

# Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy 2022-2026

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# Contents

1. Introduction And Background .....	3
2. Licensed Vehicles .....	6
3. Hackney Carriage and Private Hire Drivers .....	13
4. Private Hire Operators.....	23
5. Disciplinary and Enforcement Measures –All Licence Holders .....	27
Appendix A: Hackney Carriage Vehicle Specification .....	28
Appendix B: Standard Hackney Carriage Vehicle Licence Conditions .....	33
Appendix C: Hackney Carriage Vehicle Licensing Procedure .....	40
Appendix D: Hackney Carriage Byelaws .....	41
Appendix E: Private Hire Vehicles Specifications.....	46
Appendix F: Private Hire Vehicles Conditions Of Licence .....	50
Appendix G: Private Hire Limousines and Specialty Vehicles Special Conditions.....	57
Appendix H: Private Hire Vehicle Licence Procedures.....	59
Appendix I: Private Hire And Hackney Carriage Drivers’ Licences Procedures.....	62
Appendix J: Private Hire Driver Conditions Of Licence .....	68
Appendix K: Private Hire Operator’s Licence Conditions .....	70
Appendix L: Enforcement .....	78
Appendix M: Code Of Conduct .....	84
Appendix O: Penalty Points Scheme .....	87
Appendix P: Partition Screens .....	94

# 1. INTRODUCTION AND BACKGROUND

## 1.1 Executive Summary

1.1.1 This document contains Crawley Borough Council's Policy which includes procedures, practices and standards relevant to the hackney carriage and private hire licensing regime within the borough of Crawley.

## 1.2 Aims Of This Policy

1.2.1 The aim of this Policy document is to publish the stated intentions and requirements of Crawley Borough Council as the Licensing Authority with respect to hackney carriage (taxi) and private hire operations in the Crawley borough, championing the overriding principal of public safety as its primary concern.

1.2.2 As the Licensing Authority, the Council's primary aim is to:

- Protect the public and ensure public safety remains at the centre of the licensing regime.
- Ensure reasonable access to hackney carriage and private hire services
- That the individuals carrying out the roles of licensed drivers and operators are "fit and proper" to do so.

1.2.3 The Council's powers are used to ensure that hackney carriage and private hire vehicles that operate within the borough are safe and operate in compliance with relevant legislation.

1.2.4 Additionally, specific regard has been afforded to HM Government's Department for Transport's (DfT) recent publication 'Statutory Taxi and Private Hire Vehicle Standards' (July 2020), published under Section 177(1) of the Policing and Crime Act 2017.

1.2.5 This new statutory guidance specifically requires all Licensing Authorities which exercise taxi and private hire licensing functions to introduce new and/or strengthen existing policies to protect from harm children and vulnerable individuals over 18 years old.

1.2.6 HM Government expects all the DfT recommendations to be implemented unless there are compelling local reasons for not doing so. As far as possible, the DfT recommendations have been incorporated into this revised Council Policy.

1.2.7 The Council recognises its duty with regards to Safeguarding, and procedures are in place to ensure licences are only issued to "fit and proper" drivers and operators.

1.2.8 Due to the continuing climate emergency, this Policy seeks to achieve the aspirations of HM Government in its publication 'The Ten Point Plan for a Green Industrial Revolution' (November 2020), especially regarding a shift to zero emission vehicles in respect of public transport. However, this is subject to further review and consultation with interested parties.

1.2.9 All licences, drivers' badges, vehicle licence plates, internal identification cards and door badges remain the property of the Council as the Licensing Authority.

- The Policy has been formulated pursuant to, and in accordance with, relevant legislation including:
- Local Government (Miscellaneous Provisions) Act 1976;
- Town Police Clauses Act 1847;
- Equality Act 2010;
- Police and Crime Act 2017;
- Immigration Act 2016.

1.2.10 The Equalities Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons based on race, gender, disability, age, sexuality (lesbian, gay, bisexual), transgender, pregnancy, religion or belief.

1.2.11 The Council is committed to ensuring that it is delivering services in a non-discriminating way and that equality is at the heart of service provision throughout the authority.

1.2.12 The Council recognises that discrimination and exclusion can occur for many reasons including but not confined to race, language, age, gender, disability and poverty and is fully committed to overcoming such exclusion and discrimination.

1.2.13 In carrying out its duties the Council will have due regard for the need:

- To eliminate unlawful discrimination
- To promote equality of opportunity and good relations between people, including those in the groups protected by the Equality Act 2010.

1.2.14 This Policy will be subject to an equality impact assessment. In formulating this Policy, the Council have in particular had regard to the need to provide for disabled people and to protect vulnerable groups. The mix of vehicle types, vehicle, driver and operator conditions relating to licensed vehicles, operators and drivers are intended to protect all passengers, and especially those who are most vulnerable.

### **1.3 Definitions and Terms**

Throughout this document:

- a. "the Council" or "the Authority" means Crawley Borough Council both as an entity and as the Licensing Authority.
- b. "driver" or "licensed driver" means drivers of both hackney carriages and private hire vehicles unless the context indicates otherwise.
- c. "vehicle" or "licensed vehicle" means both a hackney carriage and private hire

vehicle, unless the context indicates otherwise.

- d. “hackney carriage” means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.
- e. “private hire vehicle” means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward with the services of a driver.
- f. “private hire operator” means a person who in the course of business makes provision for the invitation or acceptance of bookings for of private hire vehicles.
- g. “DfT” means the Department for Transport, including previous names under which that Department has been known.
- h. “the Committee” means the Licensing Committee of the Council.
- i. the word “taxi” has no meaning in law and is often used generically to describe both hackney carriages and private hire vehicles.
- j. the term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency.
- k. any reference to “proprietor” is a reference to the proprietor of either a hackney carriage or a private hire vehicle unless the context indicates otherwise.
- l. any reference to the term “applicant” refers both to an unlicensed person who has applied to be granted a licence and a person who holds a current licence which was granted by the Council and who has applied for that licence to be renewed.
- m. the “enforcement meeting” is a panel comprising of authorised officers, including the relevant head of service, licensing representatives and Legal Officer of the Council convened to determine matters which are contrary to Policy and/or where the “fit and proper” test is called into question.

## **1.4 Policy Status**

- 1.4.1 In exercising its discretion in carrying out regulatory functions and decision-making, the Council will have regard to this Policy.
- 1.4.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where there are exceptional circumstances or it is considered necessary to do so, Council officers (as delegated by the relevant head of service) may depart from this Policy. Where such a decision is made, reasons will be given for doing so.
- 1.4.3 The Council has had a written Hackney Carriage and Private Hire Policy in existence since 1st September 2015, with the inclusion of an updated convictions and enforcement section (Appendix L) in 2019. This version of this Policy was adopted by the Council’s Licensing Committee in September 2019 and will be regularly reviewed. However, minor amendments to this Policy may be made by the relevant Head of Service following consultation with the relevant Cabinet member.

## 2. LICENSED VEHICLES

### 2.1 Hackney Carriages – Limitation Policy for Proprietor Licences

2.1.1 At the Licensing Committee meeting on 12 June 2017 the Committee approved a policy of limiting hackney carriage vehicle licences granted by the Council (such limit being the number of current licences granted by that date), subject to any applicant demonstrating exceptional circumstances. This Policy decision will generally be reviewed every 3 years, and in line with guidance, an Unmet Demand Survey will be conducted as part of that review to ascertain whether this Policy remains in place.

### 2.2 Accessibility

2.2.1 The Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. It is recognised that the travelling public have diverse needs and therefore this Council is committed to providing a mixed fleet of vehicles, catering for the varying needs of passengers.

2.2.2 The Council has had a policy for a number of years which will only grant applications for new hackney carriage vehicle licences (additional to the current fleet) in respect of wheelchair accessible vehicles. Existing licence holders with vehicle plate numbers 1-73 are exempt from this Policy provided that each of those licences continues to be renewed and does not lapse. This Policy however is subject to the Council's limitation policy, as specified above.

### 2.3 Vehicle Specification and Standards

2.3.1 The Council has adopted minimum specification standards and conditions in respect of hackney carriage and private hire vehicles and these are set out in **Appendix A** for hackney carriages and **Appendix E** for private hire vehicles. Where, due to an accident, a licensed vehicle is unroadworthy and the proprietor wishes to have a temporary licence granted for a replacement vehicle, this vehicle must also comply with **Appendix A or E** as applicable.

2.3.2 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be considered, provided that there is compliance with the specifications applicable to such vehicles. No new class 7 vehicles will be granted a private or hackney carriage licence, however any currently licensed vehicles may remain relevant to age, providing they meet the wider licensing requirements.

2.3.3 Purpose-built vehicles are amongst those which the Council will *licence* as hackney carriage or a private hire vehicle but each will be distinct and different in terms of its colour and signage requirements. This is to ensure that the two types of licensed vehicle, hackney carriage and private hire can easily be distinguished by the travelling public and to avoid confusion, since the method of hire is distinct and different.

## 2.4 Changes To Vehicles

2.4.1 Other than where required to comply with licence conditions and/or legal requirements, the Council does not allow the external and/or internal appearance of a licensed vehicle to change for any purpose, nor any form of cosmetic or mechanical modification (excluding the use of seat covers.) This includes the following, but this is not an exhaustive list:

- Tinted windows where these are not added at the time manufacture.
- Modifications to the vehicle number plate, chassis or Vehicle Identification Number
- Changes to a vehicles engine (other than by way of formal application and consent by the Licensing Authority)
- Use of mileage modification devices, changes to the odometer or measures put in place which do not show the actual current and accurate mileage undertaken by a vehicle.
- Changes to make the level of noise omitted from an engine or exhaust to increase the sound level
- Changes to suspension or engine capability other than what was in place at the time of manufacture
- Additions to a vehicle after manufacture such as spoilers, changes to lights and/or number plate lettering and numbers.”

## 2.5 Licensed Vehicle Emissions

2.5.1 Complementing HM Government’s announcement in November 2020 of its intention to move towards a net-zero contribution to climate change with an end to the sale of new petrol and diesel cars by 2030, there is a drive towards reducing vehicle emissions. Although the licensed trade only forms a small proportion of the current vehicle traffic, they do travel a large number of miles each year

2.5.2 The aim of Euro Emissions Standards is to reduce the levels of harmful exhaust emissions, chiefly:

- Nitrogen oxides (NOx)
- Carbon monoxide (CO)
- Hydrocarbons (HC)
- Particulate matter (PM)

2.5.3 The current Euro Standard for all vehicle emissions is set out in **Appendix A** and **Appendix E**. The Council will continue to develop its approach in relation to vehicle emissions and have regard to this when licensing vehicles

## **2.6 Maximum Age of Vehicles**

- 2.6.1 The Council has placed an age restriction on licensed vehicles as described in **Appendices A and E**, but all applications for the licensing of vehicles will be treated on their individual merits. Applicants wishing to licence vehicles outside of this policy must provide details and exceptional reasons for the Council to deviate from this agreed Policy.
- 2.6.2 On 01/03/2022 the Licensing Committee decided to temporarily amend the Council's published Private Hire and Hackney Carriage Licensing Policy, to take effect from 01/04/2022
- 2.6.3 The Committee decided that its existing policy, which specifies that there will be an upper age limited of 11 years for licensed vehicles (referred to in the Policy in several areas including paragraph 20 of Appendix A and paragraph 9 of Appendix E) will not be applied by the Council in respect of licensed vehicles for **a temporary period of 12 months** commencing from 01/03/2022 This exemption ended on .
- 2.6.4 At its meeting on 07/11/22, the Committee carried out an interim review into the matter and decided that this temporary policy would conclude on 28/03/2023, whereupon the 11 year age limit for licensed vehicles comes back into force.

## **2.7 Stretched Limousines and Specialty Vehicles**

- 2.7.1 The licensing of limousines and specialty vehicles will be approached on the basis that these vehicles may have a legitimate role to play in the private hire trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected, and each application will be considered on its merits.
- 2.7.2 However, in considering any application for these types of vehicles, the Council will have regard to any relevant guidance issued by the government, such as by the Vehicle and Operator Services Agency. However, the overriding consideration is public safety.
- 2.7.3 As these vehicles may not meet the usual vehicle specification, additional documentation and inspection will be required as part of the application process so that the Council can be satisfied as to the safety and suitability of any individual vehicle. This is set out further in **Appendix G**.
- 2.7.4 The Council strongly recommends that anyone who wishes to licence a limousine (or any other non-standard specialty vehicle) contact the Council's Licensing Team before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle is likely to meet the required mechanical and safety standards.
- 2.7.5 It is also subject to the Council's authorised garages being able to fully inspect such



and confirm mechanical fitness and safety. Each vehicle will be considered on its merits but will be balanced against safety standards and potential risks to the travelling public.

- 2.7.6 Stretch limousines or similar vehicles which can carry fewer than 9 passengers for reward and used for transport to school proms or for adult bookings will be required to be licensed as a private hire vehicle and the driver and operator must hold the relevant private hire licences.

## **2.8 Contract Vehicles and Courtesy Vehicles**

- 2.8.1 The Council will have regard to the DfT Private Hire Vehicle Licensing note dated August 2011 (and any supplementary DfT guidance notes) when considering whether any particular contract vehicle requires a private hire vehicle licence.
- 2.8.2 All vehicles with 8 or fewer seats, excluding the driver, that carry passengers for hire and reward must be licensed with the Council. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as “courtesy cars”, i.e. for transporting customers to and from airports, hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly, be licensed with the local Council.
- 2.8.3 Those operating “courtesy cars”, i.e. for transporting customers to and from airports, hotels, nightclubs, etc. should have an operator’s licence, and the vehicle and driver must be appropriately licensed.

## **2.9 Salvaged or Insurance Write-Off Vehicles**

- 2.9.1 ‘Salvaged’ or ‘insurance write-off’ vehicles, apart from category N, will not be accepted by the Council for licensing purposes, and applications in respect of such vehicles will be refused. The onus is on the applicant to prove either that at the time of licensing or after an accident that the vehicle has not been written off and has been properly repaired by an authorised garage to the required safety standard and will be required to provide supporting documentation to confirm this.

## **2.10 Wrapping of Vehicles**

- 2.10.1 Since 2017, the DVLA requires the ‘wrapping’ of vehicles to be notified to it as a change which must be recorded on the V5 Registration Document. Vehicle proprietors wishing to ‘wrap’ a currently licensed vehicle must first inform this Licensing Authority of their intention to do so. This is in order that the vehicle licence may be suspended temporarily pending their provision of an updated V5 Registration Document specifying the colour change.

## **2.11 Vehicle Testing**

- 2.11.1 A Certificate of Compliance will be required to be issued by one of the Council’s approved and nominated garages in respect of any vehicle prior to the vehicle first being licensed by the Council, irrespective of mileage or age. Responsibility for ensuring the vehicle is tested and licensed remains with the applicant or vehicle proprietor. Vehicle inspections leading to the issue of a Certificate of Compliance are only to be carried out by the garages appointed by the Council.

2.11.2 Details of the current Council approved and nominated garages are available from the Taxi Licensing Office.

## **2.12 Distinguishing Features, Signage Livery**

2.12.1 Members of the public can often confuse private hire vehicles with hackney carriages, without realising the differences. Private hire vehicles are not available for immediate hire, must be pre-booked through a licensed private hire operator and cannot be hailed in the street. It is, therefore, important that members of the public are able to distinguish each type of vehicle easily. For this reason hackney carriages and private hire vehicle conditions of licence require differences, including that the vehicles to display plates of different colours. This is a key feature in helping to identify vehicles that are properly licensed.

2.12.2 The Council requires door signs (livery) to be permanent for both private hire and hackney carriage vehicles. The Council does not allow temporary signs such as magnetic door stickers. The rationale for this policy is aimed at ensuring public safety.

2.12.3 The Council allows exemptions where applied for and assessed by the Council as the following. The following may be exempted from the requirement to display livery on a licensed vehicle including for:

- high class chauffeuring or exclusive limousine type provision
- private hire vehicles licensed to work from Gatwick Airport (vehicles with teal licence plates); and
- electric only vehicles. Any new electric vehicles entering the Trade at the commencement of this Policy shall no longer be exempt from the requirement to display full livery.

The above exemptions will be reviewed in 2022/2023 to see if they remain appropriate.

2.12.4 Doors signs may be covered on licensed vehicles with magnetic covers **only** whilst the vehicle is parked and stationary at the proprietor's (or the driver's) own property, but these must be removed before the vehicle is moved from those premises. The Council does not permit a licence plate to be covered up or removed at any time – it must always be visible.

2.12.5 Both hackney carriages and private hire vehicles are required as a condition of the licence to display a licence plate on the rear of the vehicle unless an exemption is held. The Council issues plates of different colours to distinguish one type of licensed vehicle from another. This is a key feature in helping to identify vehicles that are properly licensed.

