide details of your registration with your CRM number, under the requirements of the Compensations Act 2006, when a vehicle is to be plated.

**Please note:** all claims companies should also hold a valid Professional Indemnity Insurance.

If your company is purely a Car Hire Company we will request that you provide information to verify your status, such as registration with Companies House or other agencies such as the Financial Services Authority (FSA) and or the British Vehicle Rental and Leasing Association.

For your advice as the vehicle(s) are to be used for renting to customers, I must advise you that when vehicles are hired over a term of more than 90 days (this is cumulative) you must hold a consumer credit licence from the Office of Fair Trading.

Please ensure that when supplying documentation that the details on the application, insurance documents and logbooks are all detailed with correct full name and address and are original documentation and consistent. Applications that have inconsistent details will be rejected.

### O: Advertising Policy Private Hire vehicles

#### **LUTON BOROUGH COUNCIL'S POLICY IN RESPECT OF ADVERTISING ON LICENSED PRIVATE HIRE VEHICLES**

##### **1. Advertisements**

1.1. No advertisement may be displayed on the exterior or interior of a Private Hire Vehicle unless approved in writing by the Council.

1.2. Any written permission issued by the Council will be subject to a fixed time limit (usually the period of the advertising contract).

1.3. The Council reserves the right to require the licensee to remove the advertisement from display on the vehicle if the content of the advertisement changes without written permission if the Council or for any reason affecting the appearance of the advertisement.

##### **2. General Conditions**

2.1. All materials used and affixed for advertising purposes on Private Hire Vehicles must comply with current legislation which includes the Motor Vehicles (Construction and Use) Regulations and must not provide any risk of injury to drivers, passengers, pedestrians or any other road user.

2.2. All advertisements must be suitably affixed using sound materials and a satisfactory level of workmanship.

2.3. The Director of Environment and Regeneration's decision will be final in determining the standard of quality, workmanship, the suitability and adequacy of all work undertaken relating to Private Hire Vehicle advertisements.

2.4. No advertisement will be permitted which impedes the vision of the driver.

2.5. All materials used in the manufacture of and for the purposes of being affixed to the Private Hire Vehicle must be approved in writing by the Council.

2.6. Materials must be of a quality which is not easily defaced.

2.7. A sample of the material must be submitted with the artwork for provisional approval.

2.8. No secondary advertising will be permitted including the name of the company preparing the vehicle or the name of the advertising agency, except insofar as the Council's requirement for the Private Hire Licence details to be displayed must be met.

2.9. The exterior bodywork of the Private Hire Vehicle must be in good condition and may only be used if any bodywork defects have been remedied and refinished to a standard acceptable to the Transport Manager, before any advertisement is affixed.

2.10. Provision must be made for the immediate replacement of any damaged or defaced panels. Approved advertising panels and their method of fixing must be kept in good order and appearance. Private Hire Vehicles will not be permitted to work with damaged, defaced or defective panels, nor will they be accepted for re-licensing in this condition.

2.11. At the completion of the advertising contract the Private Hire Vehicle must be returned to its original appearance. All adhesive or magnetic attachments or mounting brackets must be removed.

### **3. Conditions for Exterior Advertising**

Advertising on the exterior of Private Hire Vehicles is permitted using:

The lower panels of the front doors on both sides of the vehicle

3.1.1. The lower panels of front and rear side doors on both sides of the vehicle

3.1.2. The boot lid or tailgate of the vehicle

3.1.3. The entire outer surface of the vehicle (known as a wrap)

3.2. The materials used for exterior advertisements must be approved in writing by the Council.

3.3. The advertisement can be affixed directly onto the body of the Private Hire Vehicle or initially attached to an approved magnetic panel or mounting bracket which is then attached to the vehicle.

3.4. Adhesive or magnetic door advertisements for both front and /or rear side doors must be of suitable dimensions to cover the lower door panel and must not overlap the curve above this panel except in the case of a 'wrap'.

3.5. The advertisement must be solely for one product, or company on all exterior facets which are permitted.

3.6. The same advertisement must be displayed on both sides of the Private Hire Vehicle.

3.7. Single door advertisements will only be allowed on the front door panels.

3.8. Front door advertisements must bear the licence details of the Private Hire Vehicle.

### **4. Conditions for Advertising Content**

4.1. All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so and to confirm this fact in writing to the Council as part of their application.

4.2. Each proposal will be considered on its merits but advertisements will not be approved if they contain:

4.2.1. Reference to political, ethnic, religious, sexual or controversial text

4.2.2. Reference to escort agencies, gaming establishments or massage parlours

4.2.3. Nude or semi-nude figures

4.2.4. Statements which seek to involve the driver as an agent of the advertiser

4.2.5. Material likely to offend public taste

4.2.6. Information on more than one company or product

4.2.7. Reference to tobacco or tobacco products

4.2.8. Reference to alcohol

### P: Advertising Policy Hackney Carriage vehicles

#### CONDITIONS IN RESPECT OF HACKNEY CARRIAGE ADVERTISEMENTS

You sought some guidance as to the scope of Hackney Carriage advertising approved by the Licensing Authority in Luton, the rules surrounding such advertising and the procedures to be followed to obtain approval for advertising. This you will appreciate is quite involved but I hope the following will give a broad idea of what is required. If any questions do arise and this is probably inevitable, you should in the first instance contact the Council's Licensing Service at the Town Hall or telephone Luton 546040.

At the outset I should explain that the Licensing Service Manager has authority to determine what advertising may appear on both the inside and outside of licensed London Type Hackney Carriages and approved wheelchair accessible mini-bus type vehicles is derived from Licensing Sub-Committee 8 January 1998. His authority is absolute in such matters.

