

Hackney Carriage & Private Hire Licensing Policy 2023

Safe, Sensible and Social:

A City with Cultural Vibrancy



Executive Summary

The aim of local authority hackney carriage and private hire licensing policy is to protect the public and ensure that drivers, operators and vehicles are safe and suitable for the role that they play in local transport provision.

The objectives of this Policy are as follows:

- The safety and protection of the public
- To provide clarity for licensees with respect to the Authority's expectations and the decision - making process
- Ensuring that the drivers of such vehicles and private hire operators are "Fit and Proper" persons
- The promotion of environmental sustainability

Newcastle City Council (The Licensing Authority) is aware that the public should have reasonable access to hackney carriages and private hire vehicles because of the role they play in local transport provision.



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Chapter 1. Introduction

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1.2 Hackney Carriage and Private Hire Licensing

- 1.2.1 Newcastle City Council (The Licensing Authority) is responsible for the licensing of hackney carriages, private hire drivers, vehicles and their operators within the controlled district of the City of Newcastle upon Tyne.
- 1.2.2 Hackney carriage and private hire vehicles play an important part in local transport. Hackney carriage and private hire vehicles are a flexible form of public transport that plays an increasingly important role in improving accessibility and are used by all social groups.
- 1.2.3 The main aim of local authority licensing of hackney carriage and private hire functionality is to protect the public. Newcastle City Council (the Licensing Authority) is aware that the public should have reasonable access to hackney carriages and private hire vehicles because of the role they play in local transport provision.
- 1.2.4 The Licensing Authority currently licences:
 - 591 Hackney Carriages (of 780 limited fleet)
 - 3196 Private Hire Vehicles
 - 53 Private Hire Operators
 - 276 Hackney Carriage Drivers
 - 3407 Private Hire Drivers
 - 689 Holding both licence types (as part of DUAL status)

1.2.5 A hackney carriage is a public transport vehicle, with no more than 8 passenger seats, which is licensed to 'ply for hire'. Within the controlled district in which it is licensed, a hackney carriage may stand at ranks or be hailed in the street by members of the public. A hackney carriage can also be pre-booked. Private hire vehicles must also have no more than 8 passenger seats, but they must be booked in advance through an operator and may not ply for hire in the street.

1.3 Powers and Duties

1.3.1 The Licensing Authority has adopted The Local Government (Miscellaneous Provisions) Act 1976, (as amended). This places on The Council (the Licensing Authority) the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Licensing Authority is responsible for the licensing of private hire drivers, vehicles and Operators and hackney carriage drivers and vehicles. This document sets out the policy that the Licensing Authority will apply when making decisions about new and renewal applications and licences currently in force.

1.4 Objectives

1.4.1 In setting out this Policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:

- The safety and protection of the public and user of licensed vehicles
- To provide clarity for licence holders with respect to the Licensing Authority's expectations and the decision-making process
- Ensuring that the drivers of such vehicles and private hire operators are "Fit and Proper" persons
- The promotion of environmental sustainability

1.4.2 In the promotion of the above objectives the Licensing Authority will consider the following matters:

Safety and protection of the public:

- Ensuring that vehicles are identifiable, safe, clean, reliable and accessible to meet the varying needs of the public.
- Providing greater confidence in the system for assessing whether a person is 'safe and suitable' to drive a hackney carriage or private hire vehicle.

To provide clarity for licensees with respect to the Licensing Authority's expectations and the decision-making process:

- Clarity of expectations with regards to the suitability to hold a licence.

The promotion of environmental sustainability:

- To encourage the uptake of zero and ultra-low emission vehicles
- To only grant licences for vehicles that comply with the emission standards as set out in this Policy.

1.4.3 This Policy shall apply in respect of new applications, renewals, replacements, transfers and other related matters connected to the following licences:

- Private hire vehicle proprietor
- Private hire driver
- Private hire operator
- Hackney carriage driver
- Hackney carriage proprietor

1.4.4 This Policy shall also apply in respect of disciplinary and enforcement measures to be followed by all licence holders under this Policy.