2.12.6 Generally, private hire vehicle licence plates are yellow in colour and contain the vehicle licence plate number, vehicle registration, Council logo and the number of passengers it is entitled to carry. The exception to this is for vehicles which are operated exclusively for Gatwick Airport work by the operator who operates from a base at the airport. Licence plates for these vehicles are teal in colour and internal plates are yellow. This Policy will be reviewed during 2022.

2.12.7 In respect of hackney carriages, licence plates are predominantly white, but include blue as an identifying colour. It contains the same information as above.

- 2.12.8 Both hackney carriages and private hire vehicles are also required as a condition of the licence to display an internal plate which is coloured. It includes the licence plate number, Council logo and contact number.
- 2.12.9 There are some more details about the exceptions to these requirements which are set out in **Appendix G**.
- 2.12.10 Hackney carriages and Private Hire Vehicles are required to display a rooftop box on a licensed vehicle, although they are distinct and different from one another. The purpose of this is to identify vehicles as a licensed and easy to identify.

### **2.13 Advertising**

- 2.13.1 Advertising on licensed vehicles may be beneficial to the taxi trade as it could be another source for generating income for the proprietor. As such, the Council permits advertising on its licensed vehicles provided that the advertising for hackney carriage vehicles complies with the criteria set out in the standard conditions in **Appendix B**.
- 2.13.2 Advertising on private hire vehicles must comply with the criteria set out in the conditions in **Appendix F**.
- 2.13.3 The Council expects that any advertising to be approved in writing by the nominated Council officer prior to it being included on the licensed vehicle.

### **2.14 Security and Closed-Circuit Television (CCTV) in Licensed Vehicles**

- 2.14.1 The Council views the installation of overt CCTV and recording equipment within all licensed vehicles as a positive measure in safeguarding passengers and drivers and acts as an aid in the prevention and detection of crime. Furthermore, audio sound (only activated in the event of an incident, otherwise mute) and image recordings are good evidence if allegations are made against drivers.
- 2.14.2 Where such a CCTV system is installed, this Licensing Authority requires signage to be displayed informing both prospective and actual passengers of its presence. This signage must be prominently displayed on both Nearside and Offside rear passenger door windows, so as to be clearly visible from inside and outside, easily read, and is required to show both words and symbols.
- 2.14.3 The system must be approved by the Council. Individuals who install CCTV equipment in their vehicles must follow the guidance as set out in **Appendices B or F** as appropriate for their licence.

### **2.15 Use of Partition Screens**

- 2.15.1 The Council supports the installation of partition screens between the driver and passengers in both hackney carriage and private hire vehicles. These partitions are designed to act as a buffer between the driver and passenger as a means to improve safety. It is also recognised that by fitting and using such devices, together with employing other measures such as good ventilation and positioning of passengers, they may provide some degree of protection from, and control of, disease and infection, including COVID-19.
- 2.15.2 However, all newly manufactured vehicles have been rigorously tested (NCAP) and achieved European Whole Vehicle Type Approval.

- 2.15.3 Changing or adding to the interior of the vehicle can alter the 'type approval' and may have consequences as to what happens inside a vehicle in the event of a collision. Consequently, whether or not a safety partition screen should be installed is a matter for operators, vehicle proprietors and their insurer.
- 2.15.4 To assist in making a decision, together with the specific requirements of the Council 'Guidelines for Private Hire Vehicle Safety Partition Screens' have been produced at **Appendix P**.
- 2.15.5 For all licences granted after this version of the policy has been published a new condition will be added to the licence regarding compliance with **Appendix P** in the event a partition is installed. For all existing licence holders who do not yet have this condition on their licence, the Council expects them to comply with Appendix P and notify the Council of the addition of a partition to their vehicle.

## **2.16 Application Procedures**

- 2.16.1 The general application process for hackney carriage and private hire licence applications is available at **Appendix H**. Applications must be submitted together with supporting documentation and application fee. Application procedures may be modified by officers as considered appropriate, and in this event, **Appendix H** will be updated and re-published to reflect the modified procedures.

## **2.17 Fees**

- 2.17.1 The application fees payable are usually subject to annual review.

## **2.18 Consideration of Applications**

- 2.18.1 The Council will consider each application on its own merits once it is satisfied that the appropriate criteria have been met, the application process is complete, and supporting documents have been submitted and checked.

## **2.19 Grant and Renewal of Licences**

- 2.19.1 Hackney carriage and private hire vehicle licences will usually be granted for **1** years. However, the Council may grant a licence for a shorter period, should this be appropriate in the circumstances or in line with an applicant's wishes.
- 2.19.2 Whilst it is not legally bound to do so, the Council usually sends reminder letters to hackney carriage and private hire proprietors around 4 to 6 weeks before an existing vehicle licence expires in order to assist proprietors in their prompt submission of renewal applications, However the responsibility to ensure renewal applications are submitted in good time remains with the proprietor licence holder.
- 2.19.3 The Council will only accept complete applications comprising of all the necessary documentation and payment of the relevant fee. If an application is received late, and the licence expires, the Council, except in exceptional circumstances, will not renew the licence and the licence plate must be returned to the Council immediately.

## **2.20 Conditions attached to licences**

- 2.20.1 The Council will attach conditions to a vehicle licence upon grant. A set of standard conditions for hackney carriage vehicle licences is set out at **Appendix B**, and a set of standard conditions for private hire vehicles is set out at **Appendix F**.
- 2.20.2 The Council considers that it is reasonably necessary that these conditions be attached to the grant of vehicle licences, however, the relevant head of service/delegated officer has full discretion to modify and/or add to these standard conditions as may be considered reasonably necessary in any individual case.

## **2.21 Insurance Liability**

- 2.21.1 Hackney carriage and private hire vehicle proprietors are reminded of the requirements of Part IV of the Road Traffic Act 1988 in relation to the provision of third-party insurance, as well as the requirement for the correct type of insurance being in place for use of the licensed vehicle i.e. public (hackney carriage) or private hire.
- 2.21.2 Proprietors can be held jointly liable for certain insurance offences committed by the driver of their licensed vehicle. Public (hackney carriage) or private hire insurance extensions, as appropriate, along with Vehicle Excise Licence (VEL), must be maintained on licensed vehicles at all times.
- 2.21.3 Unlicensed drivers may not drive licensed vehicles. This means that no family member or friend, unless they are a Crawley licensed driver and insured for this purpose, may drive a Crawley licensed vehicle.

## **2.22 Smoking in a licensed vehicle**

- 2.22.1 Smoking in a smoke-free place is prohibited under the Health Act 2006. In this context a 'smoke-free place' includes hackney carriage and private hire vehicles, as well as a private hire operator's premises which is open to the public. In the context of the Health Act 2006, smoking relates to the smoking of cigarettes and other tobacco products, this includes e-cigarettes and vaping products.
- 2.22.2 It is the responsibility of both the driver and the proprietor to ensure no smoking signage, as prescribed by the Health Act 2006, is displayed in all licensed hackney carriages or private hire vehicles at all times.

### **3. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

#### **3.1 Parallel Procedures**

3.1.1 The statutory and practical criteria and qualifications for private hire drivers are broadly similar to those for hackney carriage drivers. The sections below, therefore, apply equally to both private hire and hackney carriage drivers.

#### **3.2 Fit and Proper Person**

3.2.1 Applicants are required to submit information to satisfy the Council that they are a 'fit and proper person' to hold a hackney carriage and/or private hire driver's licence.

3.2.2 Public safety is paramount, and it is the basis of the Council's decision in determining whether a person is 'fit and proper' to hold a licence.

3.2.3 Licensed drivers must ensure that the service they supply enables them to transport their passengers comfortably, safely, and conveniently. As professional drivers, the Council and passengers expect their driving and general behaviour to be of the highest possible standard. It is also key that they are honest and trustworthy.

3.2.4 The Council expects licensed drivers to treat customers and members of the public as well as other road users with courtesy and respect. Licensed drivers should never expose their customers or other members of the public, especially the more vulnerable and those requiring assistance, to any form of abuse or other behaviour that may cause alarm, distress, offence or discomfort.

3.2.5 Licensed drivers are placed under certain duties by law to provide assistance to people in wheelchairs, to carry them safely and not to charge extra fees for doing so. Failure to abide by these duties could lead to prosecution, substantial fines and/or suspension or revocation of licence

3.2.6 Licensed drivers are responsible not only to their passengers and other road users but also for upholding the reputation of the hackney carriage and private hire trade as well as the Council as Licensing Authority.

#### **3.3 Who is a 'fit and proper' person?**

3.3.1 There are several requirements to be satisfied before the Council decides whether to grant a licence to an individual driver, private hire operator or vehicle proprietor. The Council must be satisfied that an applicant is a "fit and proper" before it may grant a person a driver's licence.

3.3.2 When the Council grant a licence, licence holders are expected to remain a "fit and proper" person. The Council will carry out compliance checks to ensure this is the case.

3.3.3 There is no statutory definition of "fit and proper" but the Council considers it to mean that the person is safe and suitable to be granted a licence which gives them the responsibilities outlined above and will be guided by the courts' interpretation of the legislation, including as set out in the case of *McCool v Rushcliffe Borough Council* [1998] 3 All ER 889.

- 3.3.4 Although the above paragraphs refer specifically to drivers, the Council will apply the same overall approach to private hire operators.
- 3.3.5 The Council expects applicants to comply with the requirements of this Policy, and licence holders to always comply with the requirements of all relevant legislation, the conditions of their licence and the Council's Code of Conduct at **Appendix N**. Any failure to do so may lead to refusal of an application, prosecution, enforcement action against the licence (including suspension, revocation, or refusal to renew) or the imposition of penalty points under the Council's Penalty Points Scheme.
- 3.3.6 If there is any doubt as to the suitability of a person to act as a licensed driver, the matter may be referred to the Head of Service for consideration and determination.
- 3.3.7 Licensed drivers are also subject to the Council's Code of Conduct and Penalty Points Scheme, adopted in 2018. This is included at **Appendices N and O**.
- 3.3.8 Applicants and licensed drivers are expected to notify the Council of any change to their circumstances after they have applied and before it is decided, including any if they have been charged with a criminal or driving offence or there is a change to their medical condition. Likewise, if after grant of a licence there is a change to the driver's circumstances, they are required to notify the Council within 48 hours.
- 3.3.9 This Licensing Authority checks all applications and works closely with other Licensing Authorities, the Police, and subscribes to the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3).

### **3.4 Testing**

- 3.4.1 Drivers will be required to undertake testing as part of the application procedure. Details of the tests are available in **Appendix I** and include the following.

### **3.5 Driving Proficiency and Qualifications**

- 3.5.1 The Council has nominated approved providers of a driving assessment specifically designed for hackney carriage and private hire drivers. The Council has decided that all new applicants must successfully pass this test in order to be considered for a hackney carriage or private hire driver's licence.

### **3.6 Medical Examination**

- 3.6.1 All applicants are required to meet the DVLA Group II 2 Medical Standard or equivalent. This will require the applicant to undergo a full medical examination by their own GP at their own cost. The Group II 2 Medical Assessment and form must only be carried out and completed by applicants own GP. Third Party agents or private suppliers of this service are not permitted. However, the Council as Licensing Authority may direct an applicants case to an alternative provider if their own surgery is unable to provide a Group II Medical Assessment and/or to the Councils Authorized Medical Practitioner if it considers appropriate to do so as part of the "fit and proper" test.

- 3.6.2 A request form for a medical examination, which may be presented to the applicant's GP, can be obtained from the Council. The applicant will be responsible for paying the fee for the examination to the relevant doctor. On completion of the examination, the report must be submitted to the Council with the other documentation which must accompany an application.
- 3.6.3 Where there is any doubt as to the medical fitness of an applicant, the Council may



require the applicant to undergo and pay for a further medical examination by a nominated doctor appointed by the Council. Applicants will be liable for the cost of any additional assessment(s) required.

- 3.6.4 Where there remains any doubt about the medical fitness of any applicant or current driver, the Council will review the medical evidence and make any final decision.
- 3.6.5 Licensed drivers are required to be re-examined every 3 years to the same DVLA Group 2 standard, and every year (annually) thereafter from the age of 60. The Council may also require a licensed driver to undergo more frequent checks if, in the opinion of a medical practitioner, this is necessary as part of the “fit and proper test.”
- 3.6.6 Licensed drivers must advise the Council immediately of any change or deterioration in their health and/or medication that may affect their driving capabilities by emailing [taxis@crawley.gov.uk](mailto:taxis@crawley.gov.uk). (See also licence conditions.)

### **3.7 Disability Awareness and Safeguarding Training**

- 3.7.1 Prior to being licensed all new applicants must undertake and pass both Disability Awareness Training, and Safeguarding Training by the Councils Nominated Provider(s.) All current drivers must complete this training no later than 30<sup>th</sup> September 2023.

### **3.8 Hours of Work and Driver Fatigue**

- 3.8.1 General factors that cause fatigue include lack of sleep, bad quality sleep and sleep demands induced by the internal body clock. Apart from these general factors, prolonged driving (time-on-task) and irregular or long work schedules can increase driver fatigue.
- 3.8.2 Fatigue leads to a deterioration of driving performance manifesting itself in slower reaction time, diminished steering performance, reduced ability to keep sufficient headway and increased tendency to mentally withdraw from the driving task. It is the driver’s responsibility to ensure that they take appropriate rest breaks, are alert and able to carry out their role as a licensed driver. This onus also extends to private hire operators who are allocating work to licensed private hire drivers.

### **3.9 Convictions, Cautions, Investigations, Pending matters**

- 3.9.1 There is no exemption to full disclosure for applicants for hackney carriage/private hire driver’s licences. As such, applicants are required to disclose all previous incidents/occurrences involving arrest, Court Orders, Convictions, immigration penalties, Cautions, Fixed Penalty Notices (both crime and all motoring offences), Criminal Investigations, together with any other similar pending matters. This is regardless of whether they would be regarded as spent under the Rehabilitation of Offenders Act 1974 as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. There are some exceptions to disclosure however, and it is the applicant’s responsibility to ensure that the information provided to the Council is accurate.
- 3.9.2 Whilst licensed, hackney carriage and private hire drivers must, within 48 hours of an incident/occurrence, report in writing to this Licensing Authority the fact that they have been arrested, charged, convicted, been issued with an immigration penalty or are under investigation for any criminal or motoring offence. Similarly they must notify the Council within 48 hours of any penalty points imposed on them for any driving offence or of any fixed penalty notice issued to them for any offence.

### **3.10 Criminal Record Checks**

- 3.10.1 A criminal record check on an applicant and/or driver is an important safety measure. Where a Disclosure and Barring Check has not been undertaken by the Council, applicants must provide the original Certificate where it has been undertaken by an authorised body.
- 3.10.2 The Council requires applicants to **complete** an enhanced criminal records disclosure report from the Disclosure and Barring Service ('Enhanced DBS report') as part of the documentation accompanying their application. All drivers licensed by the Council will then be required to obtain a further report every 6 months.
- 3.10.3 The Council is an approved Disclosure Barring Service (DBS) body; therefore, checks are carried out through the Council and applicants will be charged the appropriate fee for any application
- 3.10.4 An Enhanced DBS check of Criminal Convictions will be carried out by the Council every 6 months using the DBS Update Service. All licensed drivers will be required to ensure their continuous registration with the DBS Update Service to enable the Council to routinely check for new information every six months or sooner if information comes to light that calls into question whether a person is "fit and proper" to hold a licence.
- 3.10.5 Should the check reveal that new information is available the DBS certificate will no longer be relied upon and a new DBS certificate will be required. The Council can also request another disclosure at any time if a further check is considered necessary.
- 3.10.6 The requirement to subscribe to the Update Service will commence for all new applicants with the introduction of this Policy and as existing licensed drivers renew their DBS, they will be required to show evidence that they have subscribed to the Update service. The Council will not divulge personal information disclosed by undertaking the DBS checks to any third party except that it may share information with a relevant statutory organisation if it is considered necessary to assist in the prevention or detection of crime, or where there is a safeguarding risk.
- 3.10.7 Any matters arising in a DBS Enhanced certificate for a new applicant and all licensed drivers will be assessed against this Policy (including **Appendix L**).

### **3.11 Police Disclosure - Referrals to the Police DBS**

- 3.11.1 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Council as Licensing Authority to make referrals to the DBS/Police. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the Council to make a referral in this context arises from the undertaking of a safeguarding role. The Licensing Authority will make a referral to the DBS/Police when it is considered that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult; or
- an individual has satisfied the 'harm test'; or
- received a caution or conviction for a relevant offence; or
- the person they are referring is, has or might in future be working in regulated activity.