#### Exterior of Vehicle

- the lower panels of the front and rear side doors (both sides of vehicle) for one product or .
- the lower panels of both front doors only for one product or .
- full livery of the vehicle (for one product only)

#### Interior of Vehicle ie passenger compartment

- the base of the occasional or tip-up seats
- along the bulkhead above the passenger/driver partition with an optional leaflet dispenser when the design of the Hackney Carriage permits. The dispenser used must be of an approved design.

Insofar as the rules covering these various forms of advertising are concerned, I enclose of the Council's current conditions, which lay down specific criteria that have to be met.

All materials used and affixed for advertising purposes on Hackney Carriage Vehicles must comply with current legislation including the Motor Vehicles (Construction and Use) Regulations, and must not provide any risk of injury to drivers/passengers or pedestrians.

All advertisements must be affixed using sound materials and an adequate level of workmanship.

The procedure for approval of the advertisements is two stage operation and is outlined below:

**Before you undertake any work on your vehicle you MUST obtain both provisional and final written approval.**

#### Provisional Approval

You are required to submit coloured artwork of the proposed advertisement which is proposed to appear on the vehicle to allow the Licensing Service to assess the type and suitability of advertising content. Samples of the proposed material must also be provided. This stage is to the benefit of the advertiser/applicant to ensure that they do not incur unnecessary expense or

delay if changes need to be made. Your proposal will be considered on its merits and in conjunction with the Council's adopted conditions and if satisfactory we will write to you informing you of the next step. If your proposal is unsatisfactory for any reason we will write to you and tell you why.

### **Final Approval**

After **provisional** written approval is obtained for single door, double door and/or interior advertisements, you are **required** to submit a "printer's pull" to confirm that the content has not changed and for our retention. You must also confirm in writing that the advertisement complies with the British Code of Advertising Practice. At this stage **final written approval** will be given and the advertisement can be displayed in or on the Hackney Carriage.

**No advertisement may be displayed before final approval is obtained and you should not proceed with any work on the vehicle until such time as final written confirmation has been granted.**

Upon completion of the work the Hackney Carriage **must** be presented to the Council to an Authorised Officer to check both the quality of the finish and that the advertisement corresponds with the final approved proposal. If both are acceptable your final written approval will be endorsed.

Further information and guidance on advertising matters can be obtained from:- Licensing

Service Manager  
Licensing Service  
Town Hall  
LUTON LU1 2BQ Telephone 01582 546040

Application for approval of advertisements must be made in writing to:-

Licensing Service Manager  
Licensing Service  
Town Hall  
LUTON LU1 2BQ Telephone 01582 546040

## CONDITIONS FOR THE LUTON BOROUGH COUNCIL'S POLICY IN RESPECT OF THE CONDITIONS OF FITNESS (1997) as amended 23 February 2012.

### 1. ADVERTISEMENTS

- 1.1 No advertisement must be displayed on the exterior or interior of a Hackney Carriage vehicle unless approved in writing by the Council.
- 1.2 Any written permission issued by the Council will be subject to a fixed time limit (usually the period of the advertising contract).
- 1.3 The Council reserves the right to require the licensee to remove the advertisement from display on the vehicle if the content of the advertisement changes without written permission of the Council or for any reason affecting the appearance of the advertisement.

### 2. GENERAL CONDITIONS

- 2.1 All materials used and affixed for advertising purposes on Hackney Carriage vehicles must comply with current legislation, which includes the Motor Vehicles (Construction and Use) Regulations and must not provide any risk of injury to drivers/passengers or pedestrians.
- 2.2 All advertisements must be suitably affixed using sound materials and a satisfactory level of workmanship.
- 2.3 The Licensing Service Manager's decision will be final in determining the standard of quality, workmanship, the suitability and adequacy of all work undertaken relating to Hackney Carriage advertisements.
- 2.4 No advertisement will be permitted which impedes the vision of the Driver.
- 2.5 All materials used in the manufacture of, and for the purpose of being affixed to the Hackney Carriage must be approved in writing by the Council.
- 2.6 Materials should be of a quality, which are not easily defaced.
- 2.7 A sample of the material to be used should be submitted with the artwork for provisional approval.
- 2.8 No secondary advertising of any kind will be permitted including the name of the company preparing the vehicle or the name of the advertising agency.
- 2.9 The exterior bodywork of any Hackney Carriage must be in good condition and may only be used if any defects in bodywork have been remedied and refinished to an acceptable standard to an authorised Officer of the Licensing Service and where necessary the Transport Manager before the advertisements are affixed.
- 2.10 Provision must be made for the **immediate** replacement of any damaged or defaced advertising panels. Approved advertising panels and their method of fixing must be

kept in good order and appearance. Hackney Carriages will not be permitted to work with damaged, defaced or defective panels nor will they be accepted for re-licensing in this condition.

- 2.11 At the completion of the advertising contract the Hackney Carriage must be returned to its original appearance. All adhesive or magnetic attachments or mounting brackets must be removed. Applications for new advertisements on Hackney Carriage Vehicles must be submitted to the Council within six weeks of the termination or expiration of the existing contract.

### **3. CONDITIONS FOR EXTERIOR ADVERTISING**

- 3.1 Advertising on the exterior of the London Type Hackney Carriage and wheelchair accessible mini-bus type vehicles as defined in the Council's Conditions for Hackney Carriage Vehicles 1(a) and 1(d) is permitted using:-
  - (a) The lower panels of the front doors on both sides of the vehicle.
  - (b) The lower panels of front and rear side doors on both sides of the vehicle.
- 3.2 The materials used for exterior advertisements must be approved in writing by the Council.
- 3.3 The advertisement can be affixed directly onto the body of the Hackney Carriage or initially attached to an approved magnetic panel or mounting bracket, which is then attached to the vehicle.
- 3.4 Adhesive or magnetic door advertisements for both front and/or rear side doors must be of suitable dimensions to cover the lower door panel and must not overlap the curve above this panel.
- 3.5 The advertisement must be solely for the proposed product, or company on all exterior facets which are permitted.
- 3.6 The same advertisement(s) must be displayed on BOTH sides of the Hackney Carriage
- 3.7 Single door advertisements will only be allowed on the front door panels.