1.5 Methods

1.5.1 The methods to be employed will be:

- Setting prescribed standards for the licensing of drivers, vehicles and operators.
- Routine testing and proactive licensing inspection of vehicles, with appropriate follow up action.
- Inspection of insurance policies, with appropriate follow up action.
- Ensuring fit and proper status of existing and prospective drivers through Group 2 Medical, Enhanced Disclosure & Barring Service, DVLA licence status review, Driver Knowledge and Understanding Assessment including topographical testing (for hackney carriage drivers), Safeguarding training and Right to Work status.
- Investigation of complaints with appropriate follow up action.
- Liaison with the Police, Safeguarding, other local authorities and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, advice, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions.
- Conditions added to licences.
- Compliance with The Byelaws of the City of Newcastle upon Tyne (the Byelaws)
- Liaison with the Newcastle hackney carriage and private hire trade by way of trade forum meetings.

1.5.2 When considering applications and taking enforcement action the Authority is also subject to the Regulators' Code published by the Department for Business, Energy and Industrial Strategy and will have regard to the statutory principles of good regulation as required by the Legislative and Regulatory Reform Act 2006 and the Authority's Enforcement Policy and the Equality Act 2010.

1.5.3 Please see link below to The Authority's Enforcement Policy.

[Public Safety and Regulation - Enforcement and Prosecution Policy | Newcastle City Council](#)

1.6 Status

1.6.1 In exercising its discretion in carrying out its regulatory functions, the Licensing Authority will have regard to this Policy and the objectives set out above.

1.6.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Licensing Authority to depart from the Policy, clear and compelling reasons will be given for doing so.

1.7 Implementation and Review

1.7.1 The intention is for this Policy to take effect from 1st November 2023

1.7.2 The Licensing Authority will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every five years from the date of effect above.

1.7.3 Upon implementation of this Policy, the Licensing Authority expects licence holders to comply with its terms immediately. Where it is not possible to comply with part of the Policy due to outstanding action required by the Authority information will be provided as to an implementation date for that part.

1.7.4 The Licensing Authority may monitor and review this Policy or areas of the Policy prior to the five-year review period when considered necessary.

1.7.5 Further to the introduction of this Policy, the Authority may make decisions which change the content of this Policy. The changes may have immediate effect or expressed as coming into effect on a given date. This Policy document will be regularly updated to reflect these changes. Where the Licensing Authority considers it appropriate, consultation will be undertaken in connection with these changes. Amended copies of the Policy will be available from the Licensing Section and via the internet at www.newcastle.gov.uk

1.8 Consultation

- 1.8.1 In preparing this Policy the Licensing Authority did consult with and take account of the views of amongst others:
- Service users
 - Current licence holders
 - Northumbria Police
 - British Transport Police
 - Local businesses and their representatives
 - Residents and their representative bodies
 - Local transport providers
 - Disability Groups
 - Highways Authority
 - Planning Authority
- 1.8.2 The views of all these persons and bodies have been considered in determining this, Policy.

1.9 Area and Impact

- 1.9.1 Newcastle upon Tyne (The City) is a largely urban conurbation within the “ceremonial county” of Tyne & Wear, covering an area of 112km² and with a population of approximately 300,820.
- 1.9.2 The city also serves as the regional capital for a population over 2 million people. It is one of England’s core cities (8th largest economy outside London).
- 1.9.3 The population is split almost 50/50 between men and women, around a fifth have a disability that limits their day-to-day life and about a tenth are Black, Asian or from an ethnic minority – this rises to almost a quarter in school-age children. Nearly 50,000 students are enrolled at our universities.
- 1.9.4 There are over 199,000 jobs in the city and approximately 80,000 people enter the city every day to work, and it is estimated that in excess of 100,000 people utilise premises in the night-time economy sector at weekends.
- 1.9.5 The city has developed into the dominant centre of the region for late night entertainment and as a popular short stay City break destination. Newcastle’s night - time economy plays an important part in creating a vibrant, sustainable economy for the city. Every year about 20.17 million people visit Newcastle and Gateshead spending approximately £487 million on food and drink.
- 1.9.6 The city is not only a destination City but a conduit for national and international travel with central transport hubs at Newcastle Central Station and Newcastle International Airport and a bus and metro service that networks the city area. The Authority recognises and welcomes the contribution that the Hackney Carriage and Private Hire trade makes to the transport infrastructure, the retail and hospitality sectors, the local economy and tourism industry.