3.11.2 If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

### **3.12 What is the harm test?**

3.12.1 A person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child or vulnerable adult.

### **3.13 English Language Requirement**

3.13.1 Hackney carriage and private hire licence holders need to be able to communicate with customers to discuss a route or fare, as well as to read and understand important regulatory and safety information. It is also important that all licence holders can read and understand information that the Council provides. It is therefore essential for public safety reasons that all taxi and private hire licence holders can communicate in English at an adequate level for these purposes.

3.13.2 Applicants, including new and current licensed drivers must show that they have adequate English language skills in reading, writing, speaking, and listening. The Council as Licensing Authority does not need applicants to take a specific test, but they must provide the Council with information about qualifications obtained to prove that they have adequate English language skills.

3.13.3 When applying for a licence, applicants must send the Council a copy of qualifications. Failure to do so will render the application invalid, and it will be rejected.

### **3.14 What Qualifications?**

3.14.1 If an applicant has completed secondary school education in the UK or have any UK secondary school level qualification which was taught and examined in English, the level of English attained will be satisfactory if the level below is achieved:

- GCSE grade G or above
- GCE 'O' level grade E or above
- Certificate of Secondary Education grade 5 or above
- A level or AS level
- NVQ level 2 or above including BTEC and City & Guilds
- Higher National Certificate/Diploma

- Degree or higher

3.14.2 Where applicants/licensed drivers did not complete their secondary school education in the UK, but were educated to the same level shown above, they can supply evidence of qualifications if the qualification was taught and examined in English. A letter from the examining body may be required to confirm this.

### **3.15 Secure English Language Test (SELT)**

3.15.1 The Home Office needs certain applicants for a visa to show a certain level of English Language by passing a SELT.

3.15.2 The Council will accept a Home Office approved SELT certificate as proof that an applicant's level of English is sufficient only if the SELT has assessed an individual's reading, writing, speaking, and listening ability. Information on approved SELT courses is available at this website: [www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests](http://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests).

### **3.16 English as a second language or foreign language qualification (ESOL)**

3.16.1 The Council **may** accept some ESOL, TOEFL, or IELTS certificates if the examining board has assessed reading, writing, speaking, and listening in English. This needs to be at CEFR level B2 or equivalent of a TOEFL, IELTS or ESOL qualification at CEFR level B2.

3.16.2 Where an applicant or licensed driver is unable to demonstrate their knowledge of the English language through any of the above qualifications, the Council will consider each case on its own merits.

### **3.17 Certificates of Good Conduct**

#### **3.17.1 New applicants**

If an applicant for a new licence (a person not holding a current licence issued by Crawley Borough Council) has not lived continuously in the UK for 5 years, then in addition to submitting an Enhanced DBS report with their application, they must submit an original authenticated certificate of good conduct (together with a translation into English if the document is in another language) obtained from the embassy for the country in which the applicant was living immediately before arriving in the UK. If the driver has lived in more than one country prior to arriving in the UK, then a report from each country in which they lived, worked or visited for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted with their application. Any translation of the document must be from the embassy which issued the original document and must be validated by the corresponding embassy located in the UK.

#### **3.17.2 Existing licence holders**

Licensed drivers who have lived, worked in or visited another country for 3 months or more since the grant of their licence will also be required to submit an original authenticated certificate of good conduct from the embassy of that country when they return to the UK and wish to remain licensed.

3.17.3 Where a driver has been abroad for the full 6 months since their last Enhanced DBS Certificate was submitted, a Certificate of Good Conduct will be required in its place.

### **3.18 Entitlement to Live and Work in the United Kingdom**

3.18.1 There is a legal responsibility imposed on the Council by the Immigration Act 2016 to ensure that right to work checks on drivers and operator licence holders are completed.

3.18.2 The Council must comply with the legal requirement not to issue a licence to someone who is disqualified from holding the licence by reason of their immigration status. This duty is discharged by requiring the applicant to submit one of a number of prescribed documents which show that the applicant has permission to be in the UK and undertake work as an operator or private hire vehicle or hackney carriage driver.

3.18.3 All initial applicants for a hackney carriage driver's licence, private hire driver's licence or operator licence will be required to demonstrate that they have the right to live and work in the United Kingdom. The Council will follow the advice given by the UK Border Agency following the implementation of the Immigration Act 2016. If the check shows the person has a right to remain indefinitely in the UK, the check will not normally need to be repeated. A licence will not be granted to an applicant who is not entitled to work in the UK.

3.18.4 A right to work check will also be carried out and evidence sought of such where appropriate and applicants/licensed drivers will be asked to provide a share code and/or supporting documentation as part of this process.

3.18.5 For those drivers and applicants who have time-limited permission to be in the UK, the check must be repeated at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK. A licence will only be granted for the duration of the validity of the Visa or permission.

### **3.19 Safeguarding, Child Sexual Abuse and Exploitation (CSAE)**

3.19.1 To ensure that identification of safeguarding and CSAE behaviours is maintained at the forefront of the licensed driver's mind, all applicants and existing licence holders are required to undergo initial safeguarding training, followed by regular refresher training provided by one of the Council approved providers.

3.19.2 This Council already has a Partnership Agreement with organisations including West Sussex County Council and the Police. The Council will continue to develop an ever-closer working relationship to counter the continuing issue of CSAE.

3.19.3 The hackney carriage and private hire vehicle industry can play an important role in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

3.19.4 All new applicants and licence holders will be required to attend safeguarding awareness training by a Council approved provider. This training must be undertaken as a mandatory part of the initial licensing process or within 6 months of the commencement of this Policy if currently licensed. Failure or refusal to attend this training is likely to result in the licence being suspended until the training is satisfactorily completed.

### **3.20 Relevance of Convictions and Cautions and Other Unsatisfactory Conduct**

3.20.1 The Council's policy as to the relevance of offences and other conduct when assessing an applicant or licence holder's fitness and propriety is in **Appendix**

**L.** In general terms, the more recent, serious and relevant to public safety an offence or other conduct is, the less likely that an application will be granted, and in respect of licence holders, the more likely the Council may consider enforcement action.

3.20.2 Applicants for new licences and to renew existing licences will be required to provide authorisation to the Council to conduct DVLA driver endorsement check, so the Council can ensure that the information held by the DVLA is in accordance with the information submitted by the applicant.

3.20.3 Checks will generally be made prior to the original grant and then annually and upon renewal, although the Council may also carry out additional checks where the Council considers this appropriate. The fee for these checks is paid by the applicant/licence holder.

3.20.4 The Council may carry out further checks if it comes to light that an applicant or licence holder has endorsements or other matters which call into question whether they are "fit and proper".

### **3.21 Mandatory Disability Awareness Training**

3.21.1 The Equality Act 2010 focuses on the needs of people with protected characteristics, which includes disabilities. Public bodies, including local authorities, have a lawful duty of regard to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

3.21.2 The Department for Transport's Draft Accessibility Action Plan described refusals of assistance dogs by taxi and PHV drivers as "unacceptable and illegal", noting the serious impact of refusals on people's confidence and ability to live independently.

3.21.3 The plan commits the UK Government to publish best practice guidance for licensing authorities, recommending that disability equality training be mandated in their licensing policies.

3.21.4 Private hire and hackney carriage drivers frequently encounter passengers with various disabilities, and it is therefore considered necessary that all applicants and licence holders have a good understanding and working knowledge of the needs of disabled passengers. Disability awareness training benefits both the customer and driver and the Council should make it a pre-condition for being granted a driver's licence. The training will be organised by the Council and delivered through a provider of the Council's choice.

3.21.5 Completion of the disability awareness training is required before a licence is first issued.

Existing licensed drivers that have yet to complete the training must do so within 12 months of the implementation of this version of the policy. Failure or refusal to attend this training is likely to result in the licence being suspended until the training is satisfactorily completed.

### **3.22 National Register of Taxi Licence Refusals**

3.22.1 The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3) (NAFN). This allows licensing authorities to share details of individuals who have had a hackney carriage or private hire licence revoked. All applications for a new licence or licence renewal will automatically be checked on NR3. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

### **3.23 Partnership Working**

3.23.1 The Council will work collaboratively with its enforcement partners, including the Police, Immigration, DVLA and DVSA (VOSA.) This Council will also share information with other councils and will participate in joint enforcement activities. In addition, officers from other councils will be authorized to operate across councils to carry out regulatory and enforcement functions.

### **3.24 Application Procedures**

3.24.1 The general application process for driver licence applications is available at **Appendix I**. Applications must be submitted together with supporting documentation and application fee. Application procedures may be modified by officers as considered appropriate, and in this event, **Appendix I** will be updated and re-published to reflect the modified procedures.

### **3.25 Consideration of Applications**

3.25.1 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.

3.25.2 The Council will usually send a reminder letter to drivers around 4-6 weeks before their existing licence expires to assist applicants in their prompt submission of renewal applications, however it is down to the applicant to submit a renewal application in good time prior to the expiry of any existing licence so that this can be properly considered. Drivers should ensure renewal applications forms, together with any supporting documents, are received by the Council at least 10 working days before their existing licence expires as this will ensure that in most cases applications are processed and new licenses issued before expiry of the existing licence.

### **3.26 Duration of Licences**

3.26.1 Applicants for new and renewed licences can apply for a 1, 2 or 3 year licence. The Council will usually grant a licence for the duration requested but may grant a licence for a shorter period than is requested where this is considered appropriate in a particular case.

### **3.27 Conditions of Licence**

- 3.27.1 The Council is not permitted to attach conditions to a hackney carriage driver's licence. However, hackney carriage drivers are subject to the Council's byelaws which are replicated in **Appendix D**.
- 3.27.2 A set of standard conditions for private hire driver licences is set out at **Appendix J**.
- 3.27.3 The Council considers that it is reasonably necessary that these conditions be attached to the grant of driver licences, however, the relevant head of service/delegated officer has full discretion to modify and/or add to these standard conditions as may be considered reasonably necessary in any individual case.

### **3.28 Hackney Carriage Fares - Prescribed Rates**

- 3.28.1 The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council.
- 3.28.2 Fares rates are reviewed from time to time in accordance with the statutory process.

### **3.29 Receipts**

- 3.29.1 A driver must, if requested by the passenger, provide them with a written or printed receipt for the fare paid.



## 4 PRIVATE HIRE OPERATORS

### 3.30 Requirements and Obligations

- 3.30.1 Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for a private hire operator's licence.
- 3.30.2 A private hire vehicle may only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle with a driver. Private hire operators must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence issued by this Council. The private hire operator, in addition to the person driving the licensed vehicle, is responsible for ensuring that the appropriate licence and insurance is in place, as well as the vehicle being mechanically fit and compliant with the Council's licence conditions prior being dispatched.
- 3.30.3 An application for a private hire operator's licence must be made in accordance with the procedure set out below and accompanied by the relevant supporting documentation and application fee.

### 3.31 Bases Outside Crawley Borough Council Area

- 3.31.1 The Council will not grant a private hire operator licence for an operator to operate from a base that is outside Crawley Borough Council's area. This is to ensure that proper regulation and enforcement measures may be taken.

### 3.32 Code of Conduct and Penalty Points Scheme

- 3.32.1 Licensed operators are subject to the Council's Code of Conduct and Penalty Points Scheme as adopted. This is included at **Appendices N and O**.

### 3.33 Criminal Record Checks For private hire operators

- 3.33.1 A criminal record check on operators is an important safety measure. It will depend on the individual applicant as to what criminal record checks will be required. These are set out below.
- 3.33.2 Where the applicant is an individual person, the Council requires the applicant to submit the following as part of the application process:
- a standard criminal records disclosure report from the Disclosure and Barring Services ('standard DBS report') relating to the applicant; and
  - a declaration as to whether any company of which they have been a director or secretary has been convicted of any offences.
- 3.33.3 Where the applicant is a company, the Council requires the applicant to submit following documentation as part of the application process:

- a declaration as to whether the company has been convicted of any offences at any time; and
- a standard DBS report for each Director and Secretary of the company.
- a standard DBS report for the individual(s) who assume operational control and the day-to-day management of the business

3.33.4 Where the applicant is a partnership, the Council requires a standard DBS report for each partner to be submitted as part of the application process.

3.33.5 Further declarations and standard DBS reports as specified will be required every 6 months for individual licence holders, directors, secretaries and partners and paragraphs 3.9.4 to 3.11.1 will apply to these people except that the check shall be a Standard not Enhanced.

3.33.6 The requirement of a Certificate of Good Conduct for drivers as set out in paragraphs 3.16.1 to 3.16.3 and 3.21.1 will also apply to individual applicants/licence holder, each partner of a partnership applicant/licence holder and the Directors and Secretaries of company applicants/licence holders.

### **3.34 Criminal Records Checks for Private Hire Vehicle Operator – Booking and Dispatch Staff**

3.34.1 Additionally, private hire vehicle divers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff. There is a person taking bookings (be it by phone or in person), the vehicle dispatcher who decides which driver to send to a user. These are positions that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults and the Authority should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.

3.34.2 As part of the revision of this policy to include safety measures recommended by the Department of Transport (DfT), for all private hire operator licences granted (or renewed) after this version of the policy is published, conditions will be attached requiring the licence holder to:

- a) Maintain a live/rolling register of all booking and dispatch staff in their employment, the details being retained for six (6) months from the date of any booking and/ or dispatch, regardless of the individual's employment status.
- b) Produce upon demand the register of staff to an authorized Council officer and/or Police Officer.

- c) Provide evidence to the Council that they have had sight of a Standard DBS check every 6 months in relation to all individuals listed on their register of booking and dispatch staff.
- d) Provide to this Licensing Authority a written hard format copy of the Operator's Policy on employing ex-offenders.
- e) For everyone on the register, for new employees at the time of their engagement, for existing employees at the time of creation of the register, confirm sight of their recently issued (less than 3 months old) Basic DBS Criminal Record Certificate, and that they are suitable to decide such matters as who is sent to transport an unaccompanied child or vulnerable adult.
- f) Require such employed staff, as part of their contract and terms of employment, to immediately to notify the operator of any convictions, warnings, cautions or charges being faced of any sort.

3.34.3 The addition of these conditions will mean that operators must ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.

3.34.4 Should the operator outsource their booking/dispatch functions to a third party, the responsibility remains with them regarding CSAE matters: In such situations, the operator must confirm that the third party has evidenced to them that it employs equally rigorous protections.

3.34.5 This Licensing Authority requires all private hire operator applicants and existing operators of private hire vehicles to provide checks of their own criminal conviction status. These are required upon initial application, and every six (6) months during the licensed period, and at subsequent renewals. Applicants and existing operators not already providing the Enhanced DBS Criminal Record check Certificate in their separate standing as a hackney carriage/private hire vehicle driver must provide a Standard DBS Criminal Record check Certificate which is no more than 3 months old: operators which are limited companies or partnerships must provide such certification for every director/partner of the company/partnership.

3.34.6 Further, should there be any change to the Criminal Record status of any individual operator, or director/partner of a company/partnership operator at any time during the licensed period, it is incumbent upon the operator immediately to notify the Licensing Authority. Dependent on the nature and/or circumstances of the matter, consideration may be given to suspension, revocation, or refusal to renew a licence.

### **3.35 Private Hire Operator Conditions**

3.35.1 A set of standard conditions for private hire operators' licences is set out at **Appendix K**. The Council considers that it is reasonably necessary that these conditions be attached to the grant of operator licences; however, the relevant head of service/delegated officer has full discretion to modify and/or add to these standard conditions as may be considered reasonably necessary in any individual case.

### **3.36 Licence Duration**

3.36.1 Private hire operators' licences are usually granted for one, two or three years, however,

the Council may grant a licence for a shorter period should this be considered appropriate in the circumstances.

### **3.37 Number of Vehicles**

- 3.37.1 An operator can apply for a licence for the number of vehicles that they have at the time of application. An operator's licence authorizes vehicles up to the number stated on the licence. If an operator wishes to add to his or her fleet above that number, then the operator must apply for a new licence before they start operating more than the number of vehicles as is specified in their existing licence.
- 3.37.2 The Council will usually send a reminder letter to licensed operators **4 weeks** before their existing licence expires to assist them in their prompt submission of renewal applications; however, the responsibility to submit a renewal application in good time prior to the expiry of any existing licence is the responsibility of the applicant.
- 3.37.3 Licensed operators should ensure renewal applications forms, together with any supporting documents, are received by the Council at least 10 working days before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.

### **3.38 Operating Address of Private Hire Operator Licence**

- 3.38.1 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the records which they must keep in accordance with the conditions of the licence must be kept and the provision for bookings is made.

### **3.39 Safeguarding, Child Sexual Abuse and Exploitation (CSAE)**

- 3.39.1 For the reasons described in paragraphs 3.18.1 to 3.18.3, it is important for licensed operators also to have CSAE training.
- 3.39.2 All new individual applicants and licence holders will be required to attend safeguarding awareness training by a Council approved provider. For company and partnership applicants and licence holders, at least one company officer/partner or manager will be required to attend the training, and this will be assessed by the Council on a case-by-case basis and the Council will work with the applicant/licence holder to identify the most appropriate person/s to attend the training. This training must be undertaken within 12 months of being first licensed or if currently licensed within 24 months of the introduction of this Policy. Failure or refusal to attend this training is likely to result in the licence being suspended until the training is satisfactorily completed.

