

£10 (free to download)

October 2017

Hackney Carriage and Private Hire Licensing Handbook

This handbook will be regularly updated and available on our website www.wealden.gov.uk. After you are licensed you should check every 3 months and download the latest version.

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This October 2017 version of the handbook includes changes to vehicle age criteria approved by Licensing Committee on 22/9/2017. Handbook previously approved by Licensing Committee on 18/5/2017.

Part A

Quick reference checklist:

Driver licence:

	Dual (Hackney Carriage & Private Hire)	
	First Application	Renewal
Minimum age	No	No
Full drivers licence	Yes	Yes
Minimum period held DVLA licence	36 months (or advanced driver assessment IoAM)	N/A
Licence fee payable	✓	✓
Group 2 Medical	✓	✓
Disclosure & Barring Service check	✓	✓
DVLA driving licence check	✓	✓
Practical driving assessment test	✓	N/A
Wealden knowledge test	✓	N/A
Immigration Act 2016 checks – proof of right to work	✓	✓
Spoken English assessment	✓	N/A
Literacy and numeracy assessment	✓	N/A
Passport	✓	✓
Proof of current address (utility bill)	✓	✓
National insurance number	✓	✓
Provide passport photo	✓	✓
Licence period	One year or three	One year or three
	Licence only permits you to drive vehicles licensed by Wealden DC	

First application for a vehicle licence:

	Hackney Carriage	Private Hire
Vehicle licence fee payable	✓	
Vehicle Compliance Test	✓ (dated within 4 weeks prior to application and a subsequent VCT 6 months' after issue)	
Inspection by licensing officer	✓	
Insurance	✓	
Certificate of ownership (v5)	✓	
Licence plate	✓	
Door signs	✓	✓
Roof sign	Yes	No
Taximeter (calibrated)	✓ (certificate)	Optional
Licence period	One year	

Renewal of a vehicle licence:

	Hackney Carriage	Private Hire
Vehicle licence fee payable		✓
Vehicle Compliance Test	✓ (dated within 4 weeks prior to renewal and a subsequent VCT 6 months' after issue)	
Inspection by licensing officer	Not normally	
Insurance		✓
Certificate of ownership (v5)		✓
Licence plate		✓
Door signs	✓	✓
Roof sign	✓	No
Taximeter (calibrated)	✓ (certificate)	Optional
Licence period	One year	

Introduction

1. This handbook provides an overview of hackney carriage and private hire licensing. It is not intended to be an exhaustive or definitive statement of the law and all drivers, operators and proprietors should familiarise themselves with the provisions of the relevant Acts, local byelaws and licence conditions.
2. The handbook must be read in-conjunction with all the Wealden taxi licensing webpages: www.wealden.gov.uk/taxi
3. This handbook will be regularly updated and available on our website. After you are licensed you should read it every 3 months in order to ensure you are up to date.

How to contact the licensing team.

4. You must make an appointment to see a licensing officer, there is no reception service.

Phone: 01424 787550

Email: licensing@rother.gov.uk

Post: Taxi Licensing Team,
Rother and Wealden Shared Environmental Health Service,
Rother District Council, Town Hall,
Bexhill on Sea, East Sussex TN39 3JX.

5. If you are posting important documents make sure you take a copy for your records in case these are lost in the post.

Types of licence

6. The type of licence required will depend upon the work undertaken:

- (a) Hackney Carriages - Driver's* + Vehicle licence required.
- (b) Private Hire Vehicles - Operator + Driver's* + Vehicle licence required.

* Wealden District Council issues DUAL Hackney Carriage & Private Hire driver licences.

Private Hire licensing – the Operator, the Driver and the Vehicle must all hold licences issued by Wealden. For example, if you are a Wealden licensed dual driver and wish to drive a private hire vehicle; the vehicle must be licensed with Wealden and you can only work for a Wealden licensed Operator.

Licence Fees

7. The licence fees are reviewed every year. The total fee income received by the Council will cover its costs over a three year period.

Fees and charges are available to view on our web site.

www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Taxi_Licensing_Fees.aspx

PAYMENT Options: From the 1st May 2017 we will not accept Postal Order payments. From June 2017 there will no facilities to pay licence fees by cash at Hailsham reception. In addition, after a date that will be confirmed within the next 12 months, we will no longer be able to accept cheques.

Please ensure you open a debit or credit card account as soon as possible so you are able to pay by card in the future.

Licence Duration

Vehicle	One year
Driver	New driver (one or three years) Renewal (one or three years)
Private Hire Operator	Three or five years

Part B

Wealden driver licences Hackney Carriage and Private Hire Driver licences

You must inform us about a number of important issues during any application process and during the licence period.

8. A list of issues that you must notify us about during the period of a licence (**in writing or email** – you must ask for acknowledgement to prove you complied with the notification requirement):
- Loss of driver badge – **Immediately**.
 - Loss of vehicle plate, internal badge, side door badges - **Immediately**.
 - Accident or damage to licensed vehicle (regardless of whether it was working at the time) - **Within 72 hours**.
 - Change of medical circumstances - **As soon as possible or within 7 days**.
 - Change of address - **Within 7 days**.
 - If you have been arrested or charged for an offence by the Police or any other enforcement agency - **Within 7 days**. You must also notify us again to confirm whether or not you were subsequently convicted - **Within 7 days**.
 - If you have been cautioned by the Police or any other enforcement agency - **Within 7 days**.
 - Arrest, caution, convictions in your capacity as a Ltd Company /Partnership /Director /Company Secretary etc. - **Within 7 days**.
 - All motoring convictions including a fixed penalty notice - **Within 7 days**.
 - You must request permission before you install internal facing CCTV in a licensed vehicle - **Before installation**.
 - You are concerned that a passenger is at risk of sexual exploitation, trafficking etc. - **Immediately**.

Immigration Act 2016

9. With effect from the 1st December 2016 the provisions in the 2016 Act mandate all licensing authorities not to issue licences to illegal migrants and to discharge this duty through immigration checks. (Further information on the type of checks www.gov.uk/government/collections/employers-illegal-working-penalties).
10. This means that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence. Where a person's immigration permission to be in the UK (known as their 'leave') is time-limited to less than the statutory length for a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK. In the event that the Home Office cuts short or ends a person's permission to be in the UK (referred to as curtailment or revocation), any licence that person holds will automatically lapse.

11. The provisions also add immigration offences and penalties to the list of grounds on which taxi and PHV driver and operator licences may be suspended or revoked by licensing authorities.
12. In circumstances where the driver or operator licence expires, is revoked or suspended on immigration grounds, it must be returned to the issuing licence authority. Failure to return the licence will be a criminal offence, punishable on conviction in a Magistrates' Court by a fine.
13. Licensing authorities are under a duty not to issue licences to people who are disqualified by their immigration status from holding them. In determining whether someone is disqualified, licensing authorities are under a statutory duty to have regard to Home Office "*Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector*".
14. The requirement to check the immigration status of licence applicants does not amend or replace the existing 'fit and proper' test that licensing authorities must perform; this includes the obtaining the Certificate of Good Conduct for applicants who have resided abroad for a period of time.

Legislation

15. Legislation relating to Hackney Carriage licensing is primarily covered by the Town Police Clauses Act, 1847, as amended by Town Police Clauses Act 1889 and Part II of the Local Government (Miscellaneous Provisions) Act, 1976.
16. Legislation relating to Private Hire Licensing is covered within Part II of the Local Government (Miscellaneous Provisions) Act 1976.
17. Wealden District Council has made Hackney Carriage Byelaws (1988) for Hackney Carriages (see appendix A).
18. Licences are issued subject to the requirements of the byelaws, the statutory provisions, and the conditions (see appendix B) attached to a licence

'Fit and Proper' person test

19. Passengers should be at the centre of a licensing authority's taxi licensing policies and processes. As the Casey Review (Rotherham) noted 'the safety of the public should be the uppermost concern of any licensing and enforcement regime: when determining policy, setting standards and deciding how they will be enforced.' There is no area where this is more important than in the application of the 'fit and proper person' test and its modern interpretation 'safe and suitable'.
20. Local Government (Miscellaneous Provisions) Act 1976 requires the Council to be satisfied that each applicant for a driver licence is a fit and proper person to hold such a licence prior to its grant.

21. There is no judicially approved test of fitness and propriety; it is therefore a matter for each Council to decide each application on its merits and after completion of a number of checks. In his publication 'Taxis - Licensing Law and Practice', James Button, an acknowledged authority, suggests the following test could be applied:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom you care, to get into a vehicle with this person alone?'

'If the answer to the question is an unqualified 'yes' then the test is probably satisfied. If there are any doubts in the minds of those who make the decision then further consideration should be given as to whether this person is a fit and proper person to hold a driver's licence.'

Drivers Licence Requirements

22. Every driver of a Hackney Carriage licensed by the Council to ply for hire in the Wealden District must hold a current Hackney Carriage driver's licence issued by the Council. It is an offence to ply for hire unless both the driver and the vehicle are licensed to do so in the area in which they operate.
23. Every driver of a Private Hire vehicle licensed by the Council must hold a current Private Hire (or dual driver) driver's licence issued by the Council. It is an offence to operate the vehicle unless the operator, driver and vehicle are all licensed to do so by Wealden District Council.
24. A licence holder must ensure that he/she is fully aware of their duties and responsibilities related to the legislation, licence conditions (see appendix B) and the provisions in this handbook.

Eligibility

25. The requirements for Hackney Carriage and Private Hire driver's licences are the same (the Council issues dual driver licences):
- Have the right to live and work in the UK (Immigration Act 2016).
 - Provide an enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list.
 - Hold and have held for at least 36 months a full driver's (or if not, has completed an advanced driving assessment (IoAM)).
 - Evidence that he/she is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive.
 - Agree to the Council checking their Driver & Vehicle Licensing Agency (DVLA) driving licence history.
 - Provide a medical report of their current medical fitness to DVLA Group 2 standard.
 - Be a fit and proper person.

- Meet requirements of the Council's Convictions Policy.
- Have passed the Councils specified practical driver test assessment.
- Have passed the Wealden knowledge test.
- Have sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.
- Have adequate literacy and numeracy skills to provide the service that they wish to be licensed for.