1.10 City Council Vision

- 1.10.1 Newcastle is already a great place to grow up, a great place to work and a great place to live. It is a distinctive city driven by the warmth of its welcome and the people who live and work here. We want to promote wellbeing and health, including building an inclusive city where all feel welcome. We want to promote Newcastle as a great place to live and work which is safe for all communities.
- 1.10.2 Newcastle City Council has a clear vision and ambition for the future. We want to establish the city as a significant European destination, attractive for tourism, business and investment and create a place our residents can continue to be proud of.
- 1.10.3 In the preparation of this Policy document and as the City of Newcastle upon Tyne and continues its recovery from the devastating impact of COVID-19 the City Council has had regard to its vision for a great city. We want Newcastle to be a fair, prosperous, outward-facing, innovative and vibrant city. We are guided by fairness, inclusion and social justice.
- 1.10.4 The City Council's priorities are:
- Supporting residents through the cost of living crisis
 - Tackling poverty and preventing more people falling into poverty
 - Tackling the Climate Emergency
 - Standing up for Newcastle – putting people first
 - An Inclusive Economy that works for all
 - A Healthy Caring City
 - Putting Young People First
 - Thriving, Clean, Green and Safe Neighbourhoods
 - A good and genuinely affordable home for all

1.11 Air Quality

- 1.11.1 Air quality across most of the city is good. We have been monitoring NO₂ and very small particulates (PM_{2.5}) levels across the city for many years. In some areas we have faced challenges with levels of pollution being higher than legal limits. We have two Air Quality Management Areas – one in the city centre and one in Gosforth – where we have taken steps to try to improve air quality. To tackle this, we need to look at the wider area. Simply looking at local issues can just move the problem on to other areas, rather than solving it.
- 1.11.2 The Council has worked with neighbouring councils in Gateshead and North Tyneside to develop future proposals for tackling traffic-related air pollution. The proposals include plans for a charging Clean Air Zone in Newcastle city centre. This would affect buses, coaches, HGVs, taxis, private hire vehicles and vans that do not meet required emissions standards.

1.11.3 Our plans also include grants for the drivers of certain vehicles to help them upgrade to newer, cleaner models and exemptions for certain vehicles. These proposals have been submitted to government and colleagues are currently awaiting government approval and confirmation of funding. Further information can be found at www.breathe-cleanair.com

1.12 Partnership Working

1.12.1 The Licensing Authority will work in partnership with the following agencies and individuals to promote the licensing objectives and to safeguard the general public particularly vulnerable members of society when using the hackney carriage and private hire trade:

- Newcastle City Council Hackney Carriage and Private Hire Trade Forums
- Safe Newcastle Partnerships
- Northumbria Police
- Local Transport authorities and committees
- Local residents
- Newcastle Disability Forum
- Service users and their representatives
- Driver and Vehicle Standards Agency (DVSA) Formally known as VOSA
- HM Revenue and Customs
- Department for Work and Pensions
- Other Council Departments
- UK Border Agency
- Other Government Departments and Agencies
- Transport Forum
- Other local authorities

1.12.2 The Licensing Authority holds regular meetings with its hackney carriage and private hire forum to consider current and future licensing issues.