### **3.40 Relevance of Convictions and Cautions and Other Unsatisfactory Conduct**

4.11.1 Paragraphs 3.19.1 to 3.19.4 will apply to operators.

## **4. DISCIPLINARY AND ENFORCEMENT MEASURES –ALL LICENCE HOLDERS**

### **4.1 General**

- 4.1.1 The Council will also have regard to the Council's General Enforcement Policy when making enforcement decisions.
- 4.1.2 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Head of Community Services or dealt with by the Team Leader, Health, Safety and Licensing.
- 4.1.3 The Council may take any of the steps outlined below in respect of any of the licences it issues:
  - a) Prosecution.
  - b) Revocation of the licence.
  - c) Refusal to renew a licence.
  - d) Suspension of the licence.
  - e) Issuing of warnings or cautions.

### **4.2 Penalty Points Scheme and Code of Conduct**

- 4.2.1 The Council has introduced a Penalty Points Scheme and Code of Conduct for proprietors, drivers and operators. These are at **appendices N and O**.
- 4.2.2 The aim of the penalty point scheme is to work in conjunction with other enforcement options. It does not prejudice the council's ability to take other actions.
- 4.2.3 The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
- 4.2.4 The Code of Conduct is designed to remind all drivers of their responsibilities whilst operating as a licensed driver and to ensure a professional level of service is provided to the travelling public, improve standards and public safety.
- 4.2.5 Any breaches of the Code of Conduct can be dealt with under the Penalty Point Scheme.

# Appendix A

## Hackney Carriage Vehicle Specification

1. When licensing hackney carriage vehicles the Council must consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be as constructed and designed:
  - (a) For the Carriage of not more than 8 passengers with the provision of a seatbelt for each passenger.
  - (b) With the seat provided for each passenger having a minimum width of 405 millimeters (16 inches) measured across its narrowest part.
  - (c) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking man oeuvre and eliminate the need for a front seat passenger to alight from the vehicle into the road.
  - (d) With an engine having capacity of at least 1400 cc, including vehicles badged by the manufacturer as "1.4 ee" models. Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal **or greater** power output to a 1400cc engine
  - (e) To have windows to the side and rear providing natural light to passenger compartment.
2. In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.
3. The passenger carrying capacity will be at the discretion of the Council however but shall usually be such for the carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
4. The vehicle seats must have these specifications:
  - (a) The rear seat of the vehicle must be a minimum of 1.22 meters long (405 millimeters, 16 inches per person)
  - (b) All seats must be fitted with fully operational seat belts
  - (c) The number of passenger seats must remain as stated on the vehicle licence
  - (d) There must be no alteration to the seating configuration without notifying the Council
  - (e) All seats must be forward or rear facing

- (f) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers
  - (g) The seat covering must be clean and in a good state of repair.
- 5. The vehicle and its fittings must, when being always presented for inspection and during when it is licensed and available for hire:
  - (a) Be safe
  - (b) Be tidy
  - (c) Be clean
  - (d) Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
- 6. The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 7. The licensed vehicle shall be white and no other colour.
- 8. All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
- 9. In the interests of safety and reassurance of passengers, the Council will only licence vehicles whose windows have factory installed tinting in the passenger windows only. Vehicles with mirrored glass or tinting applied post manufacture will not be licensed.

#### **Wheelchair Accessible Vehicles**

- 10. In the case of all hackney vehicles that are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Vehicles adapted to load wheelchairs both from the side and rear are acceptable.
- 11. The Council will only consider licensing vehicles converted or adapted to carry wheelchairs if the conversion is approved by an Institute of Automotive Engineers Assessor. The licence applicant must produce the original certificate from the approved Institute of Automotive Engineers Assessor as part of their licence application.
- 12. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Licensing Office as part of the licence application.

## **Roof signage**

13. Hackney carriages must have a sign complying with the following criteria. The sign must:
- (a) measure 76cm in width x 15cm in length x 16cm in height.
  - (b) be of "Aero" type design
  - (c) include the Crawley Borough Council logo in colour on the left-hand side of the front face of the sign.
  - (d) the logo must measure not less than 13cm in height by 13cm in width.
  - (e) display in the middle of the front face of the sign the following words in the format shown below:  

CRAWLEYTAXI
  - (f) The letters comprising the word 'CRAWLEY' shall be not less than 3cm in height, and the letters comprising the word 'TAXI' shall be not less than 7cm in height.
  - (g) Include the hackney carriage proprietor's licence number on the right-hand side of the front face in numbers measuring not less than 6 cm in height.
  - (h) The rear face of the sign there shall be displayed only the telephone number of the operator or proprietor of the vehicle, in digits measuring not less than 9cm in height. The rear face of the sign may be left blank if the operator or proprietor does not wish to display his/her telephone number.
  - (i) All letters and numbers displayed must be solid black in colour and be in Flute B font.
  - (j) The sign must be white on the front face. The sign may be red or white on the rear face but must be red at the rear when illuminated.
  - (k) No words or numbers may be displayed on the sign except as set out above.
14. Vehicles which have a built-in roof sign or light may be exempt from displaying the standard roof light if the Licensing Officer is satisfied that the built-in roof light is an acceptable alternative.

## **Door Signage**

15. Door signs will be ordered and authorized by the Council only and proprietors will be advised when the door signs are ready for collection.
16. Proprietors are responsible for collecting, paying for and affixing the signs to the lower panel of each front door of the vehicle.



17. If at any time replacement door signs are required, for example, if the signs are lost or damaged, the proprietor will be responsible for the cost of the replacement door signs and for arranging for them and affixing them to the vehicle.

### **Advertising on Hackney Carriages**

18. One of the standard conditions of licence for hackney carriages is that the proprietor may affix advertising if they have first applied for an obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:
  - (a) Display screens on rear headrests is permitted.
  - (b) Full livery or half livery third party advertising is permitted on purpose-built hackney carriages (that is London-style black cab vehicles).
  - (c) Advertising may be displayed on the external sides of the rear doors providing the advertisement complies with the following criteria:
    - (i) Purpose-built hackney carriages (that is London-style black cab vehicles) may advertise inside the vehicle on the base of the occasional seats or along the bulkhead on top of the passenger/ driver partition.
    - (ii) Any advertisements shall not exceed 30 inches by 15 inches.
    - (iii) Advertisements must be of such a form as not to become easily soiled or detached.
    - (iv) Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

### **CCTV**

19. One of the standard conditions of licence for hackney carriages is that the proprietor may install CCTV into the vehicle if they have first applied for an obtained the Council's permission to do so. The Council will generally require that a CCTV system complies with the following specifications before approval will be given for it to be installed in a vehicle:
  - (a) The CCTV system must either be only capable of only recording images and not sound, or if the system is able to record sound, the proprietor must ensure that the sound recording function of the system is disable so that only images are recorded.
  - (b) The CCTV system must not have a video display screen (VDU) screen inside the vehicle.
  - (c) The CCTV system must be designed and capable of adequately recording after dark.

- (d) The CCTV system must be one where any recorded data is encrypted and access to the data is password protected or locked and only authorized persons can view any recordings.

### **Age of Vehicles and Emissions**

- 20. From 1st April 2016, an 11-year rolling age limit was introduced for taxis unless exempted. Vehicles already licensed at the date of adoption of this policy must, as a minimum, in the case of Petrol vehicles, meet Euro 4 standards for emissions or be capable of being retrofitted to achieve this and all newly licensed taxis must, as a minimum, meet Euro 5 standards for emissions. Vehicles older than 4 years older with an average mileage of less than 30,000 may be considered but any such application must be accompanied by original MOT certificates or other suitable documents such as a service history to verify the vehicle mileage as genuine.
- 21. On 01/03/2022 the Licensing Committee decided to amend the Council's published Private Hire and Hackney Carriage Licensing Policy, to take effect from 01/04/2022.
- 22. The Committee decided that its existing policy, which specifies that there will be an upper age limited of 11 years for licensed vehicles (referred to in the Policy in several areas including paragraph 20 of Appendix A and paragraph 9 of Appendix E) will not be applied by the Council in respect of licensed vehicles for a temporary period of 12 months commencing from 01/03/2022. Vehicles will still require a new Certificate of Compliance to remain after the 11 years and may also be inspected by a Licensing Officer, particularly if there is a concern about the vehicle being fit for purpose and/or where there are several advisories outstanding This matter was revisited on 7<sup>th</sup> November 2022, where it was decided to re-impose the 11-year age limit from 28<sup>th</sup> March 2023.

## **Appendix B**

### **Standard Hackney Carriage Vehicle Licence Conditions**

1. This vehicle is licensed to carry a maximum of <<insert number>> passengers at any one time.
2. Where the proprietor permits another person to drive the licensed vehicle, they must ensure that that person has a valid hackney carriage driver's licence, and they must draw the following conditions of the vehicle licence to that person's attention. The proprietor is responsible for ensuring that any person who drives their licensed vehicle complies with these licence conditions.

#### **Internal and External Licence Plates**

3. The proprietor must ensure that the external licence plate provided and allocated to him by Crawley Borough Council is maintained in a clear and legible condition and is securely affixed on the Council's approved bracket to the outside of the Carriage, on or adjacent to the rear bumper. Magnets, double sided tape and Velcro are not acceptable for securing the bracket/plate.
4. The Council must be informed as soon as practicable should the external licence plate be lost broken or defaced.
5. The proprietor shall not cause or permit the vehicle to be used or operated with the external licence plate so defaced that any figure or material is illegible.
6. The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be always displayed.

#### **Vehicle Change of Use**

7. The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence.

#### **Modifications to vehicle**

8. If after this licence is granted a partition screen is installed in the vehicle it must be a kind which meets the specifications in Appendix P of the Council's published policy and the licence holder must also ensure that they inform their insurer of this change to the vehicle.

9. Before a proprietor makes any modifications to the vehicle (except for the installation of a screen partition), including seating arrangements, they must first apply for and obtain permission from the Council.

### **Vehicle Licence**

10. In the event of loss or damage to this licence the Council must be informed immediately so that a replacement can be issued.
11. On revocation, expiry or suspension of the licence, the licence and the internal and external licence plates issued in respect of the vehicle must be immediately returned to the Council upon the Council giving such a demand in writing to the proprietor as they always remain the property of the Council.
12. The proprietor shall advise the Council in writing within 48 hours of any change of their home address, contact telephone number or email address.

### **Insurance**

13. The proprietor shall ensure that there is in force a policy of insurance complying with the requirements of the Road Traffic Acts, and which covers the vehicle for the carriage of passengers for public hire during the currency of this licence.
14. A copy of a vehicle's current insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Crawley Borough Council officer or any Police Officer upon request.
15. If, during the currency of this licence a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

### **Interior Appearance**

16. The interior of the vehicle should always be in a clean and tidy state.
17. Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers, and carpet mats may be used, if each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.
18. All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
19. All doors, locks and windows are to be in full working order and in good condition.
20. All interior lights and fascia illumination are to be in full working order and in good condition.
21. All windows are to be kept free of dirt, grime and marks.
22. Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.

### **Tinted Windows**

23. A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle.

### **Fire Extinguisher and First Aid Kit**

24. The proprietor must ensure that a sterile standard motorist's first aid kit is always carried in the vehicle.
25. The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is always carried in the vehicle. The proprietor must ensure that the contents of the extinguisher always remain in date. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.
26. Vehicles licensed to carry 5 or more passengers must also carry a glass hammer.

### **Accidents**

27. The proprietor must inform the Council the next working day of **any** accident including those causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

### **Luggage storage**

28. If the licensed vehicle is either an estate car or multi-passenger vehicle, there must be luggage restraints kept in the vehicle so that passengers' luggage can be securely stowed, and the restraints must be kept in good working order.

### **Taximeters**

29. The proprietor of a hackney carriage must ensure the vehicle is fitted with a taximeter always approved by the Council the vehicle is available for hire. The meter must be always maintained and kept in a good working order.
30. The taximeter must be set for up to the current maximum tariff agreed by the Council and the proprietor must ensure that no adjustment to the meter is made without the Council's prior permission.
31. The proprietor must ensure the "For Hire" sign or other illuminated sign on the roof of the vehicle is linked to the taximeter or a means is provided to switch off the for-hire sign so that when the meter is switched on at the commencement of any individual hire, the roof sign is extinguished.
32. The taximeter must be kept clean and in good working order and positioned so that the fare recorded on the taximeter is plainly visible to passengers in the vehicle.
33. The taximeter must be sealed at all times and if a seal is broken the proprietor must notify the Council's Licensing Office on the next available working day.

### **Fare Table**

34. A hackney carriage proprietor must ensure that a copy of the current fare table supplied by the Council is always on display inside the hackney carriage and that the table kept clean and undamaged and is positioned so that it is plainly visible to passengers in the vehicle.
35. A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

### **Smoking**

36. The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

### **Roof Sign**

37. Each hackney carriage vehicle (with the exception of those vehicles with a built-in roof light) shall always display an illuminated white roof sign approved by the Council, regardless of whether the vehicle is working for public hire or personal use.
38. A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.
39. The illumination mechanism of the roof sign shall not be operated during any period for which the vehicle is hired.

### **Door Signage**

40. All Hackney carriage vehicles must display permanently affixed door signs (livery) on the lower panel of each front door of the vehicle.
41. If at any time the signs become damaged or lost, the proprietor must notify the Council as soon as possible so that the Council can order replacement signs. The cost of the replacement door signs is the responsibility of the proprietor.
42. If at any time the signs become damaged or lost, the proprietor must ensure that the hackney carriage is not used for hire until the replacement door signs are affixed.

### **Pre-Booked Fares**

#### **Hackney Carriages may be used for pre-booked shared journeys providing they comply with the criteria below.**

43. The vehicle's proprietor must notify the Council in writing that the vehicle is to be used for pre-booked shared journeys prior to commencement.
44. The taximeter must be calibrated for the calculation of separate fees for separate journeys and has been tested and sealed by the Council.

45. The proprietor must ensure that a record of all pre-booked shared journeys undertaken in the vehicle shall be kept by the proprietor and stored for a period of 6 months.
46. The hackney carriage may be used for a pre-booked shared journey only where the hirers have consented to the journey when booking in advance and where the consent of the hirer has been recorded in the record kept under condition 41 above.

#### **Certificate of Compliance (COC)**

47. The proprietor must ensure the vehicle always has a current Certificate of Compliance from a Council-approved garage (COC) whilst the vehicle is licensed. (Note: a list of Council-approved garages is available upon request from Crawley Borough Council.)
48. If a vehicle fails, its COC or the COC expires the vehicle cannot be used as licensed hackney carriage (irrespective of whether it still has a valid MOT Certificate) until a valid COC has been issued.
49. As to the frequency of COCs:
  - (a) Where the licensed vehicle is aged 4 years or less, the proprietor must ensure that they arrange for a COC to be obtained and lodged with the Council not less than 12 months since the last COC.
  - (b) Where the licensed vehicle is aged 4 years or more, the proprietor must ensure that they arrange for a COC to be obtained and lodged with the Council not less than 6 months since the last COC

#### **Advertising**

50. The approval of the Council must be sought and obtained before any advertising (or modifications to existing advertising) is affixed to the vehicle.

#### **CCTV Installation in Hackney Carriage Vehicles**

51. The approval of the Council must be sought and obtained before installing a CCTV system in the vehicle.

#### **Where CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:**

52. If the data recorded by the system is lockable by a key:
  - (a) the proprietor must deposit all keys to the system to Crawley Borough Council; and
  - (b) the proprietor must not make or seek to make another copy of the key without the Council's prior agreement.
53. If the data recorded by the system is lockable by a password:

- (a) the proprietor must provide that password to an officer of the Council and permit the officer to alter the password (so that the password is known to the Council and not the proprietor).
  - (b) the proprietor must not seek to change the password without the Council's prior agreement.
54. The proprietor must not interfere, or try to interfere, with the workings of the device.
55. The proprietor must ensure that operation of the CCTV complies with the CCTV Code of Practice published by the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.
56. Upon a request being made by an officer of the Council or a police officer for access to the data recorded by the CCTV system, the proprietor must present the hackney carriage immediately on the request being made to the person who requested access and allow the Council's officer or police officer, as the case maybe, to extract data from it.