Driver & Vehicle Licensing Agency (DVLA) driving licence

26. Your current driving licence must be presented for inspection on first application; on every renewal application thereafter and when requested to do so by a licensing officer. New applicants must have held a DVLA licence for a minimum of 36 months (or completed advanced assessment (Inst. of Advanced Motorists)).
27. All Hackney Carriage and Private Hire drivers must, within seven days disclose to the Council in writing details of any motoring conviction imposed on them. Details will include the date of the offence and/or date of conviction, the nature of the charge/conviction and the full penalty/sentence passed. This includes fixed penalty notices and points.
28. Should an offence or conviction occur and it is subsequently not reported to the Council, Section 61LGMPA 1976 will apply and the licence may be suspended or revoked, or penalty points issued.
29. Your driving licence must always show your current address. Failure to notify the DVLA of changes of name and address is a specific offence.
30. The Council may use a third party provider to access your DVLA driving licence history. The Council may also use your personal data (driving licence number, National Insurance number and the postcode on your driving licence) to gain via a mandate your DVLA driving licence status via Gov.uk online portal (<https://www.gov.uk/view-driving-licence>).
31. Should the new applicant/existing HC/PHV licensed driver be convicted of an endorseable motoring offences where the current DVLA points exceed 6 points on his/her DVLA driving licence, he/she shall be required to appear before the Licensing Sub Committee, in the case of a new application to show good reason why the Council should grant, or in the case of an existing driver, show good reason why the Council should not suspend or revoke his/her licence. This also applies to drivers disqualified for exceeding 12 DVLA penalty points in a three year period.

Medical fitness

32. You are responsible for paying all costs associated with medical examination(s), reports and other tests/assessments e.g. exercise test.
33. First and renewal applications for a licence must be accompanied by a medical report provided by the applicant's own registered family medical practitioner (or

doctor who has access to the applicant's medical records) on the form supplied by the Council which meets the DVLA's group two standards. If for any reason it is necessary for the medical to be carried out by a different doctor, then the doctor carrying out the medical must certify that they have had access to the full medical record of the applicant.

34. The Council has adopted the provisions of DVLA "Medical Standards of Fitness to Drive" as it applies to Group 2 licences.
www.gov.uk/government/collections/assessing-fitness-to-drive-guide-for-medical-professionals
35. The Council provides the standard medical report form, this must be given to your doctor, download the form from:
www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Dual_Driver_Application_Process.aspx
36. Following the driver's 65th birthday a medical certificate will be required annually.
37. If a driver has submitted a satisfactory medical in the six months preceding an application threshold date, then the requirement to submit a further medical will be waived until the date of the next required medical examination date, provided that this does not conflict with any medical condition attached to the licence.
38. If at any time a driver fails to meet the current Medical Standards then the licence may be suspended or revoked.
39. In any case of doubt regarding medical fitness, clarification may be sought from the Council's medical advisor.

Illness/ Injury/ Change in medical circumstances

40. If a driver suffers any injury or illness or change in medical circumstances which may affect his/her fitness to drive in any way, they must notify the Council, in writing as soon as possible or at the latest within seven days. Non-compliance with this requirement will result in a sanction.

Criminal Convictions' Policy

41. The purpose of the Council's Criminal Convictions' Policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a licence.
42. The Policy can be downloaded
http://www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Criminal_Convictions_Policy.aspx
43. The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure that:
 - A person is a fit and proper person.

- The person does not pose a threat to the public.
- The public are safeguarded from dishonest persons.
- The safeguarding of children, young persons and vulnerable persons.

44. Before incurring any driver licence application (including renewals) costs, drivers must read the conviction policy and check whether any convictions (including spent convictions) will bar them from holding a licence.

Consideration of an enhanced disclosed criminal history

45. An enhanced Disclosure and Barring Service (DBS) check is required before a driver licence is issued or renewed. You are responsible for any charge incurred in using this service. Subject to the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 (as amended) the Council considers spent convictions.

46. Drivers are expected to sign up to the Disclosure and Barring Service (DBS) update service (annual fee payable). This will speed up the licence application and renewal process. Drivers must be able to provide evidence of continuous registration and nomination throughout the duration of their licence.
<https://www.gov.uk/dbs-update-service>

47. Failure to apply for a disclosure or failure to provide a disclosure certificate will be regarded as a refusal to submit the required documentation and the application will not be considered.

48. The original Enhanced Disclosure certificate must be provided to the Licensing Officer. All information is treated in confidence and will only be retained or taken into account in relation to the application and held for no longer than is necessary. Licensed drivers using the update service must keep a copy of their original DBS certificate.

49. The disclosure of a criminal record or other information will not necessarily debar you from gaining a licence. Any offences disclosed will be dealt with in accordance with the Criminal Convictions' Policy. The application may be referred to the Licensing Sub Committee for determination.

50. If a new applicant has spent six continuous months or more overseas, the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made. This period will be for ten years. This is because we are considering some offences that are not spent for ten years.

Notification of any charges/convictions/cautions

51. The driver shall within seven days disclose to the Council in writing details of any arrest/charges/convictions/cautions of any kind imposed on them during the period of the licence. Details will include the date of the offence and/or date of conviction/caution, the nature of the charge/conviction/caution and the full penalty/sentence passed. This includes fixed penalty notices and points.

Motoring Offences

52. Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street etc. will not under normal circumstances prevent a person from proceeding with an application.
53. Serious Traffic Offences (including the use of mobile phones). The Council's Convictions' Policy does reference some motoring convictions. The Policy can be downloaded www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Criminal_Convictions_Policy.aspx
54. Some motoring convictions will debar a new applicant from being considered for a grant of a licence e.g.an application for a licence will not normally be considered if an applicant has more than one conviction for an offence of driving whilst using a mobile phone.
55. Some motoring convictions may result in existing licensed drivers being required to appear before the Licensing Sub Committee, to show good reason why the Council should not suspend or revoke his/her licence.

DVLA driving licence penalty points

56. Should the new applicant/existing licensed driver be convicted of an endorseable motoring offences where the current DVLA points exceed 6 points on his/her DVLA driving licence, he/she shall be required to appear before the Licensing Sub Committee, in the case of a new application to show good reason why the Council should grant, or in the case of an existing driver, show good reason why the Council should not suspend or revoke his/her licence. This also applies to drivers disqualified for exceeding 12 DVLA penalty points in a three year period.
57. If the Council refuse to grant, or suspend/revoke his/her Wealden licence - no further application will be considered until a period of three years free from conviction has elapsed (or as per the Council's Convictions Policy).
58. The driver shall within seven days disclose to the Council in writing details of any charges/convictions/cautions of any kind imposed on them during the period of the licence. Details will include the date of the offence and/or date of conviction/caution, the nature of the charge/conviction/caution and the full penalty/sentence passed. This includes fixed penalty notices and points.

Practical driver test assessment

59. All new applicants for both Hackney Carriage and Private Hire driver's licences must complete and pass the Private Hire/Hackney Carriage Practical Driving Test assessment specified by the Council. (This will be based on the test previously carried out by the Driver & Vehicle Standards Agency). The assessment is subject to an additional fee.

60. This assessment is more demanding than the standard learner driver test and it contains elements that relate specifically to driving a Private Hire/Hackney Carriage vehicle.
61. All licensed drivers who have been subject to allegations of poor driving standards may be required to retake and pass the test. This could be linked to the suspension of a driver licence.

Wealden knowledge test

62. All new applicants for a drivers licence must complete and pass the Council's local knowledge test before being considered for grant of a licence.
Please refer to the web site for further information: www.wealden.gov.uk/taxi
63. After 4 failures an applicant will have to wait 6 months before taking another test (this also means that your DBS and medical will be out of date).
64. Licensed drivers who fail to renew their licence in the required time will be treated as a new applicant and will be required to complete and pass the Council's local knowledge test before being considered for grant of a licence.
65. The knowledge test is subject to an additional fee.

Spoken English assessment

66. New applicants must have sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.
67. A new applicant will be required to take and pass the Council's specified spoken English language assessment before being considered for grant of a licence (the assessment is subject to an additional fee).

Literacy and numeracy skills assessment

68. New applicants must have adequate literacy and numeracy skills to provide the service that they wish to be licensed for.
69. A new applicant will be required to take and pass the Council's specified literacy and numeracy skills assessment before being considered for grant of a licence (the assessment is subject to an additional fee).

Issuing licence and wearing badges etc.

70. Licences are issued subject to Conditions and Byelaws (as amended). It is the licence holder's responsibility to hand a copy of their licence to whom ever they will be working for. If Private Hire, to the Private Hire operator, if Hackney Carriage, the proprietor of the vehicle.

71. Drivers are required to have on display and be worn on their person the photo badge issued by the Council at all times whilst they are working, in a position where it is clearly visible.
72. The badge remains the property of the Council and on ceasing to be a Hackney Carriage, Private Hire or dual driver, the badge must be returned. Copying of the badge is not permitted.
73. Loss of the badge must be report to the Council immediately so that a new one may be issued (a fee is payable).

Suspension, Revocation or Refusal to Grant or Renew

74. If at any time, there is any reason to doubt that a person is “fit and proper” to continue to hold a driver licence and there is a risk to public safety, that licence may be suspended or revoked immediately.
75. The Council may also suspend, revoke or refuse to grant or renew a licence on any of the following grounds:
 - arrest/conviction/caution of an offence involving dishonesty, indecency or violence;
 - conviction/caution of an offence under, or failure to comply with, any relevant requirements of law;
 - any other reasonable cause.
76. If there are grounds that cast doubt as to whether a driver is/ remains a fit and proper person to hold a licence, then that driver may be requested to provide an account of their actions. This will normally be by means of an interview with an appropriate Officer of the Council, and such interviews will be conducted with reference to the Police and Criminal Evidence Act Codes of Practice.
77. Under the Council's scheme of delegation the matter will be determined either by the appropriate Delegated Officer or referred to the appropriate Committee of the Council, in the latter case the individual concerned will be given the opportunity to attend and address the Committee.
78. In determining the matter the Delegated Officer/ Committee may, as appropriate, decide: to take no further action; to issue a warning; to administer a caution; or to suspend, revoke or refuse to renew or grant the licence. For a suspension, revocation or refusal the licence-holder will be given the opportunity to attend the appropriate Committee of the Council before any decision is taken, unless a decision has to be taken urgently because of concerns for passenger safety.
79. If the licence is suspended, revoked or refused the Council will give written notice of the grounds within 21 days. There is a right of appeal to the Magistrates Court.

How to apply for your first drivers licence

80. All the information you require is in this handbook and on our web site (including application forms and fees): www.wealden.gov.uk/taxi

81. You will need to make an appointment to meet with a Licensing Officer; you will need to bring:

- Completed application form.
- Group 2 medical form completed by your own GP (download form) http://www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Dual_Driver_Application_Process.aspx)
- Licence fee www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Taxi_Licensing_Fees.aspx
- Enhanced Criminal Record Disclosure application form.
- Enhanced Criminal Record Disclosure fee.
- DVLA driving licence (held for minimum 36 months).
- Completed DVLA driving licence check form.
- Private Hire/Hackney Carriage Practical Driving Test pass certificate.
- Immigration Act 2016 checks – proof of right to reside or right to work (if applicable).
- Passport (if you do not have a passport – birth certificate).
- Proof of current address (utility bill dated within 3 months).
- National insurance number.