### **4. CONDITIONS FOR INTERIOR ADVERTISING**

- 4.1 Advertisements must only be displayed within the passenger compartment on the base of the occasional seats and/or along the bulkhead above the passenger/driver partition where the existing design of the vehicle permits and must be at suitable dimensions.
- 4.2 Occasional seat advertisements must be encapsulated in clear non-flammable plastic and bulkhead advertisements must be manufactured in an approved material which is non-flammable and which will not cause injury to passengers.
- 4.3 Bulkhead advertisements may incorporate a dispenser for leaflets directly related to the current advertisement. The dispenser design must be approved by Luton Borough Council and must conform with Condition 5.

4.4 No advertising material may be placed on the passenger/driver partition other than advertisements/ notices which are approved in writing by the Council.

4.5 Advertisements must be of a form that does not become easily soiled, detached or defaced.

## **5. PROPOSED CONDITIONS FOR LEAFLET DISPENSERS IN LICENSED HACKNEY CARRIAGES**

5.1 Dispensers **must**:

5.1.1 - be suitably fitted to the bulkhead \*

5.1.2 - be lockable

5.1.3 - only deliver one leaflet at a time (to avoid litter)

5.1.4 - be designed to prevent unauthorised leaflets being fed into the dispenser

5.1.5 - be manufactured in suitable material i.e. fireproof, shatterproof.

5.1.6 - not intrude significantly into the passenger compartment or impede the use of the vehicle and should be moulded without sharp edges or projections to avoid possible injury.

5.1.7 - only **one** dispenser per vehicle will be allowed.

5.2 \*It is recognised that the changing interior design of licensed Hackney Carriages, that the position of the leaflet dispenser may need to be located elsewhere than the bulkhead. The Licensing Service Manager will consider alternative locations for leaflet dispensers inside Hackney Carriages which will not impede access and egress or risk injury to passengers.

## **6. CONDITION FOR ILLUMINATED ADVERTISEMENTS**

6.1 Illuminated signs in any form may be considered under strict criteria.

## **7. PROPOSALS FOR TV/VIDEO, MOVING GRAPHICAL DISPLAY, LCD SCREEN ETC ADVERTISING IN THE PASSENGER COMPARTMENT**

7.1 The view has been taken by the Licensing Sub-Committee that the fare paying passenger pays the premium rate to be conveyed from one location to another in safety, comfort and privacy. As a captive audience, being subjected to excessive or intrusive advertising will not be accepted in these circumstances.

7.2 Any proposals to increase or introduce new advertising concepts into the passenger compartment will be reviewed against such background.

7.3 Additionally, in any proposal of the new technology basis advertising the following issues will need to have been addressed:-

7.3.1 location of equipment to ensure no statutory regulations are breached

- 7.3.2 evidence to show that the new technology does not interfere with or compromise any equipment already fitted in the Hackney Carriage
- 7.3.3 robustness of the equipment
- 7.3.4 the broad spectrum of safety issues
- 7.3.5 details of equipment operation and arrangements to allow direct control by the passenger
- 7.3.6 proposals for the testing of equipment

7.4 Any advertisements for TV/video, moving graphical display, LCD screen or similar technology, as defined by the Licensing Service Manager for advertising in the passenger compartment of the vehicle, must be no larger than 15.5 inches can be displayed and must not interfere with the customers comfort or privacy. As a captive audience, not to be subject to excessive or intrusive advertising and must be approved by the Licensing Service Manager prior to any proposal being installed in a Licensed Hackney Carriage vehicle.

## 8. CONDITIONS FOR ADVERTISING CONTENT

8.1 All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so and to confirm this fact in writing to the Council when the final stage is being considered.

8.2 Each proposal is considered on its merits but the following advertisements **WILL NOT BE APPROVED** if they contain:-

- 8.2.1 Reference to political, ethnic, religious, sexual or controversial text
- 8.2.2 Reference to escort agencies, gaming establishments or massage parlours
- 8.2.3 Nude or semi-nude figures
- 8.2.4 Statements which seek to involve the driver as an agent of the advertiser
- 8.2.5 Material likely to offend public taste
- 8.2.6 Information on more than one company/ or product.
- 8.2.7 Reference to tobacco or tobacco products.
- 8.2.8 Reference to alcohol.

Applications for approval of advertisements must be made in writing to:  
 The Licensing Service Manager  
 Licensing Service Town  
 Hall  
 Luton

LU1 2BQ Telephone: 01582 546040

Further information and guidance on advertising matters can be obtained from:

## **2. CONDITIONS FOR THE PROCEDURE OF OBTAINING APPROVAL TO ANY ADVERTISEMENT OR LIVERY**

### **2.1 PROVISIONAL APPROVAL**

- 2.1.1 The applicant or his agent must submit artwork or a "mock up" of the proposed advertisement for initial scrutiny as to the suitability of the content. The artwork or "mock up" must be in colour.
- 2.1.2 Samples of the proposed materials must be provided.
- 2.1.3 The application must comply with the Council's current conditions relating to Hackney Carriage advertising and when considered satisfactory, provisional approval will be granted in writing by the Council. Any changes made after provisional approval has been obtained must be notified to the Licensing Authority and written agreement to the changes obtained.

### **2.2 FINAL APPROVAL**

#### **2.2.1 Single, Double Door and Interior Advertising**

2.2.1(a) A "printer's pull" of the advertisement must be submitted to confirm the content of the provisional approval and for retention by the Council for record purposes. Written confirmation must be provided by the applicant, or his agent, that the advertisement complies with the British Code of Advertising Practice and state the period of time that the advertisement will be displayed. The final approval will be confirmed in writing.