1.13 Equality and Diversity & Human Rights

1.13.1 The City is committed to ensuring equality in employment and service delivery. To achieve the above standard the Authority is aware of its duties and obligations under the following legislation amongst others:

- Equality Act 2010
- Human Rights Act 1998

1.13.2 In addition, the Authority is preparing an Equality Impact Assessment to complement this Policy.

1.13.3 Applicants and licensees should be aware of their obligations under the Equality Act 2010 and the characteristics protected by the legislation which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex; and
- Sexual orientation

1.13.4 It is expected that responsible licensees will be sensitive to the needs of their varied customer base and prepared to make reasonable adjustments to accommodate those needs.

1.13.5 It is a requirement that any vehicle modified for wheelchair accessibility is appropriately converted to certified vehicle standards. Those subject to adaptation must be maintained to ensure that the licensed vehicle remains readily available for a wheelchair user.

1.13.6 Licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles and passengers with disabilities without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the driver's expense, from the driver's own GP stating the details of their medical condition.

1.13.7 The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for their home and private life; and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their possessions.

1.14 Right to live and work in the UK

1.14.1 Under the Immigration Act 2016 all applicants for private hire operator and private hire and hackney carriage driver licences are required to prove that they have a right to live and work in the UK before being considered for a licence. A list of suitable documents that are required is available at the following web address.

www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks

1.14. A licence will not be granted until the applicant is able to prove that they have a right to live and work in the UK. If an applicant has only limited leave to remain then any licence will only be issued for this period. A time limited licence may be granted if evidence of an in-time application to extend a right to remain to the UKBA is presented.

1.15 H.M.R.C. Tax Compliance

1.15.1 Private hire operators, private hire drivers and hackney carriage drivers must comply with the requirements of the Finance Act 2021. The licensing authority may not consider an application unless the relevant tax requirements are complied with at the time of application. Guidance may be found at:

www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence



Chapter 2. Vehicles – Hackney Carriage and Private Hire

2.1 Contents

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 - Private Hire Vehicles
 - Hackney Carriage Vehicles
 - Limitation of Numbers
 - Insurance
 - Advertisements, signs, notices etc.
 - Accident notification
 - Vehicle testing
 - Application Procedure
 - New applications and Replacement Vehicles
 - Renewal applications
 - Change of address
 - Transfer of interest
 - Executive Hire Private Hire Vehicles
 - Tinted Windows
 - CCTV in vehicles
 - Environmental Considerations
 - Insurance “Write Off” Vehicles

2.2 Specifications

- 2.2.1 All vehicles shall have the vehicle category of M1 and an appropriate ‘type approval’ which is GB Type Approval or European Community Whole Vehicle Type Approval (ECWVTA).
- 2.2.2 The seating capacity of a vehicle will be determined by the Licensing Authority. 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 accepted, provided there is compliance with the specifications applicable to such vehicles.
- 2.2.3 Where the seating in the vehicle does not conform or for other reasons associated with the safety, access/egress and comfort and safety of passengers, the Licensing Authority may reduce the permitted number of passengers that may be carried in the vehicle from that specified by the vehicle manufacturer.
- 2.2.4 The Licensing Authority strongly advise that you should not enter a financial agreement to purchase a vehicle to be licenced without first requesting written confirmation from the Licensing Authority that the specific make and model or vehicle conversion meets the minimum standard. This may require presentation of the vehicle to the Licensing Authority for inspection.
- 2.2.5 **Appendix A** sets out the minimum standards which are expected in respect of licensed vehicles.

2.3 Private Hire Vehicles

2.3.1 A private hire vehicle is a motor vehicle constructed or adapted to seat no more than 8 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. All hirings for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

2.3.2 The Licensing Authority must be satisfied that the following criteria are met before granting a licence:

That the vehicle is:

- Suitable in type, size and design for use as a private hire vehicle
- Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- In a suitable mechanical condition
- Safe
- Comfortable

2.3.3 Conditions may be attached to the grant of a licence as are considered reasonably necessary. Vehicles which are licensed with another Authority will not be licensed by this Licensing Authority.