82. After the appointment you will need to arrange to sit the following assessments:

- Knowledge test
- Spoken English assessment (when introduced).
- Literacy and numeracy assessment (when introduced).

83. Please check our latest application procedure: www.wealden.gov.uk/taxi

How to apply for a drivers licence renewal

84. Please refer to the checklist at the front of this handbook. All the information you require is in this handbook and on our web site (including application forms and fees): www.wealden.gov.uk/taxi

85. The driver is responsible for ensuring he/she commences the licence renewal process well in advance of the licence expiry date (at least 3 months). A driver should not rely on reminders sent by the council (this service may be withdrawn in the future).

86. Drivers are not entitled to work after the expiry date until they have received their new paper licence and photo badge.

87. To renew your licence you will need to make an appointment to meet with a licensing officer; you will need to bring:

- Completed application form.
- Group 2 medical form completed by your own GP (download form)
www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Dual_Driver_Application_Process.aspx
- Licence fee
www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Taxi_Licensing_Fees.aspx
- Enhanced Criminal Record Disclosure application form (or update service reference plus original certificate number).
- Enhanced Criminal Record Disclosure fee (not for update service).
- DVLA driving licence.
- Completed DVLA driving licence check form.
- Immigration Act 2016 checks – proof of right to reside and right to work
- Passport (if you do not have a passport – birth certificate).
- Proof of current address (utility bill).
- National insurance number.

88. Please check our latest application procedure:

http://www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Dual_Driver_Application_Process.aspx

Part C

Essential Information for Drivers

89. A list of matters that a licensed driver must notify us about during the period of a licence (**in writing or email** – you must ask for acknowledgement to prove you complied with the notification requirement).

- Loss of driver badge - **Immediately**.
- Loss of vehicle plate, internal badge, side door badges - **Immediately**.
- Accident or damage to licensed vehicle (regardless of whether it was working at the time) - **Within 72 hours**.
- Change of medical circumstances - **As soon as possible or within 7 days**.
- Change of address - **Within 7 days**.
- If you have been arrested or charged for an offence by the Police or any other enforcement agency - **Within 7 days**. You must also notify us again to confirm whether or not you were subsequently convicted - **Within 7 days**.
- If you have been cautioned by the Police or any other enforcement agency - **Within 7 days**.
- Arrest, caution, convictions in your capacity as a Ltd Company /Partnership /Director /Company Secretary etc. - **Within 7 days**.
- All motoring convictions including a fixed penalty - **Within 7 days**.
- You must request permission before you install internal facing CCTV in a licensed vehicle - **Before installation**.
- You are concerned that a passenger is at risk of sexual exploitation, trafficking etc. - **Immediately**.

Conduct and duties

90. A high standard of conduct and behaviour is expected from licensed drivers who should in all their dealings with the public (including other licensed drivers) and officials be prompt, polite and helpful. Instances of improper conduct and misbehaviour will be viewed most seriously; a record is maintained of complaints against individual drivers. Improper conduct and misbehaviour can result in your licence being endorsed with Wealden penalty points, suspended, revoked, or a refusal to renew.

91. Every driver must co-operate with any authorised officer of the Council or a Police Constable and in this regard they must obey all reasonable requirements and provide all assistance and information requested of them. (Local Government (Miscellaneous Provisions) Act 1976, Section 73.

Dress code

92. Drivers should ensure that they look smart and of clean appearance at all times and must not dress in a manner which is likely to embarrass or offend passengers. Items of clothing must cover the shoulders and torso; legs should also be covered to just above the knee.

Lawful Bookings

93. Hackney Carriage

- When situated on an appointed rank in the Wealden district; or
- When proceeding at a reasonable speed to one of the appointed ranks and being hailed by a prospective hirer; or
- When pre-booked.

94. Private Hire

- Only when pre-booked, such as telephone call or some direct method of communication with the licensed operator's base and entered in the operator's records before the commencement of the journey.

Illegal Plying for Hire

95. Hackney Carriage

- When a Hackney Carriage is parked other than on an appointed rank.
- When the driver either in person or through agents, calling out or otherwise inviting any person to hire such carriage.

96. Private Hire

- Inviting potential customers to hire the vehicle for an immediate booking; or
- Accepting an offer for an immediate booking from a potential customer.

97. It is an offence for a private hire vehicle to tout for business. The vehicle must not look available for hire and can not sit on ranks. After dropping a passenger at a station or the airport etc you must leave the area immediately (unless you have a pre-booked pick up from the same area). If you are approached by a potential passenger, you can hand that person a business card and they can call your operator and book a journey with you. You should not call the operator yourself or let the passenger use your mobile phone.

Importuning/touting

98. When standing or plying for hire, the driver of a hackney carriage shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the service of any other person for the purpose.

99. The rules for drivers of private hire vehicles are simple; all bookings must be made in advance therefore there is no reason to be linked to importuning/touting.

Licensed Vehicles

100. Drivers should ensure the vehicle they are driving is licensed; displaying plates & badges and continues to meet our vehicle specifications.

101. The condition and cleanliness of the interior is a very important for passengers - the test being that passengers must be able travel in the vehicle in their best clothes.
102. Before picking up a new passenger, drivers should check and remove any rubbish etc. left behind by the previous passengers.

Receipts

103. The driver must make provision to provide a proper receipt if requested.

Passenger details and inappropriate passenger communication

104. Drivers must not retain any passenger details e.g. address, email, and phone numbers for longer than is necessary.
105. Drivers must not misuse passenger contact details e.g. sending unsolicited text messages or other forms of communication.
106. Drivers should be mindful of the numerous pitfalls relating to responding to non business contact from passengers and the possibility of true/false allegations being made against you at a later time.

For their own protection and for safeguarding purposes, drivers must report inappropriate communication, or any behaviour causing concern from passengers to their employer or Licensing Officer as soon as possible. Issues regarding school pupils must be reported to the Head Teacher, and the County Council School Transport Officer if applicable.

Social Media

107. Drivers must not use social media to make any uninvited contact with passengers. Drivers should be mindful of the numerous pitfalls related to responding to non business contact from passengers and the possibility of true/false allegations being made against you at a later time.

Children and vulnerable adults

108. Drivers need to take extra care when transporting children, young persons and vulnerable adults. Care must be taken not to appear to be over familiar in conversation or any other form of communication.

Touching passengers

109. Drivers should operate a no touching policy e.g. pass the seatbelt but don't put it around the passenger unless asked to do so. If a passenger requires assistance getting in and out of the vehicle, the driver can offer assistance but he/she must be certain the passenger agrees to this. The driver should ask the passenger how they would like to be helped before touching the passenger e.g. "would you like to take my arm".

Child Sexual Exploitation

110. Licensed drivers can play a very valuable safeguarding role in child sexual exploitation simply by applying their skills of observance and awareness of the children and young people they see in their daily work. This could be their own passengers, or other young people who they see when travelling about who may be displaying any of the behaviours set out below or causing other concerns including:

- Going or being taken to unusual or known problematic locations/premises/hotspots.
- Not always where they should be or in risky situations.
- Being in your vehicle with someone older than themselves or with someone who tries to control what they do, who they see, how they spend their money etc.
- Being offered money, cigarettes, alcohol, drugs, somewhere to stay in exchange for sexual activity.

111. If you see a child you may think is at risk or worried about what you have seen or heard you must contact Sussex Police (dial 101) - or dial 999 if there is immediate danger and state "you are concerned about possible child sexual exploitation".

112. The Council may introduce compulsory training for drivers and operators about child sexual exploitation.

Wheelchair accessible vehicles

113. Drivers should check disabled passenger and wheelchair are both secured before starting a journey.

114. Sections 165 and 167 of the Equality Act 2010 come into force on the 6th April 2017. This means that from April drivers of designated wheelchair accessible taxis and private hire vehicles will be required to transport wheelchair users in their wheelchair, provide passengers in wheelchairs with appropriate assistance and charge wheelchair users the same as non-wheelchair users.

www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles

Assistance with luggage

115. Drivers shall, when requested, carry in the vehicle a reasonable quantity of luggage.

116. Drivers shall also offer reasonable assistance with the loading or unloading of luggage/shopping and in carrying it to or from the entrance of any building, station or other place the passenger is taken up or set down e.g. take shopping/suitcases to the front door but you are not expected to take them up four flights of stairs.

Attendance

117. The proprietor or driver of a Hackney Carriage or Private Hire vehicle who has agreed or has been hired to be in attendance at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

Prolongation of journey

118. It is an offence for the driver of a vehicle, without reasonable cause, to unnecessarily prolong in distance or in time the journey for which the vehicle has been hired.

119. The driver is obliged to take the shortest route unless stipulated by the passenger.

Exceeding the permitted number of passengers

120. The driver shall not cause or suffer or permit to be conveyed in any Hackney Carriage or Private Hire vehicle a greater number of persons than the number of persons specified in the licence issued in respect of that vehicle being driven.

Additional passengers

121. Once hired the driver shall not carry any other passengers unless there is absolute agreement by the original passenger to do so.

Lost Property

122. Drivers shall search the vehicle for any property, which may have been accidentally left there by the hirer immediately after each hiring or as soon as reasonable practicable thereafter.

123. The proprietor or driver of a Hackney Carriage or Private Hire vehicle shall, if any property accidentally left in the vehicle by any person who may have been conveyed in the vehicle, be found by or handed to him, take the property as soon as possible and in any event within 48 hours, if not sooner, to a convenient police station and leave it in the custody of the officer in charge (ensure you receive a receipt for it).

Animals

124. The driver of a vehicle must not carry their own animals in a licensed vehicle whilst working.

125. Passenger's animals may be carried at the discretion of the driver and be carried in a secure manner in the rear of the vehicle so as not to distract the driver.

Assistance dogs

126. All licensed drivers have a duty to carry, free of charge, guide, hearing and other assistance dogs in their licensed vehicles. These duties have been introduced under Section 37 of the Disability Discrimination Act 1995.
127. A driver can refuse to take an assistance dog if he/she holds an Exemption Certificate which relates to a specific medical condition. The driver should politely explain the situation and show the passenger the Certificate.

Refusing a fare

128. Drivers can not refuse a fare without reasonable excuse e.g. risk of physical violence, passengers who are abusive, racist, sexist, foul mouthed, extremely drunk, refuse to stop smoking, been sick over themselves etc.