2.2.2(a) The Hackney Carriage displaying the finally approved must be presented to the Council for inspection in respect of the content and quality of finish on the vehicle.

2.2.2(b) Until the final approval is endorsed by the Council the Hackney Carriage cannot ply for hire. Any Hackney Carriage found with an advertisement or livery which has not received final approval is liable to be issued with an suspension / rectification notice by a Luton Borough Council Approved Vehicle Examiner or a Licensing Enforcement Officer. (Such a notice prohibits the use of the vehicle as a licensed Hackney Carriage from the time of receipt).

## Appendix Q

Q: Prescribed private hire vehicle licence door sign format.

**Luton Borough Council  
Private Hire Vehicle Door Signs  
Layout effective from 01.04.2005**



**All door signs must be produced to the following specification:**

Font	Arial
Yellow	Pantone PMS 109C
	Where the Pantone reference is unobtainable the printer must match the dried ink to Pantone PMS 109C
	If printing on yellow vinyl then colour match to Metamark Ref M7-136 Bright Yellow

"ADVANCE BOOKINGS ONLY" and "TO VALIDATE INSURANCE" wording must be 30mms in height

R: Private Hire Operator's Licence Conditions

**STANDARD CONDITIONS FOR PRIVATE HIRE OPERATOR'S LICENCE**

- (1) (i) The licensee shall keep a record in the form of a bound book or such other form as may be approved by the Council and notified to the licensee, in writing, and shall enter therein before the commencement of each journey the following particulars of every booking of a Private Hire Vehicle invited or accepted by him or her, whether from the hirer or another Operator:-
- (a) date;
  - (b) time;
  - (c) whether direct from hirer or at request of another Operator (in the latter instance the name of the Operator must be given);
  - (d) where possible name of hirer and address;
  - (e) place at which vehicle is to attend;
  - (f) date and time at which vehicle is to attend;
  - (g) destination;
  - (h) plate and registration number of vehicle;
  - (i) name of driver of vehicle; and

(ii) the licensee shall preserve the particulars of each journey at the address of the place of business notified to the Council, in writing, for a period of not less than three months. The Council may require the Licensee to preserve such particulars for a longer period by delivering a notice in writing to the Licensee at least seven days before the end of the three month period. If the council serves such a notice on the Licensee, the licensee may not destroy the particulars referred to in that notice, until such further notice in writing from the Council is served on the licensee which authorises the destruction of the said particulars.

- (2) The Licensee shall keep a certified true copy of the current Private Hire Vehicle Licence issued by Luton Borough Council at the Operators office, and of the following particulars of any Private Hire Vehicle operated by him or her:

- (a) Date on which the Vehicle was added to the licensees fleet.
- (b) Date on which the vehicle was withdrawn from the licensees fleet.

- (3) The licensee shall keep a certified true copy of the current Private Hire Drivers Licence issued by Luton Borough Council at the Operators office, and the following particulars of all licensed Private Hire Drivers engaged to drive any Private Hire Vehicle operated by him or her:-

- (a) Private Hire Drivers Badge Number;
- (b) Date that employment commenced;
- (c) Date that employment terminated;

- (4) The licensee or his controllers shall produce all or any of the records specified in conditions 1,2 or 3 above on request to any Authorised Officer of the Council or

to any Constable for inspection on demand.

- (5) The licensee shall not operate any vehicle, which is not exempted from the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, by section 75(1) of that Act, as a Private Hire Vehicle unless it is subject to a current Private Hire Vehicle Licence Granted by the Council. However, the Licensee may operate any unlicensed vehicle from the authorised premises mentioned in the Licence provided that the usage of such vehicle is exempt from control under Part II of the Local Government (Miscellaneous Provisions) Act, 1976.
- (6) The licensee shall not employ or otherwise engage whether directly or indirectly any driver to drive any Private Hire Vehicle operated by the Licensee unless the driver has a current Private Hire Driver's Licence granted by the Council.
- (7) This licence does not permit the Licensee to operate licensed Private Hire Vehicles from premises other than the authorised premises mentioned in the Licence. Any change in the details of these premises must be notified within seven days of the change to the Director of Environmental Services, Environmental Services Department, Gordon Street, Luton.
- (8) Any change of address of the Licensee must be notified to the Director of Environmental Services, address as immediately above.
- (9)
  - (a) no advertisement containing wording which includes the words "cab" "taxi-cab" or "taxi" may be exhibited on the notified premises or attached to the exterior thereof including any door, window, brickwork or fascia;
  - (b) if the Operators firm, company name or names contains the words "cab" "taxi-cab" or "taxi" these names may not be displayed in the advertisements referred to in (9)(a) above and
  - (c) in addition to the restrictions imposed by the provisions of (9)(a) and (9)(b) above no advertisement by the licensee:
    - (i) indicating that motor cars can be hired on application to an address or telephone number; or
    - (ii) on or near the notified premises indicating that motor cars can be hired at those premises shall include the words "cab" "taxi-cab" or "taxi";

in this licence "advertisement" includes any form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs, pictures, video tape, film, computer generated images or by way of sound broadcasting or television.

"taxi", "taxi-cab" and "cab" includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word.

- (10) The licensee shall not cause or permit the colour of any licensed vehicle

operated by him or her for Private Hire work to have a colour scheme which does not comply with Condition (1) of the Council's Standard Conditions for a Private Hire Vehicle Licence.

(11) The licensee shall not permit any licensed vehicle operated by him or her to display on or above the roof of any vehicle any sign which consists of or includes the words "cab", "taxi-cab" or "taxi" whether in singular or plural or "hire", or any words of similar meaning or appearance to any of those words whether alone or as part of another word; or any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi, as defined in sub-section (3) of section 64 of the Transport Act, 1980.