**Disability Access – the following conditions will apply to vehicles adapted to carry wheelchairs**

57. Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- (a) Loading of the wheelchair must be undertaken through the side of the vehicle.
  - (b) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
  - (c) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
  - (d) Whilst public safety and comfort are the key elements that the Council considers when judging the suitability of vehicles meeting the requirements of section 52 of this policy, predicating that they should be of a side loading type, it reserves the right to deal with any application concerning other vehicle types on their own merits based on suitable expert opinion and evidence. Any such evidence or opinion will normally be required to originate from a qualified automotive engineer or similar professional.
58. If, after the licence is granted, the vehicle is converted or adapted to carry wheelchairs, the proprietor must:
- (a) Prior to use as a licensed vehicle at the time of the conversion/adaptation provide a Certificate from an approved converter, and



- (b) notify their insurance company of the fact that the vehicle has been so adapted/converted.
59. A suitable restraint must be always available for the occupant of a wheelchair and kept in good working order.
  60. If, after the licence is granted, any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle, this must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in the vehicle at all times and be presented to any Licensing Officer of police officer upon request.
  61. There must be always kept in the vehicle either access ramps or a lift so assists the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
  62. Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.
  63. Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.
  64. There must be no alteration to the seating configuration without notifying the Council.

## **Appendix C**

### **Hackney Carriage Vehicle Licensing Procedure (SUBJECT TO CHANGE)**

1. Applications for renewal should be submitted at least 10 days prior to licence expiring.
2. Once the application form has been received, payment must be made immediately, and an invoice will be raised and sent to the applicant to document this process.
3. The fee for a hackney carriage vehicle licence must be paid and cleared before the application for licence (whether for a new or renewal) will be decided.
4. Once a decision has been made to grant the licence, an internal licence plate will be issued and sent to the applicant together with their new licence and conditions of licence.

# Appendix D

## Hackney Carriage Byelaws

### 1.0 Hackney Carriage Byelaws

1.1 Byelaws made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Borough Council of Crawley with respect to hackney carriages in the Borough of Crawley.

### 2.0 Interpretation

2.1 Throughout these byelaws “the Council” means the Borough Council of Crawley and “the District” means the Borough of Crawley.

2.2 Provisions regulating the manner in which the number of each Hackney carriage, corresponding with the number of its licence, shall be displayed.

- (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 is illegible.

### 3.0 Provisions Regulating how Hackney Carriages are to be Furnished or Provided

3.1 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 for securing luggage if the carriage is so constructed as to carry luggage.
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.
- (i) provide at least 2 doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

3.2 The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,

- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and 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 taxi meter is not in action and that no fare is recorded on the face of the taximeter.
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf.
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are always plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figured shall be capable of being suitably illuminated during any period of hiring.
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

4.0 **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.**

4.1 The driver of a hackney carriage 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 positioning which no fare is recorded on the face of the taximeter.
  - (b) as soon as the carriage is hired by distance, and before beginning the journey, 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 as defined for the purposes of the Road Transport Lighting Act 1957, and at any other time at the request of the hirer.
- 4.2 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.
- 4.3 The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
- (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf; (or rank designated under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976)
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorized to occupy it, proceed to another stand.
  - (c) on arriving at a stand not already occupied by the full number of carriages authorized to occupy it, station the carriage immediately behind the carriage or carriages on the stand and to face in the same direction.
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward to fill the place previously occupied by the carriage driven off or moved forward.
- 4.4 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.
- 4.5 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.

- 4.6 The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 4.7 The driver of a hackney carriage when hired to drive to any destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 4.8 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.
- 4.9 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.
- 4.10 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.

**5.0 Provisions fixing the stands of hackney carriages**

- 5.1 No longer applicable (replaced by section 63 of the Local Government (Miscellaneous Provisions) Act 1976)
- 6.0 Provisions fixing the rates of fares to be paid for hackney carriages within the District, and securing the due publication of such fares
- 6.1 No longer applicable (replaced by section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
- 6.2 No longer applicable (replaced by section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
- 6.3 Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.
- 6.4 The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

- 6.5 The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the District and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5p in the pound of its estimated value, (or the fare for the distance from the place of finding to the Police Station, whichever be the greater) but not more than £5.

## **7.0 Penalties**

- 7.1 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine.

These byelaws were made on 25 September 1974. A copy of the original byelaws is available upon request from the Licensing Office.

# Appendix E

## Private Hire Vehicles Specifications

### Vehicle Specification

1. When licensing private hire vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be constructed and designed:
  - (a) For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
  - (b) With the seat provided for each passenger having a minimum width of 405 millimetres (16 inches) measured across its narrowest part.
  - (c) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
  - (d) With an engine having capacity of at least 1400 cc, including vehicles badged by the manufacturer as "1.4 ee" models. Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal **or greater** power output to a 1400cc engine
  - (e) To have windows to the side and rear providing natural light to passenger compartment.
2. In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.
3. The passenger carrying capacity will be at the discretion of the Council.
4. The vehicle seats must have these specifications:
  - (a) The rear seat of the vehicle must be a minimum of 1.22 meters long (405 millimetres, 16 inches per person)
  - (b) All seats must be fitted with fully operational seat belts
  - (c) The number of passenger seats must remain as stated on the vehicle licence
  - (d) There must be no alteration to the seating configuration without notifying the Council
  - (e) All seats must be forward or rear facing



- (f) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers
  - (g) The seat covering must be clean and in a good state of repair.
5. The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
    - (a) Be safe
    - (b) Be tidy
    - (c) Be clean
    - (d) Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
  6. The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
  7. The licensed vehicle shall be coloured black, red, dark blue e.g. (navy blue, Westminster Blue), maroon, dark green and no other colour unless it is approved by the Council.
  8. All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
  9. From 1 April 2016, an **11-year** rolling age limit was introduced for private hire vehicles unless exempted. Vehicles must, as a minimum, meet Euro 4 standards for emissions and be no older than 4 years at the time of initial licensing. Vehicles older than 4 years with an average annual mileage of less than 30,000 may be considered but any such application must be accompanied by original MOT certificates or other suitable documents such as a service history to verify the vehicle mileage as genuine. (See temporary 12-month decision relating to the age of vehicles taken by the Licensing Committee on 1 March 2022 and revision to this ending the temporary extension on 28<sup>th</sup> March 2023)
  10. The Council have nominated certain garages to undertake the Certificate of Compliance on their behalf and a list of the approved garages can be obtained from the Licensing Office.
  11. In the interests of safety and reassurance of passengers, the Council will only licence vehicles whose windows have factory installed tinting in the passenger windows only. Vehicles with mirrored glass or tinting applied post manufacture will not be licensed.

#### **Private Hire Vehicles Exempt**

12. Some private hire operators may be exempt from displaying roof sign, door signs and licence plate. The reason for this can be found in **Appendix E** of this Policy.

### **Advertising on Private Hire Vehicles**

13. One of the standard conditions of licence for private hire vehicles is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:

- (a) Display screens on rear headrests is permitted.
- (b) Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

### **CCTV Installation in Private Hire Vehicles**

14. The approval of the Council must be sought and obtained before installing a CCTV system in the vehicle.

#### **Where CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:**

15. If the data recorded by the system is lockable by a key:
- (a) the proprietor must deposit all keys to the system to Crawley Borough Council; and
  - (b) the proprietor must not make or seek to make another copy of the key without the Council's prior agreement.
16. If the data recorded by the system is lockable by a password:
- (a) the proprietor must provide that password to an officer of the Council and permit the officer to alter the password (so that the password is known to the Council and not the proprietor).
  - (b) the proprietor must not seek to change the password without the Council's prior agreement.
17. The proprietor must not interfere, or try to interfere, with the workings of the device.
18. The proprietor must ensure that operation of the CCTV complies with the CCTV Code of Practice published by the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.
19. Upon a request being made by an officer of the Council or a police officer for access to the data recorded by the CCTV system, the proprietor must present the hackney carriage within 48 hours of the request being made to the person who requested access and allow the Council's officer or police officer, as the case maybe, to extract data from it.

20. Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass. These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable, however in the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on licensed vehicles.

# Appendix F

## Private Hire Vehicle Conditions of Licence

1. This vehicle is licensed to carry a maximum of <<insert number>> passengers at any one time.

### **Licence Plate**

2. The proprietor must ensure that the licence plate provided and allocated to him by Crawley Borough Council is maintained in a clear and legible condition and is securely affixed on the Council's approved bracket to the outside of the Carriage, on or adjacent to the rear bumper. Magnets, double sided tape and Velcro are not acceptable for securing the bracket/plate.
3. The Council must be informed as soon as practicable should the licence plate be lost broken or defaced.
4. The proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible.
5. The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be displayed at all times.

### **Vehicle Change of Use**

6. The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence.

### **Modifications to vehicle**

7. If after this licence is granted a partition screen is installed into the vehicle it must be a kind which meet the specifications in Appendix P of the Council's published policy and the licence holder must also ensure that they inform their insurer of this change to the vehicle.
8. Before a proprietor makes any modifications to the vehicle (except for the installation of a partition), including seating arrangements, they must first apply for and obtain permission from the Council.
9. A proprietor shall give 7 days' written notice to the Council of his intention to transfer this licence to another vehicle and shall not permit that vehicle to be hired until this licence has been endorsed by the Council.

## **Vehicle Licence**

10. In the event of loss of or damage to this licence the Council must be informed immediately so that a replacement can be issued.
11. On revocation, expiry, or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon the Council giving such a demand in writing to the proprietor.
12. The proprietor shall advise the Council in writing within 48 hours of any change of their home address, contact telephone number or email address.
13. The proprietor shall give 7 days' notice of his intention to transfer the licence to another vehicle and shall not permit that vehicle to be used as a licensed vehicle until the licence has been endorsed by the Council.

## **Insurance**

14. The proprietor shall ensure that there is in force a policy of insurance with the requirements of the Road Traffic Acts, and which covers the vehicle for the carriage of passengers for public hire during the currency of this licence.
15. A copy of a vehicle's current valid insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Crawley Borough Council officer or any Police Officer upon request.
16. If, during the currency of this licence, a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

## **Interior Appearance**

17. The interior of the vehicle should always be in a clean and tidy state.
18. Carpets, upholstery and cloth trim are to be kept clean and undamaged. Seat covers and carpet mats may be used, provided that each is a matching set, of a colour coordinating with the vehicle and kept in good condition.
19. All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage
20. All doors, locks and windows are to be in full working order and in good condition.
21. All interior lights and fascia illumination are to be in full working order and in good condition.
22. All windows are to be kept free of dirt, grime and marks.
23. Boot space/luggage areas to be kept clean and vehicle equipment properly stowed.

### **Tinted Windows**

24. A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle.

### **Fire Extinguisher and First Aid Kit**

25. The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.
26. The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.
27. Vehicles licensed to carry 5 or more passengers must also carry a glass hammer.

### **Accidents**

28. The proprietor must inform the Council the next available working day of any accident-causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

### **Luggage in Estate Cars and Multi-Purpose Vehicles**

29. Luggage stowed in the boot should not be stacked above the height of the rear seats unless the vehicle is fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

### **Taximeters**

30. All taximeters must be approved by the Council and the proprietor of a private hire vehicle which has been fitted with a taximeter must ensure that meter is maintained in a sound working condition at all times.
31. The taximeter shall be of the clock calendar type or a Council approved taximeter.
32. The taximeter must not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered.
33. Show the fare recorded on the taximeter in plainly legible figures and the word "FARE" shall be clearly displayed.
34. Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.
35. The taximeter must be sealed at all times and if a seal is broken the Licensing Office must be notified as soon as possible.

## **Two Way Radios**

36. The proprietor must ensure that any radio equipment fitted to the licensed vehicles kept in good working order at all times.

## **Smoking**

37. The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

## **Roof Sign**

38. Each private hire vehicle shall display at all times a non-illuminated yellow roof sign approved by the Council unless authorization has been approved for roof signs to be a different colours.
39. A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.
40. The roof light must comply with the criteria below.
  - (a) be 'point' type design
  - (b) measure 46cm in width x 16cm in length x 14cm in height.
  - (c) all letters and numbers displayed must be solid black in colour and in Flute Font
  - (d) the words 'ADVANCE BOOKINGS ONLY' must be displayed on the front of the sign at the top in letters not less than 2.5cm in height.
  - (e) the company name must be displayed underneath in letters not less than 5cm in height.
  - (f) the rear of the sign should display only the word 'CRAWLEY' in letters not less than 2.5cm in height and underneath, the telephone number of the company or private hire operator through whom the vehicle can be booked, displayed in numbers not less than 5cm in height.
  - (g) the sign shall not include the words 'hire', 'cab', 'taxi', 'hackney' or any other word which would lead a person to believe that the vehicle is a hackney carriage (even if these words form part of the company name) or any other words or numbers except those set out above.

## **Door Signage**

41. Each private hire vehicle shall display a sign on each front door in accordance with the criteria laid out below:

- (a) Private Hire vehicles shall display door signs on the lower panel of each front door of the vehicle.
  - (b) The sign shall be constructed of vinyl and shall be applied directly to the door. Licence holders should note that magnetic door signs are not acceptable in fulfilment of this condition.
  - (c) The words 'Advance booking only' shall be displayed at the top of the sign in letters of 4cm in height.
  - (d) The operator or company name shall be displayed in the middle of the sign in letters of 8cm in height if on one line or 4cm in height if on 2 lines.
  - (e) The telephone number of the operator through which the vehicle is operating shall be displayed at the bottom of the sign in numbers of 4cm in height.
  - (f) The overall dimensions of the sign shall be 23cm in height by 45cm in width.
  - (g) All numbers and letters displayed on the sign must be laid out in Flute B font and shall be solid black or solid white, as required by the Licensing Officer. The colour required will be dependent on the colour of the vehicle and will be chosen to ensure maximum visibility against the vehicle's paintwork.
42. These door signs must be displayed at all times. Failure to display these door signs may result in the suspension of the vehicle licence.

#### **Certificate of Compliance**

43. Upon notification from the council that a compliance test must be carried out, the proprietor must ensure that the vehicle is submitted for a compliance test and provide the original certificate of compliance to the Council by the date required. Compliance Testing is required every 12 months for vehicles under 4 years old and every 6 months for vehicles more than 4 years old.
44. The proprietor must ensure the vehicle has a Certificate of Compliance from a Council-approved garage at all times whilst the vehicle is licensed.
45. If a vehicle fails, the Certificate of Compliance test and the vehicle still has a valid MOT Certificate the vehicle cannot be used as a licensed vehicle until a valid Certificate of Compliance has been issued.

#### **Advertising**

46. Advertising is not permitted on or in the vehicle except as follows:
- (a) Display screens on rear headrests or in the rear compartment of wheelchair accessible vehicles.
  - (b) Company name, telephone number, email address or web address may be displayed in the rear window providing the signs are transparent and it does not obscure the driver's vision.



- (c) All permitted advertising signage must be approved prior to being affixed

**Disability Access – the following conditions will apply to vehicles adapted or carry wheelchairs**

- 47. Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
  - (a) Loading of the wheelchair must be done from the side of the vehicle (whether or not rear access is possible).
  - (b) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
  - (c) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- 48. If, after the licence is granted, the vehicle is converted or adapted to carry wheelchairs, the proprietor must:
  - (a) within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and
  - (b) notify their insurance company of the fact that the vehicle has been so adapted/converted.
- 49. A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
- 50. If, after the licence is granted, any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle, this must test in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in vehicle at all times and be presented to any Licensing Officer of police officer upon request.
- 51. There must be kept in the vehicle at all times either access ramps or a lift so assists the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- 52. Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.
- 53. Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair- bound passengers.

54. All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
55. In view of the high mileage covered by private hire vehicles and the interval between examinations, the depth of tyre tread on all vehicles must be a minimum of 2mm.
56. From 1 February 2016 an **11-year** rolling age limit will be introduced for private hire vehicles unless exempted. Vehicles must, as a minimum, meet Euro 4 standards for emissions and be no older than 4 years at the time of initial licensing.

## Appendix G

### Private Hire Limousines and Specialty Vehicles Special Conditions

The following are a pool of standard conditions relating to specialty vehicles. The Council may decide to attach all or any of the following standard conditions (which may be in addition to some of all of the conditions in Appendix F) to the grant of a private hire vehicle licence in respect of a specialty vehicle, as may be considered appropriate in any individual case. It is also dependent upon the Councils nominated garages being able to appropriately inspect such vehicles.

#### 1.0 Additional Conditions for Private Hire Limousines and Specialty Vehicles

1.1 The vehicle to be exempted is of a high quality both in terms of brand and condition.

- Vehicles which may be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered. These will be assessed on a case-by-case basis.
- The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim. This is a spec – to be added to the pre-amble or the body of the policy.

#### 2.0 Types of Vehicles

2.1 The vehicle must have one of the following:

- (i) A UK Single Vehicle Approval Certificate
- (ii) A European Whole Vehicle Approval Certificate
- (iii) UK Low Volume Type Approval Certificate

2.2 If the vehicle has a UK Single Vehicle Approval Certificate, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the IVA certificate at time of licensing.