Ensuring compliance with seatbelt law

129. You must keep up to date with the law covering seatbelt use.
- Seatbelt law overview: <https://www.gov.uk/seat-belts-law/overview>
 - Children and seatbelts: <https://www.gov.uk/child-car-seats-the-rules>

CCTV

130. There is no requirement to fit internal facing CCTV but if it is installed it must comply with vehicle licence CCTV conditions and our CCTV specification. Audio recordings are not permitted. Please refer to CCTV section in the “Vehicle” section of this handbook and licence conditions (appendix B).

Unauthorised drivers and insurance liability

131. Drivers and proprietors are reminded of the requirements of Part VI of the Road Traffic Act 1988 in relation to the provision of third party insurance (see section 60 of the 1847 Act and Section 48 of the 1976 Act). No person should act as a driver without the consent of the proprietor.

Wealden Penalty Point Scheme

132. The aim of a Wealden penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
133. The primary objective of the penalty point scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public. Penalty points remain for twelve months. The period is on a roll forward basis, so as to allow any older points to be considered as spent and

therefore excluded from the running total recorded against any individual licensee.

134. Where a licensee accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Council's Licensing Sub-Committee for the Sub-Committee to decide whether the driver remains a fit and proper person. The Licensing Sub-Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances.
135. [For further details and a list of penalty point offences
www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Penalty_Points_Scheme.aspx](http://www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Penalty_Points_Scheme.aspx)

Part D

Fares and taximeters

Fares

136. You can not charge more for collecting a disabled passenger (e.g. time to load wheelchair in boot etc.) Normal waiting time can be charged if they are late. (Disability Discrimination Act/Equality Act).
137. Private Hire vehicle drivers can charge what they feel is appropriate for the requested pre-booked journey, subject to agreement by their passenger at the time of booking.
138. Hackney carriage vehicles must be fitted with a calibrated calendar taximeter. The taximeter must be used for all journeys wholly within the Wealden area. The meter must not be started until the passenger is in the vehicle and you pull away. Dead mileage driving to and from the passenger's address can not be charged.
139. Hackney carriage drivers are not obliged to take fares starting or finishing outside of the Wealden district. These journeys can either be charged using the meter or a pre-agreed fixed fare. The passenger should not be in any doubt about how the fare will be charged.
140. MAXIMUM fares for Hackney Carriages are set by the Council. The Council's fare card showing the rates must be prominently displayed in the vehicle.
141. Where the Hackney rate charged is less than the Council's maximum rate then an appropriate fare card for this lower rate must be prominently displayed in the vehicle in addition to the Council's fare card (both fare cards must be on display).
142. Regardless of whether the meter is set to the Council's maximum fare or your own lower fare rate - it is an offence to charge more than the fare shown on the meter.

Multiple fares

143. The Transport Act 1985 introduced a provision that allows pre-booked passengers to be carried at separate fares in licensed Private Hire cars. Private Hire operators may therefore, 'marry up' two or more bookings, whilst charging each passenger a separate fare. The agreement of all the intending passengers is, however, necessary before the car may be shared. The section is obviously useful for regular clients, for example, for use by a number of commuters hiring a car to the railway station each day. This provision may also be used by Hackney Carriage proprietors where Hackney Carriages are being used for pre-booked Private Hire work.

Fare Increases

144. Hackney Carriage drivers can request a fare increase, preferably in October so the increase can take effect in April. The request should be made in writing and give justifiable reasons for an increase.
145. All Hackney Carriages will be required to have their meters up dated within one week of the change if the Council's new rate is going to be charged. A new Calibration Certificate must be sent to the Council within 7 days. The certificate must be issued by an approved installer and the meters sealed.
146. Any proprietor who charges the Council's new increased rate but fails to have their meter changed in the agreed timescale by an approved installer, is liable to have their vehicle licence suspended until such time as the meter is suitably updated and calibrated.
147. The Council's updated fare card showing the rates must be prominently displayed in the vehicle. Where the Hackney rates charged are less than the Council's maximum rate then the appropriate fare card must be prominently displayed in the vehicle in addition to the Council's fare card (both fare cards must be on display).

Taximeters

148. The provision of a taximeter is mandatory for a Hackney Carriage. The meter must be a calendar controlled meter, calibrated and must not exceed the Council's set fare tariff applicable for that time. The Calibration Certificate must be issued by an approved installer and the meter sealed. From October 2016 all meters must comply with Measuring Instruments (Taximeters) Regulations 2006.
149. MAXIMUM fares for Hackney Carriages are set by the Council. The Council would strongly encourage vehicle owners to set meters to display the Council's set maximum fare rate*. The meter must be used at all times in accordance with the Council's regulations and the hirer should not be charged any more than that shown on the meter.

* Customers can be confused if hackney carriage vehicles operate different meter tariffs e.g. a passenger could take the same journey every day using a different hackney carriage and the meter could display something different. This can lead to passenger complaints of overcharging. If all meters were set to display the Council's maximum fare tariff this would benefit drivers and passengers. The driver is still free to spot discount at the end of the journey or calculate the fare in accordance with their own displayed tariff.

150. The Council's fare card shows the maximum fares that may be charged and must be displayed prominently within the vehicle.
151. Where the rates charged are less than the Council's maximum rate then the appropriate fare card for this lower rate must be prominently displayed in the vehicle **in addition to the Councils tariff card.**

152. Regardless of whether the meter is set to the Council's fare or your own lower rate - it is an offence to charge more than the fare shown on the meter.
153. Where Hackney rates are charged less than the Council's maximum fare rate and you wish to increase or decrease the lower rate, the taximeter must be recalibrated before you charge the new rate. A new Calibration Certificate must be sent to the Council within 7 days of the metre rate being changed. The Certificate must be issued by an approved installer and the meters sealed. A new fare card for the new rate must be prominently displayed together with the Council's tariff card.
154. Taximeters are optional in private hire vehicles. If fitted, the meter must be a calendar controlled meter and calibrated. The Calibration Certificate must be issued by an approved installer and the meter sealed.

Part E

Vehicles

155. Only the proprietor of the vehicle can licence the vehicle and this must be a named individual. Licensing officers will inspect a vehicle presented for first licensing and determine its eligibility. Vehicles may also be called in for inspection by Licensing Officers before a licence is renewed and at other times.

156. All licensed vehicles must :

- be in '**pristine**' condition (exterior & interior) and maintained in such a condition;
- have the correct **insurance cover** for hackney carriage or private hire work;
- comply with the Council's specification requirements;
- comply with the Council's testing regime.

157. List of issues that the vehicle licence holder must notify us about during the period of a licence (**in writing or email** – you must ask for acknowledgement to prove you complied with the notification requirement).

- Loss of vehicle plate, internal badge, side door badges - **Immediately**.
- Accident or damage to licensed vehicle (regardless of whether it was working at the time) - **Within 72 hours**.
- Change of address - **Within 7 days**.
- If you have been arrested or charged for an offence by the Police or any other enforcement agency - **Within 7 days**. You must also notify us again to confirm whether or not you were subsequently convicted - **Within 7 days**.
- If you have been cautioned by the Police or any other enforcement agency - **Within 7 days**.
- Arrest, caution, convictions in your capacity as a Ltd Company /Partnership /Director /Company Secretary etc. - **Within 7 days**.
- You must request permission before you install internal facing CCTV in a licensed vehicle. - **Before installation**.

Applying for a Vehicle Licence

158. If the vehicle meets the required specification standards, a vehicle licence application form must be completed and submitted to the Council with the appropriate fee and the following documents:

- The vehicle registration document (V5); proof of ownership;
- Vehicle Compliance Test for the vehicle no older than four weeks old at the date of application;
- Current insurance certificate for the vehicle; and
- Certificate of calibration of calendar meter for Hackney Carriages (and if fitted in Private Hire vehicles).

- Correct fee
www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Taxi_Licensing_Fees.aspx
- Plate deposit fee

Licensing officers will inspect a vehicle presented for first licensing and determine its eligibility. Vehicles may also be called in for inspection by Licensing Officers before a licence is renewed and at other times.

Issuing a Vehicle Licence

159. Vehicle licences are issued subject to Conditions and Byelaws (as amended), (see appendices A and B).
160. The licence plates shall at all times remain the property of the Council and must be returned within seven days to the Council if the vehicle ceases to operate as a licensed Hackney Carriage or Private Hire vehicle.

Suspension and Revocation of Vehicle Licence

161. The Council may suspend, revoke or refuse to renew a vehicle licence if the vehicle is unfit, any offence has been committed by the operator or driver, or for any other reasonable cause.

Notice of the grounds shall be given to the proprietor within 14 days and an appeal may be made to a Magistrates Court.

Surrender of licence

162. Vehicle plates, internal badges and door signs should be surrendered to the Council accompanied by the appropriate form: download from:
www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Surrendering_Your_Taxi_Licence.aspx

Disposal of the Vehicle

163. The licence plates shall at all times remain the property of the Council and must be returned within seven days to the Council if the vehicle ceases to operate as a licensed Hackney Carriage or Private Hire vehicle. See above details about surrendering a licence.

Offences and Convictions/Cautions

164. The proprietor of a licensed vehicle shall within seven days disclose to the Council in writing details of any arrest/conviction/caution imposed on him/her (or if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the licence.

Vehicle Compliance Standards

165. The Council has adopted, as a minimum standard, the National Inspection Standards.

www.wealden.gov.uk/Wealden/Business_and_Regeneration/Licensing/TaxiLicensing/PHCS_Vehicle_Licences.aspx

Age limit of vehicles

166. For vehicles licensed before 1st January 2018 there is no age limit on vehicles. All vehicles must continue to meet the Vehicle Compliance Test and other vehicle specifications.

From 1 January 2018, a vehicle will only be accepted for licensing if the date of first registration is less than SEVEN years at the date the licence is issued*. Subject to other requirements a licensed vehicle (first licensed after 01/01/18) will continue to be re-licensed until it is NINE years old. The age of a vehicle for licensing purposes shall be determined by the date of first registration on the V5 document.

Exemption to the age criteria: applications may be considered to licence and re-licence a classic, novelty or vintage vehicle for example a Rolls Royce. The expectation being that they would not work from a taxi rank or carry out routine work.

[* the vehicle must be licensed for use within one month from the date of the application]

Hackney Carriages

167. Hackney Carriage is legally defined in the Town Police Clauses Act 1847 but in general terms may be described as a vehicle which can stand or ply for hire in a street, which has been duly licensed by the Council and which displays a Hackney Carriage plate both internally and externally.
168. Hackney Carriages must be fitted with an illuminated roof sign and white licence external plate. (Refer to appendix C for further information about permitted roof signs). The roof sign must be illuminated when available for hire.
169. Hackney Carriages must be fitted with rear door signs.
170. The Council will not licence a vehicle as a Hackney Carriage if there is no intention to predominately work (stand or ply for hire) the vehicle as a Hackney Carriage within the Wealden district.