2.3.4 In addition to the above legislative requirements, the Licensing Authority has pre-licence criteria relating to the size and other specifications of the vehicle. These are attached at **Appendix A**.

2.3.5 All private hire vehicles must:

- Not be black in colour.
- Not be fitted with a roof sign of any description.
- If the vehicle is fitted with a meter, it must be thoroughly tested and sealed and be of a type approved by the Licensing Authority.
- Display a green licence plate, which must be securely attached to the exterior rear of the vehicle in the vicinity of the bumper.
- Display a green decal in the top nearside corner of the front windscreen and to the rear quarter light window on the nearside of the vehicle.
- Non - standard executive/limousine would be considered on a case-by-case basis.

2.3.6 General conditions are attached to a private hire vehicle licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix B**.

2.4 Hackney Carriage Vehicles

2.4.1 A hackney carriage is a wheeled carriage used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Causes Act 1847.

2.4.2 A hackney carriage can ply for hire within the controlled district in which it is licensed, and also wait at a hackney carriage stand within the licensing district. In addition, a hackney carriage may also undertake work on a pre-booked basis. A hackney carriage must predominantly be used to ply for hire in the district in which it is licensed.

2.4.3 Conditions can be imposed upon the grant of a hackney carriage proprietor's licence and the Licensing Authority has adopted Byelaws to control the conduct of both proprietors and drivers. These Byelaws are attached at **Appendix H**

2.4.4 The Licensing Authority has imposed requirements relating to the size and other specifications of the vehicle. These are attached at **Appendix A**.

2.4.5 General conditions are attached to a hackney carriage vehicle proprietor's licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix C**.

2.4.6 All hackney carriages must:

- Be black in colour with white wrapped bonnet
- Be fitted with an approved, internally illuminated, roof sign minimum width 35 cm's and height 10 cms and must display the words City of Newcastle upon Tyne Taxi to the front and Taxi to the rear. The roof sign shall be white to the front and red to the rear. When plying for hire the roof sign must be illuminated, showing red light only to the rear. The hackney carriage licence number shall be displayed on both sides of the roof sign.
- Be fitted with a meter of an approved type with the fares charged as determined by the Licensing Authority. A taxi meter may be programmed with further tariffs in addition to the Council's tariff, however these rates cannot exceed the Council's approved tariff. Meters, after being checked for accuracy, must be sealed by an agent approved by the Licensing Authority.
- Display a red licence plate, which must be securely attached to the exterior rear of the vehicle in the vicinity of the bumper.
- Display Newcastle City Council hackney carriage door crests attached centrally to each front door of the vehicle as prescribed by a condition of the Authority.
- Display the current table of fares as prescribed by condition of the Authority.
- Display a red decal in the top nearside corner of the front windscreen and to the quarter light window to the nearside of the vehicle.
- The for-hire sign which needs to be displayed on the nearside of the windscreen, when illuminated must show orange or green only.