### **3.0 Vehicle and Safety Equipment**

#### **3.1 The proprietor of a vehicle shall:**

- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, safe and clean condition.
- Ensure the vehicle is fitted with tyres that meet both the manufacturer's size and weight specification for that vehicle.
- Vehicles may be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive.
- Vehicles with sideways facing seating may be considered for private hire licensing.
- The passenger compartment of the vehicle may be fitted with darkened or blackened glass if approved by the Council.

### **4.0 Use of Vehicle**

- Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers (should also be a condition for standard HC/PH vehicles).
- Ensure that in any advertisement publicizing their business, the vehicle is not stated to carry any more than 8 passengers.
- Not convey any passengers in the front compartment with the driver.
- Not supply alcohol to passengers unless there is in force an appropriate authorization under the Licensing Act 2003 permitting the sale or supply of the same
- If the occupants are below the age of 18, there should be no alcohol carried in the passenger compartment.
- Any glassware in the vehicle must be made of either shatterproof glass or plastic
- The driver shall not play or permit the performance of any film, video or similar media where any passenger in the vehicle is below the age permitted by the age classification to view the particular film etc.

## **Appendix H (SUBJECT TO CHANGE)**

### **Private Hire Vehicle Licence Procedures**

**(Subject to change)**

#### **Application Process for Private Hire Vehicle Licence New Vehicle**

1. The vehicle must accord with the specifications in Appendix E.
2. Applicants must telephone the licensing office to make an appointment to have their vehicle licensed.
3. Applications for a private hire vehicle licence must be submitted on form PHV/1
4. Applicants must bring all their documents relating to the vehicle, which include: -
  - (a) Insurance for Hire and Reward
  - (b) Registration Document or Bill of Sale
  - (c) Certificate of Compliance.
5. Applicants must pay the appropriate fee before the licence can be issued.
6. Applicants must ensure that the internal plate is placed in the holder provided on the windscreen as soon as they receive it with the expiry date seen from the outside of the vehicle.
7. Applicants must bring their vehicle to the Town Hall for an officer of the Council to: -
  - (a) Check for the Council approved door signs (where applicable)
  - (b) Check for the Council approved roof sign (where applicable)
  - (c) To check a bracket is fixed firmly to the exterior of the vehicle (where applicable)
  - (d) to fix an external plate to the Council approved bracket (where applicable)

#### **Application Process for Private Hire Vehicle Licence Renewal**

8. Applications for renewal should be submitted at least 10 days prior to the vehiclelike expiring. Applicants must telephone the licensing office to have their licence renewed.
9. Once an invoice is raised, it will be sent to the applicant the next working day.
10. The fee must accompany the application for renewal

11. An internal licence plate will be issued and sent to the applicant.
12. Applicants who fail to renew their vehicle licence on time will be required to submit a new application and will also be required to comply with the conditions set out in Appendix D

### **Application Process for Private Hire Vehicle Licence Transfer of vehicle**

13. Applicants must telephone the licensing office to make an appointment to transfer the licence to another vehicle.
14. Vehicles must comply with the conditions of licence outlined in Appendix D above.
15. Applications for a private hire vehicle licence transfer must be submitted on form PHV/1
16. Applicants must bring all their documents relating to the vehicle which includes: -
  - (a) Insurance for Hire and Reward
  - (b) Registration Document or Bill of Sale
  - (c) Certificate of Compliance.
17. An invoice will be raised for the applicant to pay the appropriate fee.
18. An internal licence plate will be issued.
19. Applicants must ensure that the internal plate is placed in the holder provided on the windscreen as soon as they receive it with the expiry date seen from the outside of the vehicle.
20. An external licence plate will be issued and fixed to the bracket on the rear of the vehicle by the Council
21. A paper licence will generally be issued
22. Applicants must bring their vehicle to the Town Hall for an Officer of the Council to: -
  - (a) Check for the Council approved door signs (where applicable)
  - (b) Check for the Council approved roof sign (where applicable)
  - (c) To check a bracket is fixed firmly to the exterior of the vehicle (where applicable)
  - (d) to fix an external plate to the Council approved bracket (where applicable)

### **Application Process for Private Hire Vehicle Licence Transfer of ownership**

23. Applicants must telephone the licensing office to make an appointment to transfer the licence to another person.
24. Vehicles must comply with the conditions of licence outlined in Appendix D above.
25. Applications for a private hire vehicle licence transfer of ownership must be submitted on form PHV/1.
26. Applicants must bring all their documents relating to the vehicle which includes: -
  - (a) Insurance for Hire and Reward
  - (b) Registration Document or Bill of Sale
  - (c) Certificate of Compliance.
  - (d) A letter from the existing licence holder authorizing the transfer of the licence
27. An invoice will be raised for the applicant to pay the appropriate fee.
28. The Council will determine whether a new external plate is required. If required, this will issue and fixed to the bracket on the rear of the vehicle by the Licensing Office in the appropriate colour.
29. A paper licence will be issued.

# Appendix I (SUBJECT TO CHANGE)

## Private Hire and Hackney Carriage Drivers' Licences Procedures

(Subject to change)

1. In determining your application, you are required to declare all convictions / cautions/ offences. The Council as Licensing Authority is entitled to consider all convictions whether or not they may be considered "spent" for other purposes.
2. A Crawley Borough Council PHD may drive a 'private hire' vehicle licensed by this Authority, must have 'private hire' or 'hire and reward' insurance, must drive on a circuit for a Crawley Borough Council licensed 'Operator', whilst on this circuit, all 'hire and/or reward' passengers must be pre- booked through the 'operator', a PHD may not use or park a vehicle on or near (plying for hire) any appointed 'taxi' rank, a PHD may not drop-off or pick-up any passenger on or near an appointed 'taxi' rank and may not be 'hailed' in the street.
3. Following the grant of a licence, any breach of condition or action(s) contrary to the relevant legislation, any criminal or motoring record will be given due consideration by the Council and may result in the suspension, revocation or refusal to renew any such licence. Not necessary or should be in the body of the policy.
4. All applicants for the grant of a driver's licence must satisfy the criteria set out below.

### **Driving History**

5. Applicants must have held or be in possession of a full UK driving licence which they must have held for at least 12 months and present same for inspection at the time of application. Please note if you have been issued with a photo card, this must be provided.
6. Submit a completed DVLA driving licence disclosure form. This will be provided and can be completed at the time you are submitting your application at the Town Hall.
7. If your DVLA licence is revoked or you are disqualified for any reason, the Council may automatically revoke your Private Hire or Hackney Carriage Driver's Licence.



## **Medical Certificate**

8. A medical must be carried out on the Council's prescribed form by your own GP. The medical test will be carried out to PSV Group II (2) specification. This medical must be completed to the satisfaction of the Council BEFORE a licensing be issued. The Council will only accept a medical certificate produced on the Council's prescribed form. No other form of certificate will be accepted. The Medical Form will be provided when you submit your application. A medical is required every 3 years until you reach the age of 60 and then annually. The Group II (2) Medical Assessment and form must only be carried out and completed by applicants own GP. Third Party agents or private suppliers of this service are not permitted. However, the Council as Licensing Authority may direct an applicants case to an alternative provider if their own surgery is unable to provide a Group II Medical Assessment and/or to the Councils Authorized Medical Practitioner if it considers appropriate to do so as part of the "fit and proper" test

## **Photographs**

9. Drivers must provide a photograph which is no more than 1 month old at the time you submit your application and must be a true likeness.

## **Driving Standards Agency Test(s)**

10. Private Hire Driver applicants will be required to pass the Taxi/Private Hire assessment and provide certificated proof before the issue of the licence.
11. Hackney Carriage Driver applicants will be required to pass the Taxi/ Private Hire assessment and Wheelchair Accessibility Test and provide certificated proof of both before the issue of the licence.

## **Knowledge Test**

12. All applicants are required to pass the Council's knowledge test. Applicants who wish to be exempt from sitting the Council's knowledge test must provide detailed information why the Council should deviate from this policy

## **Hackney Carriage Knowledge Test**

13. This test is advanced and requires an excellent knowledge of Crawley's streets, roads, closes, courts, terraces, walks, major buildings, pubs, hotels, public buildings etc. and the shortest route between such points

## **Private Hire Knowledge Test**

14. This is a computerized test, which is held at the Town Hall. There are different categories of questions.

15. Successful applicants will be issued with a pass certificate. If there are any difficulties anticipated with the knowledge test, applicants must make the Licensing Service aware within sufficient time prior to the actual date to the test.

### **Knowledge Test General Information**

16. No mechanical/electrical devices or other means of assistance will be allowed into the test. The applicant will be required to provide photographic identification on the day of the test.
17. Applicants who are attending a knowledge test must bring with them the following: -
  - (a) Photographic Identification. (E.g. passport or photographic DVLA licence)
  - (b) The Council's letter of knowledge test notification.
18. If applicants fail to bring any of the above documents the test will be cancelled and a further knowledge test will have to be arranged. The cost for the first knowledge test is included in the initial fee; if the applicant fails this test there will be a further charge for any subsequent "re-sits".
19. The test will be conducted and controlled by Officers of the Council at the Town Hall. At the end of the test, you will be advised of the results. Providing all other criteria has been met and there are no outstanding issues, an appointment may be made to arrange for the issue of the Licence.

### **Safeguarding Training**

20. All applicants are required to undergo Safeguarding Training prior to being licensed and current licensed drivers must complete this within 12 months of the introduction of this Policy. This training is provided by the Council's nominated supplier.

### **English Language**

21. All drivers must be able to demonstrate a good standard of written and verbal English Language as detailed in the Policy.

### **Disability Awareness Training**

22. All applicants are required to undergo Disability Awareness Training. This training is undertaken online with a Council nominated provider and questions have also been incorporated within the Council's knowledge test.
23. Applicants who wish to undertake their Disability Awareness Training after their knowledge test must inform the Licensing Service 2 working days prior to their appointment for a knowledge test.
24. Applicants who fail the Disability Awareness Training will be required to re-sit the training and pass before a licence can be issued.

### **Safeguarding Training**

25. Essential Safeguarding Training for Taxi Drivers (via WSCC) must be passed as part of the mandatory steps within the licensing process

## **Proof of Identification**

26. Applicants must submit 2 forms of photo identification, one of which must be a Passport (or for EU/EEA Member States a National Identity Card is acceptable).
27. The following documents may also help to support proof of identity; however, they will not be accepted as an alternative to adequate photographic identification (Please note only original documents/certified copies will be accepted).
  - (a) Birth Certificate
  - (b) P45/P60
  - (b) Photo/Paper driving licence (Not EU)
  - (c) Marriage Certificate
28. Applicants must submit 2 forms of proof of address, from the list below. Please note, these documents must be no more than 3 months older than the date of issue.
  - (a) Utility bill (not mobile phone bill)
  - (b) Credit Card Statement, Bank Statement or Mortgage Statement
  - (c) Rent Account or Council Tax Record
29. Please ensure that the name, date of birth and address corresponds on all forms of identification provided. If names are not identical on each document the application will not be accepted until all the documents show the same name.
30. Applicants must provide printed proof of their National Insurance Number. E.g., Wage slip or P60.

## **Fees and Charges**

31. The cost of the Council's taxi and private hire fees and charges can be obtained from the licensing office.

## **Border and Immigration**

32. Applicants must satisfy Border and Immigration that the conditions of the applicant's passport and residency permission are compatible with the licence applied for and will undergo a "Right To Work" check.
33. You are also advised that it is the Council's policy to consult with Border and Immigration if it deems necessary, to ensure that the applicant's rights of residency are compatible with the licence applied for.
34. At the current time, applicants who reside in the UK on the strength of a Student Visa cannot work on a self-employed basis. They must provide written confirmation that they intend to be EMPLOYED and plan to work no more than 20 hours per week. They will also be required to provide details in writing of the Private Hire Operator intending to act as their employer, who will be required to complete the appropriate form. A copy of both of these forms will be forwarded to HM Revenue and Customs or any other organizations that the Council deems relevant.

## General Guidance

35. Upon completion of an application for either a hackney carriage or private hire drivers licence the Licensing staff will check through the application to ensure that it has been completed correctly and in full. If the applicant does not complete the application fully then it will not be processed, and the application will be returned.
36. When issued, the Enhanced DBS disclosure will detail all known offences to the Licensing Authority, any disclosed information may be used by the Council to determine whether an applicant is a 'fit and proper' person to be issued a private hire or hackney carriage driving licence.
37. The Council will give due consideration to the merits of each individual case and if further investigation is required, the 'disclosure form' may be retained on the applicants file until the outcome of the case or for a maximum period of 6 months. All files are kept in a secure area and are only available to the appropriate staff. If no offences are disclosed the 'form' is destroyed.
38. Once all the forms have been completed and have been checked by the Licensing staff the DBS, DVLA and Border and Immigration checks will be sent off for processing by the relevant agencies.
39. On return of the CRB disclosure, the DVLA driving licence check and any feedback from Border and Immigration, the Licensing Officer will review each response. If the Officer considers the records revealed to be acceptable, the applicant will be notified regarding the details of the knowledge test.
40. If the DBS or DVLA checks reveal relevant cautions, convictions, fixed penalties, or Border and Immigration have concerns, the Licensing Officer may contact the applicant to arrange for an interview. The interview will allow the Council to discuss the full circumstances concerning the incidents revealed. The applicant will then be offered the opportunity to put all explanations of such cautions, convictions or incidents in writing, to support the application. After the interview has been completed, a report will be submitted for the consideration of the Head of Planning and Environmental Services for a decision. The applicant will be notified in writing of the Council's decision.
41. The Licence will be issued subject to the laws governing the licence and Council's own standard conditions. A copy of these conditions is included in the application pack and will be supplied on the grant of any licence issued.
42. The licence will usually be issued for 3 years, but may be issued for a lesser period if so, decided by the Head of Service, for reasons relating to Visa restrictions etc. If a licence holder is stopped by a Police or Licensing Officer, the licence holder must be able to produce their licence on demand.
43. Following the submission of the application to the Council, the Applicant has 12 months to complete them. If for any reason this has not happened, the Applicant will be required to complete the following further checks, at their own expense: -
  - (a) Enhanced DBS Disclosure
  - (b) Group II Medical
  - (c) DVLA Mandate
44. Applicants are also required to advise the Council's Licensing Section of any change(s) to

your circumstances i.e., medical condition, criminal incidents, driving licence, address etc., from the time the application is submitted, to the time of issue.

# Appendix J

## Private Hire Driver Conditions of Licence

1. The Licence Holder must behave in a civil and orderly manner and shall take reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the licensed vehicle.
2. Where a Licence Holder has agreed to attend a certain time at a specified place or whose operator has informed the Licence Holder, he/she must attend a certain time at a specified place shall, then unless delayed or prevented by unpreventable circumstances, the Licence Holder must punctually attend with a licensed vehicle at the appointed time and place.
3. The Licence Holder must:
  - (a) carry in the vehicle any luggage which a passenger requests be carried in the vehicle provided that it can be properly secured with the luggage restraints fitted to the vehicle.
  - (b) provide reasonable assistance in loading and unloading such luggage.
  - (c) provide 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 a passenger; and
  - (d) provide reasonable assistance to any passenger in alighting or entering the vehicle.
4. At any time, the Licence Holder is driving a vehicle equipped with a taxi meter, the Licence Holder must set the meter into operation at the point at which the hirer commences his journey unless the hirer expresses at the time of hiring his desire to engage by time.
5. At all times the Licence Holder is acting as a private hire driver he/she must wear the badge issued by the Council around his/her neck on the lanyard supplied by the Council.
6. Where any property is left in the vehicle by a passenger, the Licence Holder must take it to a police station in the borough of Crawley within 48 hours and deposit it with a police officer, unless before he/she can do so the owner claims the property.
7. The Licence Holder must not allow a passenger into their vehicle unless they have first confirmed that there is a booking in place for that passenger made by their operator.