Limiting numbers of Hackney Carriages (Transport Act 1985)

171. The Council does not intend to restrict the number of vehicles licensed as Hackney Carriages.

Private Hire Vehicles

172. Private Hire vehicle is defined in the Local Government (Miscellaneous Provisions) Act 1976, as meaning a motor vehicle constructed or adapted to seat fewer than 9 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. This does not include a Hackney Carriage or public service vehicle.
173. Every Private Hire vehicle shall be licensed under the 1976 Act, Section 48, subject to conditions. A Private Hire vehicle may NOT ply for hire from a stand or in a street. All passenger journeys must be pre-booked in advance.
174. Once a vehicle is licensed as a Wealden private hire vehicle, it is always a private hire vehicle during the period of the licence. This means it can only ever be driven by a person who holds a Wealden driver's licence.
175. Private Hire vehicles are to be identifiable by the coloured (yellow) licence rear external plate.
176. Private Hire vehicles must be fitted with rear door signs.
177. Private Hire vehicles must not be fitted with roof signs.
178. It is an offence for a private hire vehicle to be signed/liveried in such a way that it could be mistaken for a hackney carriage and the business name must not include the words "taxi" or "cab".

Eight passenger limit

179. A hackney carriage or private hire vehicle may have no more than 8 passenger seats. Vehicles that carry more than 8 passengers are public service vehicles (PSV) and subject to separate licensing control by the Driver and Vehicle Standards Agency (DVSA). Please refer to the specific specification below for 6, 7 & 8 passenger seat vehicles.

Vehicle Specification

180. The following general specifications is set by the Council for licensed vehicles:
 - I. the vehicle shall be in 'pristine' condition (exterior & interior) and maintained in such a condition;
 - II. the vehicle shall have at least four doors of a size to permit easy access (unless otherwise specifically approved by the Council);
 - III. the vehicle shall be so designed to permit the specified number of passengers to be carried in comfort and safety;
 - IV. the vehicle shall have a minimum rear seating width of 1300 mm (51");

- V. the vehicle shall be provided with adequate luggage space within a secure compartment for the number of passengers for which the vehicle is licensed (3.5 cu.ft. (100 litres) per passenger licensed).
- VI. vehicles may be of the saloon, estate, hatchback or minibus type subject to approval by the Council;
- VII. passengers shall have direct access to a door that does not require seats to be moved or tilted to use it other than vehicles specifically built as taxis (see below for more information about 6, 7 & 8 passenger seat vehicles);
- VIII. comply with the Council's adopted standard - the National Inspection Standards:
www.wealden.gov.uk/Wealden/Business_and_Regeneration/Licensing/TaxiLicensing/PHCS_Vehicle_Licences.aspx
- IX. rear passenger windows – tinted glass must not be darker than front side window glass (see below for details)

Vehicle Compliance Test

181. A VCT certificate will be required every six months during the period for which a vehicle is licensed. A vehicle licence will not be issued/renewed without a valid VCT certificate, which must have been issued not more than 4 weeks prior to the first licence/renewal date. A second VCT certificate is required six months from the start of the licence period. This second VCT must be completed and lodged with the Council in the four week period prior to that (six month) date. Failure to complete either VCT within the appropriate time scale may result in suspension of the vehicle licence. You are also recommended for your own purposes, to have a MOT once a year, when the VCT is carried out. A list of VCT testing stations is available on our website
www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Taxi_Licensing.aspx
182. Vehicles able to carry wheelchairs are required to have carried out at the time of a VCT (MOT) test an inspection on the mountings, catches and fasteners used to secure wheelchairs. This test should be carried out by the MOT testing station each time the vehicle undergoes a VCT (MOT) test and a certificate of safety completed. The Council will not issue a vehicle licence without this certification of safety. Additional certification is required for electric/hydraulic, ramps/lifts etc. in order to demonstrate compliance with the 6 monthly testing regime required by Health & Safety legislation.
183. Periodic testing (including additional VCTs) may also be required subsequent to licensing, in accordance with Sections 50 and 68 of the Local Government (Miscellaneous Provisions) 1976 Act, to ensure that vehicles are maintained in a fit and proper condition.

184. Failure to submit the VCT certificate and inspection form within the specified period will result in an immediate suspension of the vehicle licence and the issue of penalty points.

VCT garage list

185. Garages that wish to be included on the VCT list must be approved MOT stations with at least 12 months operational MOT trading history. New applications will not be accepted from garages outside the Wealden district area because of the extra resource implications required to administer/enforce VCT inspection standards and compliance.

Visual Inspection

186. An Officer of the Council may in certain circumstances carry out a visual inspection of the vehicle to check it is suitable and complies with all relevant regulations.
187. A check list will be used and should the vehicle fail on any part of the visual inspection, a date will be set by which time the works will be completed and the vehicle brought to the Council Offices for re-inspection.

Exterior of the Vehicle

188. The vehicle shall be in 'pristine' condition (exterior & interior) and maintained in such a condition. All fixtures, fittings, movable objects, trim, fixings and design details on the vehicle should be in place, in good working order and safe, i.e. mirrors, doors, handles, hubcaps, tyres, etc.
189. The vehicle should be free from any corrosion or damage to the vehicle body or structure which adversely affects the appearance of the vehicle.
190. Damaged bodywork, substandard paint work or substandard body repair work will not be accepted.
191. A spare tyre (or manufacturer's approved alternative) in road worthy condition ready for use with the appropriate equipment to fit said spare tyre to be adequately and safely stored in the vehicle.
192. All windows should be tint free so that the inside of the vehicle is clearly visible at all times. The driver and any passengers should be clearly visible when looking into the vehicle from all windows at all times (including glass to third row seating). The rear passenger windows should be no darker than the front side windows.

Interior of Vehicle

193. The vehicle shall be in 'pristine' condition (exterior & interior) and maintained in such a condition. The boot/luggage compartment must be empty with the exception of the equipment required to be carried by the Council.

194. The vehicle should be clean and free of dust, litter, debris, etc and unacceptable smells.
195. All interior trim, including the headlining shall be clean, complete, properly fitted and free from serious cuts, tears, burns or soiling and must provide adequate support.
196. The interior light should be in working order;
197. All interior fixings should be in working order, to include mirrors, handles, windows, etc; and
198. There should not be any loose or incorrectly fitted parts or exposed parts that could cause injury.
199. No smoking signs must be displayed as required by the Health Act 2006.

Tinted Windows (includes factory fitted tinted glass)

200. All windows* should be tint free so that the inside of the vehicle is clearly visible at all times. The driver and any passengers should be clearly visible when looking into the vehicle from all windows at all times (including glass to third row seating). The rear passenger windows should be no darker than the front side windows (it is a legal requirement that front side windows should allow 70% visual light transmission VLT).
[* except the glass to the luggage compartment area].

Vehicles presented for their first licence will need to comply with this public safety requirement.

We have a calibrated standard tint meter that can be used to check rear passenger windows. If you are unsure, please contact the licensing team before purchasing a vehicle but an easy test is that the rear passenger windows should be no darker than the front side windows.

Please note that rear tinted windows are not part of the Vehicle Compliance Test. Some drivers have gone to the expense of the VCT test only to find that we subsequently refuse to licence the vehicle unless the glass is changed.

Exception: licensed vehicles with tinted windows which undertake 100% exempt contract work (the vehicle can not be used for circuit work, schools, supermarket etc. even with plates and door signs displayed).

Windows

201. Windows should remain clear with the exception of No Smoking stickers and the Council's licence details.

Fire Extinguisher

202. All licensed vehicles are required to carry an in date suitable fire extinguisher which is in good working order, to be secured in a location easily accessible to the driver. It must be securely fixed within the vehicle and shall conform to the current British Standard.

First Aid Kit

203. All vehicles are required to carry a suitable first aid kit, contained in a suitable container and as a minimum shall comprise one each of the following items:

- Sterile wound dressing Small (No. 8); Medium (no. 9) Large;
- Eye pad and bandage (No. 16);
- Box of assorted plasters;
- Triangular bandages (No. 2); and
- Small scissors.

204. You should only administer first aid if you have been trained to do so.

Licence Plates

205. Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the outside rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council within seven days upon a change of vehicle or upon the suspension, revocation or expiry of a vehicle licence and shall be readily removable by an authorised officer or a police constable. Failure to return the Council's plate is an offence. Licence plates are not transferable between vehicles and should not without the express written permission of the Council be copied.

206. Vehicles must also display an internal plate, supplied by the Council, on the inside of the vehicle windscreen, easily seen and outside sweep of wipers. This plate will remain the property of the Council and must be returned to the Council within seven days upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.

Side door signs

207. Licensed vehicles will be required to display Council approved door signs on the upper panel of both rear passenger doors.

Exemption not to display an external plate & door signs (Private Hire vehicles)

208. Owners may apply for an exemption certificate for a vehicle so it does not have to display an external plate or side door signs in certain circumstances:

- Where the client has specifically requested a vehicle that is not displaying a rear badge and door signs **and**;
- The journey is a corporate booking to transport employees and clients on business **and/or**;
- Where the client specifically requests a vehicle of a prestige specification at the time of booking.

209. The external plate and door signs shall be carried inside the vehicle and the exemption certificate shall be carried inside the vehicle at all times.

210. If you also choose to undertake work which does not entitle you to exemption (e.g. circuit work, train station & supermarket pick ups, school runs etc.), the plate and door signs must be re-attached for these journeys. The vehicle must then comply with tinted window requirements during this work.

211. An exemption application must be accompanied by indisputable proof from a number of sources that exempt work is being undertaken e.g. contract papers with blue chip company, references from executive clients. Up to date evidence and proof must be produced upon renewal. A decision whether to grant an exemption certificate will be made based upon the evidence provided and the type of vehicle to be used.

212. If an Officer refuses to grant an exemption certificate the matter may be referred to the Taxi Licensing Sub Committee for determination.

213. Misuse of the exemption certificate or failure to display plates/door signs when required will result in enforcement action and the removal of the exemption.

6, 7, 8 passenger seat vehicles (with third row seating)

214. There are three categories of vehicle with third row seating; if you are in any doubt about our licensing requirements please speak to a licensing officer before purchasing a vehicle.

1. Multi purpose vehicles/people carriers/4x4.
e.g. Scenic, Zafira, Picasso, Touran, C Max, Tourneo Connect, Caddy Maxi Life, Sharan, Galaxy, Q7, XC90,

The third row seating in this type of vehicle will not be licensed due to the smaller nature of the seats, reduced legroom and limited luggage space.