(12) Subject to condition (11) & (12.1) above the licensee shall not permit any advertisement, sign or light other than as set out in this condition to be placed either inside or outside any licensed vehicle operated by them which is not required by law to be displayed or fitted or is not a Private Hire Vehicle plate or identifying disc provided by the Council except:-

- (a) the licensed vehicle may display on the front windscreen the trading name and telephone number of the operator in a manner approved by the Council;
- (b) the licensed vehicle may display on the outside of the two front doors of the vehicle the name and/or telephone number of the operator;
- (c) there should be no other form of advertising or markings, both inside and outside the vehicle except as specified in this condition or unless specifically approved by the Council and notified, in writing, to the operator.

(13) The licensee shall ensure that if any Private Hire Vehicle operated by them is fitted with a taximeter then no Private Hire Vehicle so equipped shall be used for hire unless such taximeter has been tested and approved by or on behalf of the Council.

(14) (a) The licensee shall ensure that any Private Hire Vehicle operated by him or her is in suitable mechanical condition, safe, comfortable, clean and presentable and that the Private Hire Vehicle Plate is affixed to the vehicle as follows:-

- (i) affixed to the outside rear of the vehicle so as to be plainly visible from the exterior of the vehicle;
- (ii) a replica plate to be affixed on the inside front windscreen of the vehicle in the upper nearside quarter so as to be plainly and distinctly visible from the interior of the vehicle;

and

(iii) the identifying disc issued by the Council shall be affixed inside the vehicle to the lower nearside of the front windscreen so that the information thereon is plainly and distinctly visible from the exterior of the vehicle.

(b) The licensee shall ensure that the vehicle is insured for the carrying of passengers for hire or reward at all times and that every Private Hire

Vehicle operated by him or her is insured for the carrying of passengers for hire and reward by previous bookings; and a copy of the vehicles current insurance details are to be held by the operator and available for inspection on demand by an authorised officer of the Council or a Police Officer; and

(c) that the provisions of Section 50 of Part II of the Local Government (Miscellaneous Provisions) Act, 1976 are complied with.

(15) The licensee shall notify the Director of Environmental Services of any material change in the particulars originally supplied to the Council when this Licence was applied for or if the change was not expected as soon as possible after it has taken place.

(16) The licensee must inform the Council in writing within 7 days of a driver joining or leaving the company or firm.

(17) This licence has been granted to the licensee personally and does not licence any other person, who may take over the licensee's business for which he or she requires a Private Hire Operator's Licence, as a Private Hire Operator.

Therefore, unless any person who intends to take over the licensee's said Private Hire business is already an Operator licensed by the Council that person must obtain an Operator's licence in his or her own right from the Council prior to taking over the said Licensee's Private Hire business.

(18) The licensee shall display this licence on the premises at all times and produce this licence on request to any Authorised Officer of the Council or to any Constable for inspection.

(19) The licensee shall not permit or cause or suffer to be conveyed in a Private Hire Vehicle a greater number of persons than that specified in the current Private Hire Vehicle Licence in respect of that vehicle.

(20) The licensee shall keep clean and in good state of decoration and repair, adequately heated, ventilated and lit any premises which they provide and to which the public have access whether for the purpose of booking or waiting; shall ensure that the waiting area has adequate seating facilities and that such facilities and any other furnishings provided are in a good state of repair and shall ensure the appropriate fire precautionary equipment is provided, properly maintained and kept in an accessible location.

(21) The Licensed Operator is to ensure that the drivers employed or used by the Operator are licensed by Luton Borough Council by checking the status of their Licence with the Director of Environmental Services.

(22) The Licensed Operator is to be directly concerned in the day-to-day management of the business and is to ensure that all of the conditions listed above are adhered to.

(23) The Council reserve the right to vary, delete or waive any of the foregoing conditions.

## Appendix S

### S: Private Hire Operator cross border conditions

#### **LUTON BOROUGH COUNCIL PRIVATE HIRE OPERATOR CONDITIONS – CROSS BORDER HIRING ACTIVITY.**

##### **Approved at admin and regulation on 12 April 2016.**

The Licensed Operator shall not engage or otherwise provide under a contract for private hire services any vehicle or driver other than the same licensed by Luton Borough Council without first:-

- (a) Notifying the Service Manager, Public Protection at the Borough Council of the intended engagement and/ or provision.
- (b) Receiving a statement from the Service Manager, Public Protection as to whether the vehicle and/ or driver would normally be granted a licence from this council to undertake either Hackney Carriage or Private Hire work.
- (c) Providing a reasoned response to the Service Manager, Public Protection on any and all issues raised by him in his statement at clause (b) above.

In relation to any proposed driver, the notification referred to the clause (a) above shall set out any other Licence the individual is subject to including the Licensing authority and any reference number from that authority for that said Licence, the Operator's understanding of the character and convictions of the individual, the individual's topographical knowledge of the Borough, the individual's English language skills and their driving skills together with any assessments of the same.

In relation to any proposed vehicle, the notification concerned shall set out the Operator's understanding of the construction, design and condition of it, maintenance arrangements for the vehicle including daily checks on it over the preceding month, intended daily checks of the vehicle and any assessment of the vehicle (e.g. Certificate of Compliance, Council Taxi's/ Private Hire test, Loler etc.) within the preceding twelve months.

The reasoned response referred to clause (c) above shall set out the arrangements to be made to address the issues raised in the statements concerned as identified in clause (b) above. Compliance with the requirements of clause (a) and (c) above will be upon acknowledgement of the communication being received by the Service Manager, Public Protection.

The Licensed Operator shall not provide details of a client for Private Hire Services to any other business in order to fulfil any contract to provide a vehicle and driver for that client without first:-

- (a) Having received from that other business sufficient guarantees in respect of its technical and organisational security measures for the handling of personal data of the client.
- (b) Having documented reasonable steps the Licensed Operator will take to ensure the other business complies with guarantees referred to in clause (a) above.
- (c) Having a written contract with the other business to ensure the use of the client details shall only be as directed by the Licensed Operator and that the other business will take all reasonable measures to prevent unauthorised or unlawful disclosure of the client details and against accidental loss or destruction of, or damage to, the client details concerned.