2.5 Limitation of Numbers

- 2.5.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
- 2.5.2 The present legal provisions on quantity restrictions for hackney carriages are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis “if, but only if, the person authorised to grant licences, is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”
- 2.5.3 Any new application for a hackney carriage proprietor’s licence that would be in excess of that number will be refused if the Licensing Authority is satisfied that there is no significant unmet demand for taxi services within the area. An applicant whose licence is refused has a right of appeal to the Crown Court.
- 2.5.4 The Licensing Authority is currently satisfied that there is no significant unmet demand for hackney carriage services within this area. Therefore, it has maintained a limit on the number of hackney carriage vehicle licences issued.
- 2.5.5 This limitation of numbers will be periodically reviewed, and this Policy will be amended to take account of the results as required.
- 2.5.6 When an applicant wishes to licence a vehicle as a hackney carriage the Licensing Authority will require information, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, as to whether the applicant intends to use the vehicle to stand or ply for hire in the Licensing Authority’s area and if the applicant intends to use the vehicle entirely or predominantly remotely from the Authority’s area on a pre-booked basis.
- 2.5.7 Whilst each application will be considered on its own merits, the Licensing Authority will have regard to the geographic location of an applicant’s home and business address.
- 2.5.8 If the Licensing Authority believes that the hackney carriage is to be used entirely or predominantly remotely from the Authority’s area on a pre-booked basis, then the application for a licence will usually be refused.
- 2.5.9 If the Licensing Authority believes that an existing hackney carriage is being used outside the Licensing Authority’s area on a pre-booked basis with an Operator who is not licensed by this Council, then having regard to judgement in R (*Newcastle City Council*) v *Berwick-upon-Tweed Borough Council* [2008] EWHC 2369 (Admin) this issue will be referred to the Regulatory and Appeals Sub-Committee for consideration as to whether the licence should be revoked.

2.6 Insurance

2.6.1 All vehicles must always have a current valid policy of insurance appropriate to the use of the vehicle. This policy must be in place before a licence can be granted.

2.6.2 It is an offence to use a vehicle without the appropriate insurance in place.

2.6.3 Requests to produce evidence of the appropriate insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

2.6.4 If a vehicle is off the road and uninsured the proprietor must advise the Licensing Section in writing immediately or in any event within 72 hours.

2.7 Advertisements, signs, notices etc.

2.7.1 No signs, notices, advertisements, digital or audio display etc. or other markings shall be displayed on, in or from the vehicle subject to the following exception:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence

2.7.2 Signs, notices or advertisements must not be of a content that the Authority deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, www.asa.org.uk

2.7.3 No approval shall be given for any advert to be displayed on a licensed vehicle for products containing tobacco or nicotine - based products.

2.7.4 The Director of Operations & Regulatory Services and their delegated officer can approve or refuse to allow advertisements in the areas permitted in this Policy. All advertisements must be approved by the Director of Operations & Regulatory Services or their delegated officer prior to being displayed on or in a vehicle. Any unauthorised advertisements will be required to be removed and appropriate action taken.

2.7.5 Any queries regarding advertisements must be referred to the Licensing Authority.

2.8 Accident Notification

2.8.1 The proprietor shall notify the Licensing Authority, on the appropriate accident notification form, as soon as reasonably possible, or in any case within 72 hours, of any accident involving a licensed vehicle that results in damage materially affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of potential customers. In certain cases, the vehicle licence will be suspended.

2.8.2 The proprietor must comply with any reasonable request to produce the vehicle for inspection at the Licensing Authority offices or other specified location so that its roadworthiness can be assessed. Any failure to do so would result in appropriate action being taken. Following the repair, the level of damage will be assessed, and the Licensing Authority may require an engineer's report and / or the vehicle to be examined at the Council's Test Station. The vehicle proprietor(s) will be responsible for payment of any such fees that may be requested by the Test Station.

2.9 Vehicle testing

2.9.1 All vehicles must undergo and satisfy an inspection by the Licensing Authority's vehicle examiners or at a place specified by the Director of Operations & Regulatory Services or their delegated officer prior to being licensed.

2.9.2 It is the proprietor's responsibility to ensure that a licensed vehicle is always roadworthy and fit for hire and reward purposes.

2.9.3 Vehicles are to be tested in accordance with the Vehicle Testing Arrangements. The Testing Station may also be directed to look at other issues identified by the Licensing Authority. In the event of the Testing Station being unavailable the Authority will put alternative arrangements in place.

2.9.4 Vehicles that are 3 years old and over at the time of the licence being granted will require an interim test. Vehicle proprietors will be required to produce their vehicle for testing when requested, via legal notice. Vehicles that are 2 year old on the date the licence is granted but turn 3 years old during the one-year term of the licence are excluded from the routine requirement to undertake an interim test. Such vehicles may still be requested to be presented for inspection and test in accordance with the statutory provisions. As the interim test is requested by legal notice at the time of licence issue, there shall be no reminder sent to the proprietor of this test date. Payment for the interim test will be taken at time of application.