2. Multi-seater passenger carrying vehicle – factory built.

E.g. Vivaro, Trafic, V class, Caravelle, Transporter

In addition to other vehicle requirements, ease of access and passenger comfort & safety will be considered when deciding the number of passengers the vehicle will be licensed to carry. We will consider:

- Passengers must have access to at least one rear side door on each side of the vehicle (in addition to front passenger side door), (rear doors/tailgate do not count).
- Ideally, access to a third row seat must not require any second row seat to be displaced by lifting/tilting or sliding e.g. some manufacturers offer conference seating arrangement or vehicles with larger rear sliding doors that permit access direct to third row seats (minimum clear access gap 300mm).
- Alternatively, access to a third row seat is permitted if the vehicle has a lifting/tilting or sliding individual outer second row seat on the nearside (preferably on the driver side as well). The mechanism must have proper levers that form part of the seat and be easily operated/easily identifiable. No passenger must have to pass through a gap of less than 300mm at the narrowest point in order to access seating e.g. the gap between the second row seat and door frame.
 - Second row seats with folding seat backs only, do not meet this requirement (unless there is at least a 300mm gap between seat and door frame to allow easy access to third row).
 - Second row seats with mechanisms under or at the back of the seat designed to remove or tumble the seat do not meet this requirement.
- Third row seating may be licensed if the vehicle does not comply with the above requirements but a second row seat will need to be permanently removed.
- Suitable “life hammer” devices shall be carried in a conspicuous and readily accessible position, secured on pillar in front of rearmost seat windows, to break window glass in the event of emergency and the window glass shall be marked ‘break glass in an emergency’.
- Front passenger bench or twin seat arrangement. The seating arrangement must allow passengers to sit comfortably and a passenger must not impede the driver or any controls. This may mean that only one front passenger seat is licensed.
- Professional* van conversion to a multi-seater may be considered for licensing subject to “type” approval in addition to licensing requirements (* a company specialising in passenger carrying/taxi vehicle conversions).

- The vehicle must have adequate luggage carrying capacity for the number of passengers it is licensed to carry (3.5 cu.ft., 100 litres per passenger).

3. Mini Bus - factory built.

The seating arrangement will be either side of an aisle walkway so that no seat needs to be displaced for access to any other seat.

In addition to other vehicle requirements, ease of access and passenger safety will be considered when deciding the number of passengers the vehicle will be licensed to carry.

- At least one service door on the nearside of the vehicle of a size to permit easy access, and one emergency door at the rear of the vehicle (in addition to the driver and front passenger doors).
- Every rear emergency door shall:-
 - a. be clearly marked in letters not less than 25 mm high on both the inside and outside, "EMERGENCY DOOR";
 - b. have the means of operation (for example – "pull", "turn clockwise", etc) marked on the inside and outside;
 - c. open outwards and operate manually.

The rear emergency door must not be impeded by luggage.

Access to a rear emergency door must not be impeded by a final row bench seat – the aisle walkway must extend to the emergency door.

Access to a rear emergency door must not be impeded by luggage (a luggage cage may be required).

- Locks
 - a. No vehicle shall be fitted with an emergency door which can be locked from the outside unless, when so locked, it is capable of being opened from inside the vehicle when stationary.
 - b. All doors shall remain unlocked when carrying passengers.
 - c. All emergency doors shall be openable from both outside and inside.

- Steps

Every step at each exit or gangway shall be adequately illuminated.

- Suitable "life hammer" devices shall be carried in a conspicuous and readily accessible position, secured on pillar in front of rearmost seat windows, to break window glass in the event of emergency and the window glass shall be marked 'break glass in an emergency'

- Front passenger bench or twin seat arrangement. The seating arrangement must allow passengers to sit comfortably and a passenger must not impede the driver or any controls. This may mean that only one front passenger seat is licensed.
- Professional* van conversion to a mini-bus maybe considered for licensing subject to 'type' approval in addition to licensing requirements (* a company specialising in passenger carrying/taxi vehicle conversions).
- The vehicle must have adequate luggage carrying capacity for the number of passengers it is licensed to carry (3.5 cu.ft.,100 litres per passenger).

Accidents/vehicle damage

215. Any accident to a Hackney Carriage or Private Hire vehicle causing damage materially, affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein must be reported to the Council within 72 hours. Any licensed vehicle which has been involved in such an accident and has suffered such damage should not be used for the conveyance of passengers until it has been inspected by the Council.
216. Upon inspection, an accident report will need to be completed and the Council will determine whether the vehicle is fit to continue operating. A date will be set by which time the works will be completed and the vehicle brought to the Council Offices for re-inspection.

Advertising

217. There will be no advertising in the interior of the vehicle with the exception of business cards for the company/person operating the taxi/Private Hire vehicle. Exterior advertising will only be permitted if the Council has given written permission.

Taximeters

218. The provision of taximeters is mandatory for Hackney Carriages and optional for Private Hire vehicles. Please see "Fares and Taximeters" section of this handbook. Where employed, the meters must be a calendar controlled meter, calibrated and must not exceed the Council's fare applicable for that time. The meter must be tested and sealed and a calibration certificate produced. From October 2016 all meters must comply with Measuring Instruments (Taximeters) Regulations 2006.

Lawful bookings and illegal plying for hire

219. Please refer to relevant section "Essential Information for Drivers" in this handbook.

Wheelchair accessible vehicles

220. Vehicles should be purpose built or an approved conversion to 'taxi' standard for the purpose of safely carrying passengers in wheelchairs, and other passengers in standard seats plus adequate luggage capacity. You may wish to consult with the licensing officer prior to purchasing this type of vehicle (a number of requirements are included in the National Inspection Standards document). Drivers should check that the disabled passenger and wheelchair are both secured before starting a journey.
221. Sections 165 and 167 of the Equality Act 2010 come into force on the 6th April 2017. This means that from April drivers of designated wheelchair accessible taxis and private hire vehicles will be required to transport wheelchair users in their wheelchair, provide passengers in wheelchairs with appropriate assistance and charge wheelchair users the same as non-wheelchair users.
www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles

CCTV

222. There is no Council requirement for internal facing CCTV to be installed in Hackney Carriage and Private Hire Vehicles but if it is fitted it must meet Wealden District Council licensed vehicle conditions and the specification guidelines. Please read our CCTV specification and ensure that your system complies:
www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_CCTV.aspx
223. Please see appendix B for Vehicle licence conditions related to CCTV.
224. If you wish to install CCTV in your Hackney Carriage or Private Hire Vehicles, you will need to have a system fitted by a third party specialist vehicle CCTV installer who offers a data controller service and thus they will be the only person able to access any recordings.
225. Approval in writing must be obtained from the Council before CCTV equipment is installed and used in the vehicle.
226. The CCTV equipment shall be of a type approved by the Council and installed, operated and maintained in a manner to the satisfaction of the Council.
227. Audio Recording: CCTV systems **must not be used to record conversations** between members of the public as this is highly intrusive and unlikely to be justified. You must choose a system without this facility wherever possible; if the system comes equipped with sound recording facility then this functionality should be disabled.

LPG conversions

228. LPG converted vehicles may be accepted provided that luggage capacity is not impeded. We will require LPG Conversion Certificate (+ UKLPG Approved Autogas Installer certification) and warning sticker positioned visible from outside. The LPG system & tank needs to be serviced every 12,000 miles or 12 months, by a UKLPGA Approved Installer, records/certification/evidence to be provided to the Council upon request. <http://www.drivelpg.co.uk/>

Wealden Penalty Point Scheme

229. Please refer to “Essential Information for Drivers” section in this handbook for information about the Wealden penalty point scheme section. There are penalty point offences that can be attributed to driver, vehicle proprietor and private hire operator, as applicable.

Part F

Private Hire Operators

230. An operator licensed by Wealden must ensure that they use only licensed drivers and vehicles licensed by Wealden District Council.
231. “Operate” means in the course of business to make provision for the invitation or acceptance of bookings for a Private Hire vehicle. Operators must have an address based within the district of Wealden. Checks will be made on the business proposals and premises proposed to be used as an operator base to make sure it is not an address of convenience. This operator base will be equipped with telephones (including a land line), (a PC for internet bookings) and booking records kept at the base (for inspection by licensing officers). Subject to any necessary planning consent the base could be open for walk in passengers.
232. Wealden District Council does not issue licences for operators based outside of its district.
233. No person shall “operate” (e.g. take bookings, despatch vehicle) any vehicle as a Private Hire vehicle in the Wealden District without having a current Wealden Operator’s Licence. This is in addition to any requirement for a vehicle or driver’s licence.

Planning permission

234. It is the applicant’s responsibility to ensure that necessary planning permission is granted for the premises where business is to be conducted. Proof of this permission will be required should the operator be operating more than two cars.
235. The applicant will be required to provide proof of holding a radio transmission licence if radios are to be used. Proof of planning permission for such an aerial will be required.

Eligibility

236. The applicant must provide information concerning their previous business activities, history of any previous operator’s licence or application, and any conviction recorded against them (including Ltd Company/Partnership/Directors/Company Secretary etc.).
237. Satisfactory character and business references will be required together with a Disclosure and Barring check.

Licence Conditions

238. Private Hire Operator Licences are granted subject to standard conditions. In particular, conditions related to booking records to be kept and the standard to be maintained. Please see appendix B.

Booking records

239. The records shall be kept in a suitable book, or computer recording system approved by the Council. Where a book is used the pages should be numbered consecutively. The operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted:-

- (a) the time and date of the booking;
- (b) the name and address of the hirer;
- (c) the method of booking;
- (d) the time of pick-up;
- (e) the point of pick-up;
- (f) the destination;
- (g) the time at which a driver was allocated to the booking;
- (h) the registration number of the vehicle allocated for the booking;
- (i) remarks (including details of any sub-contract).

240. The operator shall also keep records of the particulars of all Private Hire vehicles operated by that operator, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.

241. All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

Lawful bookings and illegally plying for hire

242. Please refer to relevant section in “Essential Information for Drivers” in this handbook.

Operator Offices

243. If an office is provided for the public to make a booking the operator should ensure that the space has adequate seating, is well lit, clean and heated and complies with the relevant health and safety legislation. Operators must ensure that adequate public liability insurance is held. Proof of insurance cover will be required.

Suspension and Revocation of Operators Licence

244. Section 62 of the 1976 Act provides for the suspension, revocation or refusal to renew an Operator's Licence on the specified grounds.

Wealden Penalty Point Scheme

245. Please refer to the Wealden penalty point scheme section "Essential Information for Drivers" in this handbook. There are penalty point offences that can be attributed to driver, vehicle proprietor and private hire operator, as applicable.

Part G

Working Outside the Wealden District

Hackney Carriage

246. Hackney Carriages are licensed to ply for hire within the District Council's area and may not ply for hire beyond the district boundary. A passenger boarding the vehicle within the licensed area may be transported into another area. A Hackney Carriage is permitted to be used for Private Hire purposes and a passenger may be collected from another area on a pre-booked basis, although plying for hire is strictly prohibited outside the Wealden district.