8. Where the Licence Holder is issued with a fixed penalty by a police officer for a driving related offence, his/she must notify the Council's Licensing Office of this fact in writing (or by email to [taxis@crawlley.gov.uk](mailto:taxis@crawlley.gov.uk)). The licence holder must ensure that the notification is delivered to the Council within 48 hours.
9. Where any of the following occur, the licensed driver must notify the Council of this fact and must do so in writing (or by email to [taxis@crawlley.gov.uk](mailto:taxis@crawlley.gov.uk)), so that the notification is delivered to the Council within 48 hours, except in the case of medical matters at (f)
  - (a) Any change to the Licence Holder's personal details including home address, contact telephone number or email address.
  - (b) If the Licence Holder is charged with any criminal offence including any motoring offence.
  - (c) If the Licence Holder receives a simple caution from the police for any criminal offence,
  - (d) If the Licence Holder is convicted of for any criminal offence, including any motoring offence.
  - (e) If the Licence Holders changes from one private hire operator to another.
  - (f) In the case medical matters, the Council must be notified immediately, and in any case prior to the driving of any licensed vehicle
10. The Licence Holder must not at any time permit the noise from any radio or sound system in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. The licensed driver must turn off their radio/stereo if requested by a passenger.
11. The Licence Holder must not between the hours of 23:30 and 07:00 sound their horn to notify the hirer of his/her presence.
12. The Licence Holder must not, without the consent of the hirer, convey any other person in the vehicle other than the hirer.
13. The Licence Holder must, if requested by the hirer, provide the hirer a written receipt for the fare paid.
14. The Licence Holder must supply on request his/her badge number or plate number to any person who requires it.
15. The Licence Holder must ensure that any occupied wheelchair being transported in a wheelchair accessible vehicle is safely secured using the restraint system carried in the vehicle, provided such system is compatible with the wheelchair being transported.
16. The Licence Holder must comply with the Council's Code of Conduct (as set out in Appendix M of the Council's Private Hire and Hackney Carriage Licensing Policy).

# Appendix K

## Private Hire Operator's Licence Conditions

### 1.0 Provision and Furnishings of Private Hire Vehicles

1.1 Should it come to the Licence Holder's attention that a vehicle on his/her/its circuit is not in a clean and tidy condition, he shall notify the proprietor and/or the driver and ensure that no jobs are given to the driver of that vehicle until the Licence Holder is satisfied that the vehicle is in a clean and tidy state.

### 2.0 Display of Licence Plates, Signs and Advertising

2.1 The Licence Holder shall ensure that in respect of every vehicle on his/her/its circuit has the licence plate(s) issued by the Council in respect of each vehicle it operates is correctly and securely affixed to the outside of the vehicle, on or adjacent to the rear bumper, or in such other position as is agreed in writing by the Council.

2.2 The Licence Holder shall ensure all licence plates(s) referred to in Condition 2.1 are maintained in a clean and legible condition and shall inform the Council immediately should any be lost, damaged or become illegible.

2.3 Where a licence referred to in Condition 2.1 becomes lost or illegible the Licence Holder shall not give any jobs to that vehicle until such time as the licence plate is replaced by the Council.

2.4 The Licence Holder may display on the outside or inside of the vehicle the following:

- (a) Private hire car sign (which may be issued by the Council) on the windscreen,
- (b) Vehicle Licence plate,
- (c) Approved West Sussex County Council School Transport Sign when operating in conjunction with school contracts, and
- (d) Anything else that is required to be displayed by law but may not without first applying for and obtaining the council's permission, allow any other sign to be affixed to any part of a vehicle.



### **3.0 Records**

- 3.1 The Licence Holder shall keep a permanent record of every booking of a private hire vehicle invited and accepted by him, whether direct from the hirer or by undertaking the bookings at the request of another operator. The records shall be made available for inspection by a Council Officer or Police officer upon request. The record entries must be made before the commencement of each journey and shall include:
- (a) The time and date of the booking,
  - (b) The pickup address/location,
  - (c) The time and date of the pickup point,
  - (d) The destination address/location,
  - (e) The name and contact details of the hirer,
  - (f) The registration number of the vehicle, The name of the driver allocated for the journey and the driver's Call sign,
  - (g) If the booking is a sub-contract the details of the Operator from whom it was sub-contracted, the time of the sub-contract, the telephone number of the Operator from who it was sub-contracted, and
  - (h) If the booking is sub-contracted out to another Operator, the details of the Operator to whom it is sub-contracted, the time of the sub-contract, the telephone number of the Operator to whom it was sub-contracted.
- 3.2 All records kept by the Licence Holder pursuant to Condition 3.1 above shall be preserved for a period of at least 12 months from the date of the journey.
- 3.3 The Licence Holder shall keep written records of the particulars of all private hire vehicles operated by him and shall include a copy of the licensed driver's private hire licence, details of the proprietor of each vehicle, the registration number of each vehicle and driver/s of each vehicle together with any radio call sign used.
- 3.4 The Licence Holder shall ensure that each driver is allocated their own unique call sign.
- 3.5 The Licence Holder will securely retain a copy of the licenses of all drivers (whether private hire or hackney carriage) engaged to work for them and make them available for inspection by a Council officer or Police officer upon request.
- 3.6 The Licence Holder must ensure that every driver that works on his/her/its circuit holds a current private hire driver's licence issued by Crawley Borough Council or a current hackney carriage drivers' licence issued by Crawley Borough Council.

- 3.7 During all times that a vehicle is being operated by the licence holder under this licence, the licence holder must ensure that the vehicle has:
- (a) a valid certificate of insurance for the vehicle to be used for hire and reward for those vehicles licensed as private hire vehicles or a valid public hire insurance policy for those vehicles with a hackney carriage vehicle licence,
  - (b) a valid Certificate of Compliance,
  - (c) a valid private hire vehicle Licence or hackney carriage proprietor licence issued by Crawley Borough Council, and
  - (d) a valid road fund licence.
  - (e) The Licence Holder is required to keep a record of all the above and allow a Council officer or Police officer to inspect them upon request.

3.8 If any documents (as above in condition 3.7) expire the Licence Holder must ensure the driver does not work on the circuit until valid documents have been submitted to the Licence Holder.

#### **4.0 Conduct of Licence Holder**

4.1 The licence holder must not accept a booking by any person to hire a private hire vehicle unless the passenger or someone on his behalf previously requested the hiring by telephone, letter, email, text or personal call to the officer business premises of the licence holder.

4.2 The licence holder must not accept a request for hire (a booking) which has been communicated to them via a driver operating a private hire vehicle. To be clear: the licence holder must not accept a booking from a potential passenger made on that person's behalf by a driver in circumstances where the person approached the driver in the street seeking to hire the vehicle.

4.3 The Licence Holder must ensure that none of his office staff or agents touts for business on the street whether or not this is nearby the Licence Holder's offices. In this context, 'tout for business' means approaching any person on the street and asking if they want to book a vehicle where that person has not approached the Licence Holder's staff first.

#### **5.0 Miscellaneous**

- 5.1 The Licence Holder may only operate from premises within the borough of Crawley, and:
- (a) such premises are not to be used by any other holder of a Private Hire Operator's Licence.

- (b) the address of any and all such premises are those set out on the face of this Licence, and these may only be changed with the written consent of the Council (such consent shall not be unreasonably withheld); and
  - (c) the premises, or one of them, shall be identified by the Licence Holder as the primary premises at which the records required to be retained under conditions 3.1 and 3.7 shall be accessible to the Council.
- 5.2 The Licence Holder must seek the Council's consent to any change of premises not less than 14 days prior to any proposed change of premises.
  - (a) The licence holder may only trade under this licence using one of the following names:
    - (b) his/her/its own name, or
    - (c) the trading name or one of the names which the licence holder included on the licence application form, or
    - (d) another trading name provided that the Licence Holder notifies the Council at least 14 days prior to the intended change to name under which the Licence Holder intends to trade.
- 5.3 This licence must be kept in the possession of the Licence Holder and must be produced when requested by a Council officer or any police officer.
- 5.4 In the event of loss or damage to this licence the Council's Taxi Licensing Service must be informed immediately so that a replacement licence can be issued.
- 5.5 This licence must not be altered or defaced in any way.
- 5.6 The Licence Holder must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicles at any time.
- 5.7 The Licence Holder must not refuse a booking because the person wishing to make the booking proposes that his/her assistance dog is to travel in the vehicle with them. The Licence Holder must not make an additional charge for the carriage of a passenger's assistance dog.
- 5.8 The Licence Holder must not operate more vehicles than the number specified in their licence.
- 5.9 Upon the grant of this Licence, the Council will specify telephone number(s) which the Licence Holder may use to accept bookings. That number(s) may be changed with the written consent of the Council.
- 5.10 Where the licence holder is an individual, they must notify the Council in writing (or by email to [taxis@crawley.gov.uk](mailto:taxis@crawley.gov.uk)) if any of the following occur, and must do so within 48 hours of the event occurring
  - (a) Any change to the licence holder's personal details including home address, contact telephone number or email address.

- (b) If the licence holder is charged with any criminal offence including any motoring offence.
  - (c) Any convictions, DVLA penalty points and/or police cautions given for any criminal offence, including any motoring offence.
- 5.11 Where the licence holder is a company, a director or the secretary must notify the Council in writing (or by email to [taxis@crawlley.gov.uk](mailto:taxis@crawlley.gov.uk)) if any of the following occur, and must do so within 48 hours of the event occurring
  - (a) Any change to the licence holder's details including the registered address, contact telephone number or email address.
  - (b) If the licence holder is charged with any criminal offence.
  - (c) If any director or the company secretary is charged with any criminal offence or motoring offence.
  - (d) If any director or the company secretary is convicted DVLA penalty points and/or given a police caution for any criminal offence or motoring offence.
  - (e) The details, including full name, home address and telephone contact number, of any director or company secretary appointed after the licenses granted.
- 5.12 The Licence Holder must comply with the Council's Code of Conduct (as set out in Appendix M of the Council's Private Hire and Hackney Carriage Licensing Policy).

## **6.0 Connections**

- 6.1 The Licence Holder shall not permit any person to participate in the management, taking or allocating of bookings who:
  - (a) has been convicted within the previous 5 years of an offence under the Local Government (Miscellaneous Provisions) Act, 1976 ("LG(MP)A 1976").
  - (b) has been convicted on any other criminal offence within previous 3 years.
  - (c) has had a licence under the LG(MP)A 1976 refused, revoked or suspended within the previous 5 years.
- 6.2 The Licence Holder shall not operate any private hire vehicle or Hackney carriage for or on behalf of any person who:
  - (a) has been convicted within the previous 5 years of an offence under the LG(MP)A 1976;
  - (b) has been convicted on any other criminal offence within previous 3 years;
  - (c) has had a licence under the LG(MP)A 1976 refused, revoked or suspended within the previous 5 years.

Save that the operator may operate any driver or vehicle that has a valid private hire driver's or vehicle licence issued by Crawley Borough Council.

## **7.0 Other Licences**

7.1 The Licence Holder shall not hold an Operator's Licence issued by any other council which allows him to operate from premises in the borough of Crawley.

## **8.0 Complaints**

8.1 The Licence Holder must investigate any complaints from customers.

8.2 The Licence Holder must keep records of:

- (a) any complaints received,
- (b) the details of the investigation into each complaint, and
- (c) the details of any action taken in response to each complaint.

8.3 Within 7 days of receiving a complaint, the Licence Holder must provide the following information in writing to the Council:

- (a) the details of the complaint,
- (b) the details of the investigation including any findings, and
- (c) details of any action taken.

## **9.0 Booking and dispatch staff checks and records**

9.1 The Licence Holder must have a written policy on employing ex-offenders ("Ex-Offender Employment Policy") which has been drafted after having considered the government's *Statutory Taxi and Private Hire Vehicle Standards policy* generally and paragraphs 8.7–8.12 in particular (copy available here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf) or upon request from the Council).

9.2 Where this licence was granted upon an application to renew and the previous licence did not have Condition 9.1 attached to it, the Licence Holder must draft their Ex-Offender Employment Policy within 1 month of the grant of this licence and must provide a copy of it to the Council by email ([taxis@crawley.gov.uk](mailto:taxis@crawley.gov.uk)).

9.3 The Licence Holder must provide upon request a copy of their Ex-Offender Employment Policy to any Council officer or police officer.

9.4 The Licence Holder must maintain a written (which may be electronic) register of all persons who take bookings and dispatch vehicles for the Licence Holder, whether they are an employee or have some other relationship to the Licence Holder ("the Register").

- 9.5 Where this licence was granted upon an application to renew and the previous licence did not have Condition 9.4 attached to it, the Licence Holder must compile the Register no later than 2 months after the grant of this licence. Upon compiling the Register for the first time, the Licence Holder must have sight of a Basic DBS check for each person being entered onto the Register and that check must be no older than 3 months on the date it is sighted.
- 9.6 The Licence Holder must have sight of a Basic DBS check (which must be no older than 3 months on the date it is sighted) every 6 months for all persons on the Register.
- 9.7 The Register must contain the following details in respect of each person entered:
- (a) Full Name,
  - (b) Residential address,
  - (c) Mobile telephone number and any home telephone number,
  - (d) Date of birth,
  - (e) When the person commenced employment (or, if they are not an employee, the date they commenced their working relationship) with the Licence Holder,
  - (f) The date that they were entered onto the Register,
  - (g) The date(s) on which the Licence Holder sighted a Basic DBS Check in respect of that person and the date(s) that each of those DBS checks were issued,
  - (h) Whether, in the Licence Holder's opinion and in light of their Ex-Offender Employment Policy, they believe the person is suitable to decide who is sent/dispatched to carry a child or vulnerable adult unaccompanied in a car.
- 9.8 The Register must be kept up to date and the records relating to each person within it must be retained for six (6) months from the date of the last booking and/or dispatch carried out by that person, regardless of whether the person subsequently ceased their employment/relationship with the Licence Holder.
- 9.9 For all new staff who are to be engaged to take bookings and/or dispatch vehicles (and who, upon being engaged, will be required to be placed on the Register), the Licence Holder must ensure that their employment contract/arrangement with the Licence Holder includes a requirement that the person must notify the Licence Holder within 48 hours of any of the following:
- (a) Being issued with a simple caution.
  - (b) Being convicted of any criminal offence.

(c) Being issued with an immigration penalty.

(d) Being charged with any criminal offence.

9.10 The Licence Holder must upon request produce the Register or any information held within it to any Council officer or Police officer.

# Appendix L

## Enforcement

In most cases where there are reasons to believe that enforcement action against a licence holder may be required the procedure to be followed is that set out in the Council's General Enforcement Policy, available on the Council's website at [www.crawley.gov.uk](http://www.crawley.gov.uk), in particular the procedure relating to enforcement reviews. The following should therefore be read in conjunction with, and is in addition to, the Council's General Enforcement Policy.

Set out below are the factors, both in relation to criminal activity and other types of unacceptable behaviour and factors of concern, which will be considered when the delegated officer is considering whether or not they are satisfied that a person is a fit and proper person to hold a licence. The Council's overriding consideration will be the protection of public safety based on a balance of probability test concerning information it is made aware of and any subsequent enquiries.

### **1.0 General matters**

- 1.1 Each case will be decided on its own merits.
- 1.2 In determining if a person is fit and proper the Council is entitled to consider all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
- 1.3 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be considered by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 1.4 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for fit and proper individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 1.5 Where an applicant/licence holder is convicted of an offence which is not detailed in this guidance, the Council will take that conviction into account and use these guidelines as an indication of the approach that should be taken.



- 1.6 These guidelines do not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant for licensee is a fit and proper person. Where a situation is not covered by these guidelines, the Council consider the matter from first principles and determine the fitness and propriety of the individual.
- 1.7 Where a period is given below, it is a minimum in considering whether a licence should be granted, renewed or, after revocation, a new licence granted in most cases. The Council's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
- 1.8 Any reference in this Appendix to Penalty Points is a reference to penalty points imposed on a person's DVLA driver's licence.

## **2.0 Drivers**

- 2.1 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 2.2 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 2.3 Where an applicant/licence holder has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a fit and proper person.
- 2.4 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed or the date on which Penalty Points were imposed for driving offences if no fine) before a licence will be granted. In respect of convictions of existing licence holders who have committed offences as specified below, their licences will be revoked and the periods below should then elapse following completion of the sentence (or the date of conviction if a fine was imposed or the date on which Penalty Points were imposed for driving offences if no fine) before a new licence will be granted.

## **3.0 Crimes resulting in Death**

- 3.1 Where an applicant/licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

#### **4.0 Exploitation**

4.1 Where an applicant/licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

#### **5.0 Offences involving Violence**

5.1 Where an applicant/licence holder has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

#### **6.0 Possession of a Weapon**

6.1 Where an applicant/licence holder has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **7.0 Sex and Indecency Offences**

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

7.2 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list and will revoke the licence of any licence holder who is placed on such a register or list.

#### **8.0 Dishonesty**

8.1 Where an applicant/licence holder has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **9.0 Drugs**

9.1 Where an applicant/licence holder has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

9.2 Where an applicant/licence holder has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their expense

own expense to demonstrate that they are not using controlled drugs.

9.3 All new applicants for a driver's licence will have to undergo drugs testing when applying for an initial licence to demonstrate that they are not using controlled drugs.

9.4 Where the Council has suspicion that a driver may be using controlled drugs, they will be required to submit to drugs testing which will be undertaken by unauthorized Licensing Officer.

## **10.0 Discrimination**

10.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **11.0 Motoring Offences**

11.1 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions/offences resulting the issuing of Penalty Points reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a fit and proper person to be granted or retain a licence.