## Appendix T

### T: Re-allocation of hackney carriage proprietors licence process

The Council will place a Public Notice on the Luton Borough Council website and in the local Newspaper giving details of the plate for re-allocation and the procedure for applying as and when one needs to be re-allocated.

The process used to allocate a licence that is passed back to the authority is that of a 'lottery/draw' type system to allow all parties equality of opportunity.

Each applicant is allocated a number and the first number drawn would identify the successful applicant. The next five numbers drawn would identify those applicants who would be held in reserve, in the event that the successful applicant is unable to comply with the policy or has pulled out of the process.

Those held in reserve are only in reserve for the plate in question and not for any subsequent plates that are subject to re-allocation.

The draw is conducted in by an external organisation and all applications that met the criteria are sent recorded delivery to the organisation. To avoid any assertions of foul play, fix or bias and an announcement of the name of the successful party in the draw is made as well as the names of those held in reserve.

Once a person has been selected, they need to adhere to the current Hackney Carriage and Private Hire Licensing Policy.

The successful applicant will complete the vehicle licensing procedure within three (3) months of the date of being allocated a licence. The allocation will be withdrawn if they do not complete the vehicle licensing procedure within that period. The licence will be re-allocated to the next person on the list of those held in reserve.

## Appendix U

### U: Replacement vehicle policy

#### Private Hire Licensed Vehicles

A proprietor of a vehicle can transfer their ownership of the vehicle to another person who is not specified on the licence. If this occurs then the Licensing Authority must be notified within fourteen (14) days and the former proprietor must supply in writing the name and address of the person to which the vehicle has been transferred.

If a proprietor wishes to change the vehicle then a Grant application for the new vehicle will need to be submitted as per the normal arrangements/ conditions. If the proprietor wants to retain the licence (plate) number then this must be notified at time of application for the new vehicle. The old vehicle licence must also be surrendered before the licence to the new vehicle can be issued under that licence number.

#### Hackney Carriage Vehicles

A proprietor of a Hackney Carriage can transfer their ownership of the vehicle to another person who is not specified on the licence. If this occurs then the Licensing Authority must be notified within fourteen (14) days and the former proprietor must supply in writing the name and address of the person to which the vehicle has been transferred.

It should be noted that the proprietor of a vehicle to which a Hackney Carriage Licence has been issued cannot sell the vehicle and retain the licence.

As there is a limit on the number of Hackney Carriage Licences, then under the Policy the Licensing Authority will allow the Hackney Carriage Licence to be applied to a replacement vehicle in the following instances:

1. To improve the standard of the Hackney Carriage fleet with an older vehicle being replaced by a vehicle less than five (5) years old. Euro 6 diesel, PHEV and BEV licensed vehicles shall be no more than 7 years old.
2. Due to accident Damage, to temporarily transfer the licence to an Accident Transfer Vehicle, whilst the substantive licenced vehicle is being repaired. The Accident Management Vehicle must meet the Councils Conditions for Hackney Carriage.

If a Hackney Carriage vehicle is damaged beyond repair and needs to be replaced then the Council will hold the vacant licence for a maximum of 28 days to enable to proprietor to find a replacement vehicle. If a vehicle cannot be assigned to the licence then the licence will be released for reallocation.

#### **General**

A completed vehicle application form must be completed, all necessary documents supplied and the relevant fee paid prior to any vehicle being used as a private hire or hackney carriage vehicle. On the basis all conditions and requirements are met and are satisfactory, then the licence will be granted for the mentioned vehicle.

The Authorised Council Officer will consider each application on an individual basis, taking into consideration the merits of each case prior to determining any such licence.

### V: Location of taxi bays/ ranks in the borough

#### HACKNEY CARRIAGE STANDS IN THE BOROUGH OF LUTON:

- **George Street** – Odd numbered side, a bay 12 metres long situated outside No 83 George Street
- **Park Street** – Even numbered side a 3 metre length of redundant kerb outside Barn Court that lead off street access; Even numbered side from a point 15 metres north of its junction with Cumberland Street to a point opposite the side wall of No 554 Park Street
- **Station Road** – Station side the whole drop off area outside the main station entrance
- **Toddington Road** – Even numbered side – the initial 12 metres of the parking bay opposite 13 – 19 Toddington Road
- **Alma Street** – East (odd numbered side) from a point opposite the boundary between No's 31/33 Alma Street southwards for a distance of 30 metres;
- **Cheapside** – Odd numbered side from a point opposite the boundary between No's 51/53 to a point opposite boundary between No's 57/59 Cheapside – 2300 to 0400 hours;
- **Chapel Street** – Even numbered side from a point 4 metres north of the boundary between No's 8 – 10 Chapel Street southwards for a distance of 12 metres – 2100 to 0600 hours;
- **Gordon Street** – West side, from a point 35 metres north of the northern kerb line of Upper George Street, in a northerly direction for a distance of 29 metres – 2100 to 0600 hours (No waiting restriction 0800 to 1800 hours);
- **Kimpton Road** – On the south side (adjacent to Hamptons Hotel) from a point approximately 10 metres east of the hotel access road to a point 10 metres west of the traffic island, a distance of approximately 42 metres.
- **Manchester Street** – West side, from a point 5 metres south of the south eastern kerb line of Lancrets Path in a south easterly direction for a distance of 12 metres;
- **Midland Road** – Even numbered side, from a point 10 metres west of the western kerb line of Dudley Street, in a westerly direction for a distance of 16 metres;
- **Midland Road** – Even numbered side, from a point 45 metres west of the western kerb line of Dudley Street, in a westerly direction for a distance of 6 metres;
- **New Bedford Road** – East side, from its junction with Manchester Street, in a northerly direction for a distance of 20 metres – 2100 to 0600 hours;
- **Park Street** – Odd numbered side from a point opposite the boundary between No's 16/18 Park Street eastwards for a distance of approximately 10 metres;