Cross Boundary Journeys

247. When travelling outside of the licensing district, drivers of Hackney Carriage vehicles bearing the words "FOR HIRE" on the roof sign shall extinguish the illumination to the sign. Failure to do so could be construed as "plying for hire" outside the licensing area and may result in prosecution.

248. In relation to roof signs not bearing the words "FOR HIRE" there is general agreement between the licensing authorities and the majority of Hackney Carriage operators that roof signs should not be illuminated outside the licensing district and drivers are requested to abide by this principle at all times.

Deregulation Act 2015 – cross border hiring

249. Previously, the provision was that private hire operators must only fulfil bookings using drivers and vehicles both of which are licensed by the same authority as they, as operator, are licensed.

Since 1st October 2015, operators may seek to sub-contract bookings to an operator licensed by a different council. However, that operator may only fulfil the booking by using drivers and vehicles also licensed by the authority with which it is, itself, licensed.

Insurance

250. Do you use your licensed vehicle outside the area you are licensed to operate? You must double check the conditions attached to your vehicle insurance. Some policies include the following exclusion:

The following uses are not covered unless specifically shown as included in your certificate of motor insurance and/or your schedule:

ii) the use of your vehicle as a taxi, PHV or PSV outside the area in which you are licensed to operate.

Part H

Investigation of complaints about a licence holder

251. A licence holder must co-operate with the licensing authority during its complaint investigation process.
252. Investigations of complaints will be prioritised based on passenger safety grounds.
253. Depending upon the nature of the complaint, an interview may be carried out informally, or formally taped in accordance with Police and Criminal Evidence Act codes of practice.

Licensing Sub-Committee

254. The Licensing Sub-Committee will determine matters brought before it in a set procedure (available upon request). The committee consists of a number of councillors, with one being the elected chair person. There will also be a number of Council officers present from legal, democratic services and licensing.
255. Licence holders who are required to attend the committee are entitled to engage legal assistance (at their own expense) and or bring a relative/friend. A report will be made available in advance of the hearing.

Part I

Taxi ranks

256. Location of Hackney Carriage Ranks/Stands on the public highway for hackney carriages only:

Stand No	Road	Location	No of vehicles
1	Croft Rd. Crowborough.	Lay-by west side: from a point 67.6 metres north-east of the northern kerb line of the entrance to the car park entrance road adjacent to Terrace Montargis northwards for a distance of 12.7 metres.	2
2	High St. Hailsham.	South west side; from a point 33.8 metres south-east of the south-east boundary line of Carriers Path south eastwards for a distance of 20.8 metres.	6
3	George St. Hailsham	TBC	2
4	Streatfield Rd. Heathfield.	North east side; from a point 15 metres north west of the north-west kerb line of High Street north westwards for a distance of 15 metres.	3

257. The Council does not have any powers to address parking on/obstruction of the rank by private cars.

258. Private hire vehicles must not enter any rank/stand because they will be deemed to be illegally plying for hire.

259. The driver of a hackney carriage using a rank/stand shall:

- a) on arriving at a stand not already occupied by the full number of hackney carriages authorised to occupy it, station the hackney carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- b) from time to time when any other carriage immediately in front is driven off or moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
- c) if his/her carriage is the first carriage on the stand, remain with his carriage ready to be hired at once.

Rank etiquette and behaviour

- d) Ideally, a passenger will take the first carriage on the rank but they are not required to do so. If you are the driver of the second vehicle etc. and the passenger selects your vehicle, you should politely inform the first driver of your passenger's decision.
- e) Do not race other carriages to the rank, if you inadvertently pass another carriage then you should allow that driver to take the position in front of you when you arrive at the rank.
- f) Refrain from swearing, shouting, fooling around with other drivers, filming on mobile phones and other misbehaviour e.g. pulling behind the carriage in front and leaving high beam headlights on.
- g) Hackney carriage drivers do not have any authorisation to "police" the rank or act as an unofficial traffic warden. You should deal politely with drivers of private cars who are obstructing or parking on the rank; these situations can quickly escalate and poor behaviour by hackney carriage drivers in these circumstances has been the subject of numerous complaints.

Ranks/stands on private land

260. Other stands are located on private land e.g. Polegate station and accessing that land will be under the control of the owner. Rank etiquette and behaviour rules will still apply to these areas.

Appendix A

Hackney Carriage Byelaws (1988)

Byelaws made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Wealden District Council with respect to Hackney Carriages in the district of Wealden.

Interpretation

1. Throughout these byelaws “the Council” means the Wealden District Council and “the district” means the district of Wealden.

Provision regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence, shall be displayed

2.
 - (a) The proprietor of a Hackney Carriage shall 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 of the carriage, or on plates affixed thereto:
 - (b) A proprietor or driver of a Hackney Carriage shall:
 - (i) 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;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided

3. The proprietor of a Hackney Carriage shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (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 of 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. The proprietor of a Hackney Carriage shall cause any taximeter with which the carriage is provided 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 operation of which will bring the machinery of the taximeter into action and 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 the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) 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;
 - (d) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letter and figures shall be capable of being suitably illuminated during any period of hiring;
 - (e) 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 of other appliances.

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

5. The driver of a Hackney Carriage provided with a taximeter shall:
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, 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) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, 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. The driver of a hackney carriage using a stand appointed by the Council for Hackney Carriages, shall:
 - (a) on arriving at a stand not already occupied by the full number of Hackney 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;
 - (b) from time to time when any other carriage immediately in front is driven off or moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
 - (c) if his carriage is the first carriage on the stand, remain with his carriage ready to be hired at once.
 8. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
 9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 10. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at any appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
 11. (a) A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage, provided that no more than one additional passenger may be carried where at least one of the passengers is less than ten years old.

- (b) The driver of a Hackney Carriage shall not permit there to be conveyed in the front of a Hackney Carriage any child below the age of ten years or more than one person above that age.

Note: *there have been changes to Road Traffic Act regulations regarding the use of seat belts, particularly where children are being carried.*

The national legislation will take precedence over the local byelaws in this respect and drivers must ensure that the seat belt provisions are complied with at all times.

12. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
- (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions securing the safe custody of any property accidentally left in Hackney Carriages

14. The proprietor or driver of a Hackney Carriage shall immediately after termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
15. The proprietor or driver of a Hackney Carriage shall, in the event of any property being accidentally left in the vehicle, deliver it within 48 hours (unless claimed within that period by or on behalf of the owner) to any Police Station in the Wealden District, and leave it in the custody of the officer in charge of the Station on his giving a receipt for it.

Penalties

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

Repeal of Byelaws

17. The byelaws relating to Hackney Carriages which were made by the Wealden District Council on the 11th day of July 1986, and which were confirmed by the Secretary of State for Transport on the 26th August 1986, are hereby repealed.

Appendix B Licence conditions

Local Government (Miscellaneous Provisions) Act 1976 **Private Hire Driver Licences**

Conditions of Licence (v 19 03 2014)

1. Conduct of driver

The driver shall: -

- afford all reasonable assistance with passengers' luggage.
- at all times be clean and respectable in dress and person and behave in a civil and orderly manner.
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle.
- not without the express consent of the hirer drink or eat in the vehicle.
- not without the express consent of the hirer play any radio, DVD or sound reproducing instrument or any equipment in the vehicle so as to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- at no time cause or permit the sound or pictures emitted by a radio or other previously mentioned equipment in the vehicle so as to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

2. Passengers

The driver shall not convey or permit to be conveyed in a Private Hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.

The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

The driver shall comply with all relevant legislation relating to the wearing of seat belts or use of child restraints.

3. Lost property

The driver shall immediately after the termination of any hiring of a Private Hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

If any property accidentally left in a Private Hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, that driver shall take it as soon as possible to a convenient police station and leave it in the custody of the officer in charge on accepting a receipt for it.

4. Receipts
The driver shall if requested by the hirer of a Private Hire vehicle provide a written receipt for the fare paid.
5. Animals
The driver shall not convey in a Private Hire vehicle any animal belonging to or in the custody of the driver or proprietor or operator of the vehicle and shall ensure that any animal belonging to or in the custody of a passenger is conveyed in the rear of the vehicle.
6. Prompt attendance
The driver of a Private Hire vehicle shall, if aware that the vehicle has been hired to be in attendance at an appointed time and place or otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at a an appointed time or place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
7. Deposit of driver licence
If the driver is permitted or employed to drive a Private Hire vehicle of which the proprietor is someone other than that driver, then before commencing driving the vehicle deposit a copy of this licence with that proprietor for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of that proprietor.
8. Taximeter
If a Private Hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
9. Fare to be demanded
The driver shall not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agree for that hiring between the hirer and the operator, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare on the face of the taximeter.
10. Change of address
The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.
11. Convictions
The driver shall within seven days disclose to the Council in writing details of any conviction/caution imposed on him during the period of the licence.
12. Return of badge
The driver shall upon the expiry (without renewal), revocation or suspension of this licence forthwith return to the Council the driver badge issued with this licence.

Local Government (Miscellaneous Provisions) Act 1976

Hackney Carriage Vehicle Licences

Conditions of Licence (v15 09 2014)

1. **Maintenance of Vehicle**
The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements [including in particular those contained in Motor Vehicles (Construction and Use) Regulations] shall be fully complied with.
2. **Alteration of Vehicle**
No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
3. **Identification Plate**
The plate identifying the vehicle as a hackney carriage vehicle is required to be exhibited on the vehicle pursuant to Sections 51 and 52 of the Town Police Clauses Act 1847 shall be securely fixed to the outside and rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable.
4. **Safety Equipment**
There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher, a suitable first aid kit containing appropriate first aid dressings and appliances, and in the case of six, seven and eight seater vehicles sufficient life hammers to allow windows to be broken in an emergency. Such equipment to be carried in a position in the vehicle so as to be readily visible and available for immediate use in an emergency.
5. **Interior Markings**
The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.
6. **Roof Signs**
The proprietor shall cause to be affixed and maintained an illuminated roof sign of a pattern approved by the Council.
7. **Taximeter**
Approved calendar controlled type sealed meters must be fitted and calibrated in accordance the fare tariff approved by the Council. A certificate of calibration must be sent to the Council and copy kept available for inspection.

The taximeter and all the fittings shall be so affixed to the vehicle 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.

If the taximeter fitted to a vehicle is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicle transmission gearing ratio the proprietor shall not permit or suffer the vehicle to be used for hire until the taximeter has been satisfactorily tested and sealed.

8. Tariff Card

The Council's Tariff Card shows the maximum fares that may be charged and must be displayed prominently within the vehicle.