## **12.0 Drink Driving/Driving under the Influence of Drugs/using a Hand-Held Telephone or Handheld Device whilst Driving**

12.1 Where an applicant/licence holder has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

12.2 Where an applicant/licence holder has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **13.0 Other Motoring Offences**

13.1 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant/licence holder has 7 or more Penalty Points for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

- 13.2 Where an applicant/licence holder has lost their licence through 'totting up' of Penalty Points (TT99), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 13.3 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant/licence holder has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 14.0 Hackney Carriage and Private Hire Offences**
- 14.1 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 15.0 Vehicle use Offences**
- 15.1 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 16.0 Private Hire Operators**
- 16.1 A private hire operator does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.
- 16.2 As stated above, where an applicant/licence holder has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person.
- 16.3 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a Standard DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.
- 16.4 As public trust and confidence in the overall safety and integrity of the private

hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

#### **17.0 Vehicle proprietors**

- 17.1 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 17.2 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 17.3 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 17.4 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit proper person to be granted or retain a vehicle licence.
- 17.5 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

#### **18.0 Cautions and Endorsable Fixed Penalties**

- 18.1 For the purpose of these guidelines' simple cautions and endorsable fixed penalties shall be treated as though they were convictions.

# Appendix M

## Code of Conduct

This Code should be read in conjunction with the other statutory and policy requirements set out in this document.

### Responsibility to the Trade

1. All licence holders shall endeavour to promote the image of the Council, hackney carriage and private hire trades by:
  - (a) complying with the Code of Conduct.
  - (b) complying with all the conditions of their licence, byelaws and Crawley Borough Council's Hackney Carriage and Private Hire Licensing Policy.
  - (c) behaving in a civil, orderly and responsible manner at all times.
2. By accepting their licence, the holder is deemed to have accepted the above terms and conditions.

### Responsibility to Passengers

3. All licence holders shall:
  - (a) maintain their vehicle(s) in a safe and satisfactory condition at all times.
  - (b) keep their vehicle(s) clean and suitable for hire to the public at all times.
  - (c) attend punctually when undertaking pre-booked hires.
  - (d) assist, where necessary, a passenger into and out of the vehicle without the passenger incurring additional cost.
  - (e) provide reasonable assistance to passengers with their luggage.

### Responsibility to Residents

4. To avoid nuisance to residents when picking up or waiting for a fare, all licensed drivers shall:
  - (a) not sound the vehicle's horn between the hours of 23:30 and 07:00 to notify the hirer of his/her presence.
  - (b) keep the volume of music, media player, media systems and radios (both commercial radio and communication radios) to a minimum.

- (a) switch off the engine when waiting for hire, a booking or if required to wait for a passenger; and
- (b) take whatever additional action is necessary to avoid disturbance to residents of the Neighborhood, which might arise from the conduct of their business.
- (c) park in a safe and legal manner if waiting to collect a passenger, and not cause an unreasonable or prolonged obstruction to other road users.

### **Responsibilities at Ranks**

5. Hackney Carriage Driver Licence holders shall: -

- (a) rank in an orderly manner and proceed along the rank in order and promptly.
- (b) remain in attendance of their vehicle at all times.
- (c) not allow their music media players or any form of radio to cause disturbance to residents of the Neighborhood; and
- (d) take whatever additional action is necessary to avoid disturbance to residents of the Neighborhood which might arise from the conduct of their business.
- (e) not sound the vehicle's horn or shout from a stationary vehicle whilst sitting waiting at the taxi rank. This includes requesting other drivers to move up the rank.

### **General**

6. All licensed drivers shall: -

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public.
- (b) be polite, helpful and fair to passengers.
- (c) drive with care and due consideration for other road users and pedestrians.
- (d) obey all Traffic Regulation Orders and directions at all times.
- (e) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
- (f) not drive while having misused legal or taken illegal drugs.
- (g) fulfil their responsibility to ensure that adequate rest periods are taken during and after the working day.
- (h) not eat in the vehicle in the presence of customers.
- (i) not conduct communications from hands free devices when carrying out a booking and

- (j) respect Council Officers at the Authority Offices and elsewhere during the normal course of their duties.



# Appendix O

## Penalty Points Scheme

### Issue of Penalty Points

1. Concerns or complaints concerning alleged breaches of conduct, conditions of licence or policy will be subject to investigation by a Licensing Officer who may then issue Penalty Points.
2. Where a licence holder accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Team Leader for Health Safety and Licensing for consideration by the Head of Service who may then refuse to renew a licence, revoke or suspend a licence, or issue a warning to the licence holder. Each case will be considered on its merits and action will vary, depending on the circumstances.
3. Points issued to either the proprietor of a vehicle, a driver or operator will usually be confirmed in writing within 10 working days from the discovery of the contravention.
4. The system will operate without prejudice to the Crawley Borough Council's Authority's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
5. Any licence holder issued with penalty points may request the decision be reviewed. Any request for a review must be in writing and sent to the Team Leader, Health Safety and Licensing within 21 days from the date the points were issued. The request may either be posted/delivered to the Town Hall or sent by email to [taxis@crawley.gov.uk](mailto:taxis@crawley.gov.uk).
6. Any request for a review will be determined by the Team Leader for Health, Safety and Licensing or another officer of the same or greater seniority. The review officer will either decide to accept the review (in which case the penalty points will no longer be on the licence holder's record) or a decision to uphold the original decision to impose penalty points, in which case they have full discretion to issue fewer or greater than the original number of points issued.
7. If a decision is made to issue points to a licence holder rather than prosecute for a matter which is also a criminal offence e.g., bald tyres; no badge etc., the licence holder will not normally also be prosecuted by the Council. Such matters will be looked at on a case-by-case basis and does not preclude the Council from deciding to take other action where it considers necessary for the protection of the public.

8. Where the licence holder's conduct is sufficiently serious and has referred to the Head of Service for consideration as to whether there is cause to suspend or revoke their licence, the Head of Service has full discretion to impose penalty points instead of or in addition to any other sanction.
9. The list below is not exhaustive. The Council may decide to issue Penalty Points in a range of other circumstances not included below and each case will be considered on its merits.

	<b>Offence/Breach of Condition</b>	<b>Maximum Points</b>	<b>Driver</b>	<b>Proprietor or Operator</b>
1	Providing misleading information on licence application form / failing to provide relevant information or the relevant fee at the time of application or during the currency of a licence.	6	✓	✓
2	Failure to notify, in writing, the Authority of change of address within 48 hours.	3	✓	✓
3	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer (Hackney Carriages only).	6	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by private hire drivers.	9	✓	✓
6	Failure to have current vehicle excise licence.	4		✓
7	Driving or operating an unlicensed vehicle for carrying passengers for hire or reward or vehicle without insurance.	12	✓	✓
8	Failure to produce relevant documents within timescale, when requested by a Licensing Officer/Police Officer.	4	✓	✓
9	Failure to maintain vehicle in a satisfactory condition – including interior or exterior.	4	✓	✓

10	Failure to provide proof of insurance cover when requested by a Licensing Officer/Police Officer.	6	✓	
11	Failure to produce hackney carriage or private hire vehicle for testing when required.	5		✓

12	Using a vehicle whilst subject to a suspension, issued by a Licensing Officer or Police Officer.	12	✓	✓
13	Driving or operating a vehicle for reward or gain for which the licence has been revoked.	12	✓	✓
14	Failure to report an accident at the earliest reasonable opportunity or damage to a licensed vehicle, which may affect the comfort or convenience of passengers.	4	✓	✓
15	Carrying more passengers than stated on the vehicle licence.	12	✓	
16	Failure to display external/internal licence plate as required.	4		✓
17	Carrying any article which would reasonably be considered an offensive weapon in the vehicle.	12	✓	
18	Failure to notify transfer of private hire or hackney carriage vehicle licence.	4		✓
19	Failure to carry a valid fire extinguisher.	4		✓
20	Failure to apply for prior approval for advertising signage on the outside of the vehicle.	4		✓
21	Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.	3		✓
22	Failure to use authorised roof sign.	4	✓	
23	Displaying unauthorised written or other material on any window.	4	✓	✓

24	Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police Officer.	6	✓	✓
25	Using a non-approved or properly uncalibrated taximeter.	6	✓	✓
26	Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle.	12	✓	✓
27.	Obstruction of Licensing Officer/Police Officer in the carrying out of their role or investigation	12	✓	✓
27	Evidence of food or drink in vehicle.*	3	✓	✓
28	Displaying any feature on a private hire vehicle that may suggest that it is a hackney carriage vehicle taxi.	6		✓
29	Failure to carry an assistance dog without requisite medical exemption.	12	✓	✓
30	Failure to wear driver's badge and display it in a manner so that it can be clearly seen by the public, a Licensing Officer/Police Officer.	4	✓	
31	Failure to immediately notify, in writing, a change in medical circumstances.	6	✓	✓
32	Unsatisfactory appearance of driver in as specified in the Code of Conduct.	3	✓	
33	Failure to observe rank discipline as specified in the Code of Conduct (hackney carriage only).	4	✓	
34	Failure to maintain proper records of private hire vehicle and associated booking records.	6		✓
35	Failure to keep or produce booking records of private hire bookings or other documents required to be kept or produced.	6		✓
36	Failure to issue written receipt on request of a passenger.	3	✓	

37	Unsatisfactory behaviour or conduct of driver as defined in the Code of Conduct.	4	✓	
38	Failure to notify the Authority, in writing, of any motoring or criminal convictions within 48 hours of said conviction, cautions or formal warnings during period of current licence. This includes any arrest, charge or Warning Notice issued by Sussex Police or other Authority	6	✓	✓
39	Failure to behave in a civil and orderly manner towards an Officer of Crawley Borough Council.	4	✓	✓
40	Failure to give assistance with loading/unloading luggage to or from any building or place.	3	✓	✓
41	Failure to display table of fares. (Hackney Carriage)	4	✓	✓
42	Failure to carry legal spare wheel or authorised suitable alternative and tools.	4	✓	✓
43.	Carrying out bookings for the purposes of hire and reward using a spare space saver wheel or other temporary fix to wheels	6	✓	✓
43	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓
44	Using a licensed vehicle with bald tyre(s). 4 Points will be awarded for each tyre.	4	✓	✓
45	Operating a licensed vehicle where the Certificate of Compliance has expired.	10		✓
46	Failure to display a current licence plate. (Internal and/or external)	4		✓
47	Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) and double parking unless requested by a paying customer present in the	3	✓	

	vehicle.			
48	Failure to deploy ramps to allow for the safe access and exit of wheelchairs from a Wheelchair accessible vehicle.	4	✓	✓
49.	Failure to correctly and safely secure a wheelchair prior to the commencement of a journey, and ensure the safety and comfort of the passenger.	12	✓	
50.	Other than in an emergency, carrying out a conversation or operating a hands free device when driving a licensed vehicle	6	✓	
51.	Removal of any form of livery designed to be permanent. (Door Signs, Internal/External Licence Plate)	12	✓	✓
52.	Smoking in a smoke-free place is prohibited under the Health Act 2006. In this context a 'smokefree place' will include a hackney carriage vehicle, private hire vehicle as well as a private hire operators premises which is open to the public. In the context of the Health Act 2006, smoking relates to the smoking of cigarettes and other tobacco products, this includes e-cigarettes and vaping products,	6	✓	✓

Ticks indicate potential recipients of penalty points for infringements.

Certain infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement, however each case must be determined on its own merits. The list above is not exhaustive and may be subject to change without prior notification.

Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

Decisions taken above will be made with regard to the Council's Enforcement Policy at all times.

# Appendix P

## Partition Screens

1. Drivers, operators and owners of taxis or private hire vehicles, may choose to fit a screen to reduce the spread of disease, including coronavirus (COVID-19). The Council does not require the installation of screens, but if licence holders choose to install one, it is considered by the Council to be a modification to the vehicle.
2. For all licences granted (or renewed) after the addition of this appendix to the policy, it will be a condition of the vehicle licence that the licence holder obtain the Council's permission before a screen is fitted.
3. For existing vehicle licence holders (at the time this appendix is added to the policy), the existing general condition which require immediate notification to the Council of any modifications to the vehicle applies and licence holders should immediately notify the Council of the installation of a screen using the declaration form at the end of this appendix, and must also advise the Council of the following:
  - (a) what modifications they have made to your vehicle
  - (b) what the seating arrangements are in the vehicle.
4. Liability for the screen rests with the licence holders and the Council will not accept liability in the event that a screen causes injury or death to a passenger or driver causes any property damage.

### Screen Standards

5. The screen or barrier should:
  - (a) Be fitted in a way that does not affect the structural integrity of the vehicle or interfere with any manufacturer fitted safety equipment.
  - (b) Not interfere with or compromise any operating or safety features in the vehicle (including airbags, handbrake, gear stick) or the Vehicle Type Approval.
  - (c) Not be made of materials that will increase the fire risk in the vehicle.
  - (d) Be transparent so that the driver and passengers can see each other. It must not interfere with the safe use of the vehicle and must remain clear of scratches, clouding and stickers which would reduce the driver or passengers' visibility.
  - (e) The screen must be made of a material which allows both the passenger and driver to see and hear one another clearly.



- (f) The screen must be made of a material which does not cause suffocation or other injury.
- (g) Only create a partition between the two front seats and the rear cabin area.
- (h) Not obstruct the passenger leg room in any way or require the passenger to adjust the screen to accommodate their legs or baggage.
- (i) Be adequately and safely secured.
- (j) Not interfere with the safe access and egress of the driver or passengers or become easily detached during normal use.
- (k) Be adequately disinfected between bookings and at the start and end of each working day.

### **Owner, Driver and Operator Requirements**

6. If a screen is fitted, the Council expects licence holders to do the following:
  - (a) Inform their insurer that they are fitting a screen and make sure their insurance is not invalidated as a result.
  - (b) Make sure that the licence holder is adequately insured if they fit a screen.
  - (c) Provide evidence to the Council that the relevant insurance for the device is in place by emailing the Taxi Licensing team ([taxis@ Crawley.gov.uk](mailto:taxis@ Crawley.gov.uk)).
  - (d) Fit or install screens according to the manufacturer's specifications and recommendations.
  - (e) Make sure the screen is removed before a vehicle compliance test.
7. The policy regarding screens will remain under review and the Council may in future require that any screens installed be removed.
8. The type of screen fitted (full front or back partition) could make the front passenger seat in the vehicle unusable. If this is the case, it will reduce the number of passengers the licensed vehicle is permitted to carry.



**Case Reference Number:**

(office use only)

**LICENSING AUTHORITY**

**CRAWLEY BOROUGH COUNCIL, TOWN HALL, THE BOULEVARD, CRAWLEY, WEST SUSSEX,  
RH10 1UZ**

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**Installation and Use of Protective  
ScreenHackney Carriage/Private  
Vehicle**

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**The following declaration must be completed where a proprietor, driver and/or Operator wishes to install a protective screen, for use during the COVID-19 pandemic, the installation and use of a protective screen. The Council may opt to carry out a full inspection of the vehicle, and expects that any protective screen installed will meet the measures set out in the attached document as agreed by the Council on 11<sup>th</sup> June 2020.**

---

I, \_\_\_\_\_ (*PRINT full name*)

of \_\_\_\_\_

\_\_\_\_\_ (*PRINT full address*)

Date of birth \_\_\_\_\_ (*INSERT date of birth*) and Hackney Carriage/Private

Hire Driver's Licence number \_\_\_\_\_ (*INSERT Badge Number*)

Are you the owner of this vehicle                      Yes                      No

If no, who is the owner \_\_\_\_\_(*PRINT full name*)

Vehicle details (Plate Number, Registration)

\_\_\_\_\_

I confirm that the protective screen in respect of the above vehicle(s) has been installed:

- In accordance with the guidance set out in the Councils document entitled COVID-19 Protective Screens as agreed under Crawley Borough Councils Emergency/Urgency Provisions on 11<sup>th</sup> June 2020.
- I have current and appropriate insurance for the above vehicle, including any protective screen. **(Please attach)**
- I will present my vehicle for inspection by Authorised Officers of Crawley Borough Council if required to do so.
- I confirm that the protective screen fitted does not impact upon access or egress into or from the vehicle.
- I attach a photographic image of the protective screen as installed within the vehicle **(Please attach)**
- I confirm that the screen has been installed by either the vehicle manufacturer or other professional organisation. **(Please attach the installation certificate)**
- I confirm that the protective screen that has been installed does not impact upon any safety features installed in the vehicle, nor does it affect any mechanical part of the vehicle or the drivers ability to operate the vehicle.

Name: \_\_\_\_\_(*PRINT full name*)

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Please complete and return to the Taxi Licensing Office by email: [taxis@Crawley.gov.uk](mailto:taxis@ Crawley.gov.uk) or via post:

Taxi Licensing Section  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