- **Park Street** – Odd numbered side from a point approximately 16 metres northwest of its junction with Cumberland Street northwards to a point approximately 7 metres southeast of its junction with Park Street West;
- **Park Street West** – Odd numbered side from a point 10 metres southwest of the southern kerb line of Burrs Place southwards for a distance of approximately 16 metres – 2100 – 0600 hours;
- **Spittlesea Road** – On the south side (adjacent to Airport Way) from a point 17 metres south of its junction with Percival Way southwards for approximately 115 meters.
- **Upper George Street** – Odd numbered side from a point 5 metres east of the boundary between No's 1/3 Upper George Street, in a westerly direction for a distance of 12 metres – 2100 to 0600 hours;
- **Upper George Street** – Odd numbered side from a point 4 metres west of the boundary between No's 5/7 Upper George Street, in a westerly direction for a distance of 16.5 metres 2100 to 0600 hours;
- **Upper George Street** – Even numbered side from a point approximately 14 metres west of the western kerb line of Gordon Street westwards for a distance of approximately 36 metres – 2100 to 0600 hours;
- **Wellington Street** – Even numbered side from a point opposite the northern wall of No8 Wellington Street boundary northwards for a distance of approximately 27.5 metres;

### **Location of Taxi Ranks**

These are on private land and are enforced by Luton Borough Council.

- Luton Airport Parkway railway station
- Luton Central Station

## Appendix W

### W: Private hire exemption(s) from the requirement to display vehicle identification plate(s) policy

APPROVED 20 JUNE 2017.

#### 1. Statement of intent.

- 1.1 The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow specific operators to operate 'executive vehicles' without displaying external identification plates in appropriate cases.

External identification plates means (two external door signs, external and internal licence plate(s)), this policy also considers 'dark privacy' glass also known as tinted windows.

- 1.2 An exemption, where considered appropriate, will *only* be issued to a licensed private hire operator in the borough and specific vehicle(s) working for that said operator.

#### 2. Introduction.

- 2.1 The displaying of external identification plate(s) on a licensed vehicle and wearing of a driver's badge are important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure the public's safety. The visible licence number of the vehicle and driver affords members of the public and other persons such as the Police traceability via the local licensing authority.
- 2.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate(s) (section 48) and that drivers of those vehicles wear a driver's badge (section 54). The same legislation also allows Luton Borough Council ('the Council') to exempt vehicles from the need to display an identification plate(s) and, where that exemption applies, the requirement to wear a private hire driver badge (section 75(3)).
- 2.3 The Council will only consider the issue of an exemption to a licensed private hire operator and the vehicle(s) working for that operator. The operator *cannot* operate an 'executive' type business at the same time as private hire operating a 'day to day / town work' business under the same operator licence.

If an operator wishes to operate both types of business the Council would require them to hold two separate operators' licences in order that they can be run as two separate entities.

For the purpose of this Policy:

- o **'executive'** will be defined as: contract work to include business to business work (see below):

- o **'day to day town work'** will be defined as routine, every day, standard work which is outside of the definition of 'executive'.

### 3. The policy.

- 3.1 Exemptions from displaying identification plates may only be granted in respect of individual vehicles operated by a specific licensed private hire operator within the Borough and will only be based upon demonstrable evidence.
- 3.2 Each application will be assessed on its own merit.
- 3.3 Applications for exemption from the requirement to display identification plates may be considered where the following requirements are met;

a) The type of work undertaken is 'executive' in nature (definition as stated at 2.3). There must be a demonstrable need for an exemption to apply rather than a single one off contract. The type of work that may be considered 'executive' may include:

- i) Corporate bookings to transport employees and clients on business related journeys;
- ii) Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a private hire vehicle.

This list is not exhaustive.

The fact that the hirer pays a higher fee for hiring what may be referred to as an executive hire car (compared to what the hirer may pay for a non-exempt private hire vehicle displaying private hire plates and signage) may be indicative (but not conclusive) that the nature of the business is executive hire and that the exemption may be appropriate.

- a) The percentage of 'executive' work undertaken by both the operator business and vehicle must constitute 100% of the total work carried out.
- b) The Council's private hire vehicle minimum standards state that vehicles will not be accepted for licensing with dark 'privacy' glass (tints). When vehicles are licensed the proposed applicant must ensure that at least 75% of light must pass through the front window and at least 70% of light can pass through ALL other windows (in line with the Construction and Use Regulations for front windows) issued by VOSA. This is considered an essential safeguard in the protection of the travelling public. This enables passengers to see into a vehicle prior to entering and ensure that the view of travelling passengers is not obscured and also for drivers to be seen for their own protection.

In certain circumstances some passengers may request vehicles with tinted windows. The Council will consider applications for the exemption of display of licence plates in respect of vehicles with tinted windows. The applicant must provide sufficient evidence with such an application to convince the Council that it should depart from its standard policy. Evidence should include full reasons why tinted windows are required. The fact that a vehicle is manufactured with tinted windows is not itself sufficient reason for an exemption to be granted. Applicants are strongly

recommended to seek approval based on the exact model and specification of a vehicle prior to purchase. Aftermarket kits will not be acceptable.