Where the rates charged are less than the Council's maximum rate then the appropriate tariff must be prominently displayed in the vehicle. That rate card must also indicate that the Council's Tariff Card (which must be carried in the vehicle) is available for immediate inspection upon request by any passenger or prospective passenger.

It is an offence to charge more than the fare shown on the meter.

9. Change of address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

10. Deposit of Drivers Licences

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage, then before that person commences to drive the vehicle they shall deliver their dual driver licence for retention until such time as that driver ceases to be permitted or employed to drive the vehicle.

11. Insurance

A copy of the current Certificate of Insurance or Cover Note relating to the licensed vehicle shall be kept available for inspection at all times in the licensed vehicle.

12. Vehicle Compliance Test

A VCT certificate will be required every six months during the period for which a vehicle is licensed. A vehicle licence will not be renewed without a valid VCT certificate, which must have been issued not more than 4 weeks prior to the renewal date.

13. Door signs

Hackney carriage vehicles will be required to display Council approved door signs on the upper panel of both rear passenger doors.

14. Convictions

The proprietor shall within seven days disclose to the Council in writing details of any conviction/caution imposed on him/her (or if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the licence.

15. CCTV

Licence conditions concerning CCTV equipment being installed in a licensed vehicle are:

- a) Approval in writing must be obtained from the Council before CCTV equipment is installed and used in the vehicle.
- b) The CCTV equipment shall be of a type approved by the Council.
- c) The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Council.
- d) Any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime or to confirm or rebut complaints made against the driver or in evidence in motor insurance matters.
- e) No tape recording or other material created by the system shall be used or distributed for any purpose other than allowed by (d) or kept for more than 31 days if not required under (d).
- f) Access to any digitally recorded material shall be limited to the police, any authorised officer of the Council and persons covered by the Information Commissioners CCTV Code of Practice and access to any material otherwise recorded must be made available upon demand to the police, any authorised officer of the Council.
- g) Notices indicating that a CCTV recording system is in operation in the vehicle will be clearly displayed on the passenger windows visible from the outside and in the interior of the vehicle.
- h) The provisions of the Data Protection Act 1998 must be fully complied with by the vehicle proprietor/operator and registration documents must be made available to the Council (Note: The person who should register is the data controller of the system). The data controller for video tape based systems is you but for other digital systems where you personally cannot gain access to the system or the data recorded, the data controller may be the provider or hirer of the system. Notification requires the purpose of the system to be explained. Usually to deter crime against taxi/private hire drivers is acceptable. Notification will involve compliance with the guidelines for the use of CCTV issued under Act. Make sure you understand what you need to do to comply as the onus is on you if there are any breaches of the requirements.
- i) Any breach of privacy rules or of the data protection principles or any human rights violations will be detrimental to a person's standing as a fit and proper person to hold a licence granted by this Council.
- j) CCTV footage from vehicles can be presented to Licensing Sub-Committees

Local Government (Miscellaneous Provisions) Act 1976
Private Hire Vehicle Licences

Conditions of Licence (v15 09 2014)

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements [including in particular those contained in Motor Vehicles (Construction and use) Regulations] shall be fully complied with.

2. Alteration of Vehicle

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

3. Identification Plate

The plate identifying the vehicle as a Private Hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the outside and rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable. This requirement shall not apply where an 'exemption certificate' has been issued in respect of the external plate for that vehicle, if the conditions of the certificate are being complied with and the external plate is kept within the vehicle.

4. Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.

5. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher, a suitable first aid kit containing appropriate first aid dressings and appliances, and in the case of six, seven and eight seater vehicles sufficient life hammers to allow windows to be broken in an emergency. Such equipment to be carried in a position in the vehicle so as to be readily visible and available for immediate use in an emergency.

6. Signs, Notices, etc.

The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notices relating to Private Hire vehicles which the Council may from time to time require. Private Hire vehicles will be required to display Council approved door signs on the upper panel of both rear passenger doors.

7. Taximeter

Any taximeter and all the fittings shall be so affixed to the vehicle 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.

If any taximeter fitted to a vehicle is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicle transmission gearing ratio the proprietor shall not permit or suffer the vehicle to be used for hire until the taximeter has been satisfactorily tested and sealed.

8. Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

9. Deposit of Drivers` Licence

If the proprietor permits or employs any other person to drive the vehicle as a Private Hire vehicle, then before that person commences to drive the vehicle they shall deliver their dual driver licence for retention until such time as that driver ceases to be permitted or employed to drive the vehicle.

10. Insurance

A copy of the current Certificate of Insurance or Cover Note relating to the licensed vehicle shall be kept available for inspection at all times in the licensed vehicle.

11. Vehicle Compliance Test

A VCT certificate will be required every six months during the period for which a vehicle is licensed. A vehicle licence will not be renewed without a valid VCT certificate, which must have been issued not more than 4 weeks prior to the renewal date.

12. Convictions

The proprietor shall within seven days disclose to the Council in writing details of any conviction/caution imposed on him/her (or if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the licence.

13. CCTV

Licence conditions concerning CCTV equipment being installed in a licensed vehicle are:

- a) Approval in writing must be obtained from the Council before CCTV equipment is installed and used in the vehicle.
- b) The CCTV equipment shall be of a type approved by the Council.
- c) The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Council.
- d) Any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime or to confirm or rebut complaints made against the driver or in evidence in motor insurance matters.
- e) No tape recording or other material created by the system shall be used or distributed for any purpose other than allowed by (d) or kept for more than 31 days if not required under (d).
- f) Access to any digitally recorded material shall be limited to the police, any authorised officer of the Council and persons covered by the Information Commissioners CCTV Code of Practice and access to any material otherwise recorded must be made available upon demand to the police, any authorised officer of the Council.
- g) Notices indicating that a CCTV recording system is in operation in the vehicle will be clearly displayed on the passenger windows visible from the outside and in the interior of the vehicle.
- h) The provisions of the Data Protection Act 1998 must be fully complied with by the vehicle proprietor/operator and registration documents must be made available to the Council (Note: The person who should register is the data controller of the system). The data controller for video tape based systems is you but for other digital systems where you personally cannot gain access to the system or the data recorded, the data controller may be the provider or hirer of the system. Notification requires the purpose of the system to be explained. Usually to deter crime against taxi/private hire drivers is acceptable. Notification will involve compliance with the guidelines for the use of CCTV issued under Act. Make sure you understand what you need to do to comply as the onus is on you if there are any breaches of the requirements.
- i) Any breach of privacy rules or of the data protection principles or any human rights violations will be detrimental to a person's standing as a fit and proper person to hold a licence granted by this Council.
- j) CCTV footage from vehicles can be presented to Licensing Sub-Committees

Local Government (Miscellaneous Provisions) Act 1976
Private Hire Operators Licences

Conditions of Licence (v19 03 2014)

1. Records

(1) The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, or computer recording system approved by the Council. Where a book is used the pages should be numbered consecutively. The operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted:-

- (a) the time and date of the booking;
- (b) the name and address of the hirer;
- (c) the method of booking;
- (d) the time of pick-up;
- (e) the point of pick-up;
- (f) the destination;
- (g) the time at which a driver was allocated to the booking;
- (h) the registration number of the vehicle allocated for the booking;
- (i) remarks (including details of any sub-contract).

(2) The operator shall also keep records of the particulars of all Private Hire vehicles operated by that operator, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.

(3) All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

2. Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- a) ensure that when a Private Hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;

- b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- c) ensure that any waiting area provided by the operator has adequate seating facilities;
- d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- e) ensure that any radio equipment provided by the operator is inspected at the expense of that operator at least once a year by a company approved by the Council and that a certificate that the equipment is in a sound condition is submitted to the Council within one month of the inspection.

3. Complaints

The operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

4. Change of Address

The operator shall notify the Council in writing of any change of address (including any address from which the operator operates or otherwise conducts business as an operator) during the period of the licence within seven days of such change taking place. (Check with licensing officer/Taxi Handbook relating to geographical location.)

5. Convictions

The operator shall within seven days disclose to the Council in writing details of any conviction/caution (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

Appendix C

Hackney Carriage vehicle approved roof signs

1. In accordance with the Council's Policy all licensed Hackney Carriages shall carry a distinctive roof sign which may be fitted transversely or longitudinally.

General Construction

2. The sign shall have a rigid chassis or base and be provided with a secure means of fixing to the roof of the vehicle with brackets or shock-proof magnets. The translucent panels shall be capable of illumination in compliance with Road Traffic Regulations.

Type A – Transverse Sign

3. The approximate measurements shall be as follows:-

Width	36"
Height	6"
Depth	8½ (at base)

General Appearance

4. The front and rear elevations shall give the appearance of elongated rectangles. The side elevations shall have a triangular configuration with the front and rear surfaces of the sign set at an angle of 55° to the base which shall be horizontal.

Front Panel

5. To be white and to display at all times the word "WEALDEN TAXI" in conspicuous black letters. These words to be centrally placed with the word "WEALDEN" set above the word "TAXI". The company name and telephone number through which the taxi may be ordered may be displayed in smaller letters beneath the word "TAXI".

Rear Panel

6. To be white or red but when illuminated to show only a red light. The company name and telephone number through which the taxi may be ordered may be displayed in black letters on the rear panel.

Illumination

7. The whole sign shall be capable of illumination during the hours of darkness.

Type B – Longitudinal Sign

8. Overall dimensions:-

The approximate measurements shall be as follows:-

Width	18"
Height	13"
Length	43"

General Appearance

9. The side elevations shall give the appearance of elongated rectangles. The front and rear panels shall slope inwards towards the top panel from the base which shall be horizontal.

Front Panel

10. As per transverse sign.

Rear Panel

11. As per transverse sign.

Side Panels

12. Advertising will be permitted on the side panels subject to compliance with the requirements of the British Code of Advertising Practice and the Advertising Standards Authority.

Illumination

13. As per transverse sign.

The signs supplied by Licensed Car Hire Advertising Ltd are deemed to satisfy the Council's requirements for longitudinal signs.

Type C – Small Transverse Sign

14. The approximate measurements shall be as follows:-

Width	12" – 24"
Height	6"
Depth	6" – 8" (at base)

General Appearance

15. The front and rear elevations shall have a rectangular appearance and the side elevations shall have a triangular configuration with a horizontal base. The sign shall be centrally placed on the roof.

Front Panel

16. To be white and to display at all times the words "WEALDEN TAXI" in conspicuous letters.

Rear Panel

17. To be white or red but when illuminated to show only a red light. The company name and telephone number through which the taxi may be ordered may be displayed in lettering in a contrasting colour.

Illumination

18. The whole sign shall be capable of illumination during the hours of darkness.

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