- 3.4 Where an operator wishes to support an application for a vehicle to be exempt from displaying identification plates and / or permission to allow tinted windows; they should consider the issues referred to above and any further information that would assist the Licensing Service in determining the application for an exemption.
- 3.5 A notice of exemption from displaying identification plates will be granted at the Council's discretion. The applicant must provide sufficient documentary evidence to support their application. Such evidence may include:
- a) A letter from each customer indicating:
    - i) Why they require a vehicle which does not display an identity plate,
    - ii) Whether they require privacy glass, and why privacy glass is required.
    - iii) The type of vehicle they require.
  - b) A letter from the private hire operator for who work is undertaken stating the vehicle registration number of the vehicle to which this application relates and detailing the work that will be carried out and the percentage of that work to be carried out.
  - c) Copies of written contracts with customers.
  - d) Copies of invoices.
- 3.6 The Council may require applicants to provide any additional documentation reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.
- 3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate(s) an exemption notice will be issued as soon as practical after the decision is made.
- 3.8 Where a vehicle is exempted from the requirement to display an external identification plate(s) the vehicle will also be exempted from the need to display the internal plate.
- 3.9 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for the same period of time as that vehicle's private hire licence, unless either the licence or notice is otherwise surrendered or revoked.
- 3.10 Exemption notices may be renewed annually.
- 3.11 The Council has delegated authority to determine applications for exemptions notices under this policy in accordance with the schedule attached to the Council's Hackney Carriage and Private Hire Licensing Policy.
- 3.12 Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with all the conditions for private hire vehicles contained within the

council's private hire vehicle licence conditions.

- 3.13 The below conditions apply to all private hire vehicles granted an exemption from displaying identification plates and are in addition to the general conditions applicable to all private hire vehicles:
- a. The valid private hire vehicle plates issued to the licence holder shall be kept within the vehicle at all times and shall be produced for inspection by an authorised officer of the Council or a Police Officer upon request.
  - b. The exemption notice shall be retained within the vehicle at all times and shall be produced for inspection by an authorised officer of the Council or a Police Officer upon request.
  - c. In the event of loss or damage rendering such plate or notice unserviceable the proprietor of the vehicle shall immediately notify the Council apply for a replacement for which a fee may be payable.
  - d. The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or crest advertising the operating company or the vehicle's status as a private hire vehicle unless prior written approval had been given by the Council.
  - e. During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
  - f. When requested to do so by a passenger(s) the driver must provide their name and badge number.
  - g. Failure to comply with the above terms will invalidate the exemption granted with immediate effect.
  - h. These terms shall remain valid for the term of the exemption / notification unless replaced by a different scheme or system of identification.
  - i. The Council must be notified if the vehicle is to be operated by another private hire operator who will determine whether the exemption is to remain in force. Where the exemption ceases to remain in force, the exemption notice must be returned to the Council.
  - j. The proprietor shall notify the Council of any change in the type of use of the business / vehicle immediately.
- 3.14 The conditions below apply to all private hire operators who operate vehicles in relation to which:
- (i) an exemption from displaying plates has been granted; and/or,
  - (ii) permission to have tinted windows has been granted.

These conditions are in addition to the general conditions applicable to all private hire operators.

- a. Bookings taken in respect of clients who require vehicles exempt from the display of plates must be paid for on account. No payment can be made to the driver of the vehicle at time of hiring.
- b. Copies of records detailing the division of work are to be kept for 12 months from the end of the period of hire and must be provided to an authorised officer of the Council on request.
- c. Copies of contracts with clients who require vehicles exempt from the display of plates must be kept for 12 months from the end of the period of hire and must be provided to authorised officers of the Council on request.

#### **4. Applications**

- 4.1 An application for exemptions must be made by an operator using the form provided by the Council setting out the types of exemptions required, which must be submitted together with the evidence referred to at paragraph 3.5 above and any applicable fee.
- 4.2 An application for exemption must also be made in relation to each specific vehicle for which an exemption is required using the form provided by the Council which must be submitted together with evidence that the vehicle concerned is to be operated by an operator to whom an exemption has been granted or applied for and any appropriate fee.
- 4.3 An application for renewal of an exemption must be accompanied by the records relating to the “Executive” work undertaken by the operator or vehicle concerned in the period of the previous licence.

## Appendix X

### X: National register of refusals and revocations

The licensing authority provides information to the National Register of Hackney Carriage and Private Hire Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire drivers licence revoked, or an application for one refused.

This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

Therefore:

- Where a hackney carriage/ Private Hire drivers licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for or being granted, a hackney carriage / Private Hire drivers licence. The authority sets out below how it will deal with requests.

#### **Requests for information, disclosure of information, and use of information as a result of an entry on NR3**

In this policy, the ‘first authority’ refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the ‘second authority’ refers to a licensing authority which is seeking more detailed information about the entry.

##### **1. Overarching principles**

This policy covers the use that this authority will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a drivers’ licence. This information is important in the context of a subsequent application to another authority for a drivers’ licence by a person who has had their licence refused or revoked in the past.

This authority has signed up to the NR3. This means that when an application for a drivers’ licence is refused, or when an existing drivers’ licence is revoked, that information will be placed upon the register.

When an application for a new drivers’ licence, or renewal of an existing drivers’ licence is received, this authority will make a search of the NR3. The search will only be made by an officer who has been

trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court.

If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated.

Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with this authority's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's general policy on the erasure and destruction of personal data.

## **2. Making a request for further information regarding an entry on NR3**

When an application is made to this authority for the grant of a new, or renewal of, a driver's licence, this authority will check the NR3.

This authority will make and then retain a clear written record<sup>13</sup> of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

## **3. Responding to a request made for further information regarding an entry on NR3**

When this authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request. This authority [will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority is satisfied that the other authority's (the 2<sup>nd</sup> authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a licensed driver. Data is held on the NR3 register for a period of 25 years, but this authority (the 1<sup>st</sup> authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the Fitness and Convictions Policy. Where the reason for refusal to grant or revocation relates to a conviction (or similar) which is within the timescales determined in the Fitness and Convictions Policy the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or Similar) which is outside the timescales determined in that policy the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority will make and then retain a clear written record<sup>18</sup> of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

#### **4. Using any information obtained as a result of a request to another authority**

When this authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications in accordance with the Fitness and Convictions policy used for determining applications.

This authority [will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.