2.9.5 Vehicles failing to attend for test, without providing adequate notice within 3 working days or attending late for the test will be required to rearrange a test booking and pay the appropriate test fee. Where appropriate the licence will be suspended. A further test appointment will only be made when the test fee has been paid.

2.9.6 Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). These regulations place duties on people and companies who own, operate or have control over lifting equipment. This includes all businesses and organisations whose employees use lifting equipment, whether owned by them or not.

2.9.7 The regulations require that the inspection interval be 6 months, for lifting equipment and any associated accessories used to lift people. Any licensed vehicles containing this equipment should provide evidence of a LOLER inspection report every 6 months. This inspection must be carried out by a qualified examiner, and the certificate must be presented to the Licensing Authority.

2.10 Application Procedure

- 2.10.1 A vehicle must be presented and pass the required testing standards. An application may then be made using the online application process or in exceptional circumstances in person.
- 2.10.2 Applications will not be considered valid unless they contain all the relevant documentation, including V5 logbook, proof of road tax, vehicle insurance certificate, compliance certificate and the appropriate licence fee and test fee have been paid.
- 2.10.3 For the purposes of licensing, a hackney carriage or private hire vehicle licence will be issued in the name of the owner and /or the registered keeper of the vehicle. The registered keeper can be an individual or a limited company. Further proprietors with an interest in the vehicle may be appended to the licence.
- 2.10.4 The booking of vehicle tests may be made by using the online application process, by telephone, or by e-mail at ncclicensing@newcastle.gov.uk. It is advised that vehicle renewal applications are received by the Licensing Authority at least two weeks in advance of the expiry of the licence. Failure to attend or a vehicle failing a test, resulting in the expiry of a licence, shall, unless under exceptional circumstances, then require a new application to be submitted and additional fees may be applied.
- 2.10.5 If the application is refused the fee will be refundable minus the proportion of the charge for the test fee.
- 2.10.6 The Director of Operations & Regulatory Services or their delegated officer has the discretion to attach, amend or remove a condition of licence.
- 2.10.7 On completion of the application process the licence identification plate and authorised signage shall be affixed to the vehicle by an authorised officer of the Council, including vehicle examiners.

2.11 New Applications and Replacement Vehicles

2.11.1 The following documents are to be submitted for new/replacement vehicle applications:

- Fully completed application form
- Pre-Test Inspection form (PTI) if required – Dimension assessment
- Vehicle test certificate – pass
- Vehicle registration document in applicant's name (or proof of purchase identifying applicant as purchaser if newly purchased vehicle). (An order form is insufficient for this purpose)
- Appropriate valid certificate of motor insurance for date of intended business use.
- Type Approval certification/Vehicle markings – GB Type Approval or ECWVTA Conversion certificate or certificate of conformity (where applicable).
- LOLER certificate (where applicable)
- Taximeter certificate (where applicable)

2.11.2 Fees:

- Licence fee. Please note the fee differs depending on the type of licence applied for.

2.12 Renewal Applications

2.12.1 The following documents are to be submitted for renewal vehicle applications prior to the expiry of the licence:

- Fully completed vehicle renewal form
- Vehicle test certificate – pass
- Vehicle registration document in applicant's name
- Appropriate valid certificate of motor insurance for date of intended business use.
- LOLER certificate (where applicable).
- Conversion certificate or certificate of conformity (where applicable)
- Taximeter certificate (where applicable)

2.12.2 Fees:

- Licence fee. Please note the fee differs depending on the type of licence applied for.

2.12.3 There is no legal requirement for the Licensing Authority to send out reminders for renewals for licences, but to aid vehicle proprietors the Licensing Authority will endeavour to do so. However, the responsibility rests with the proprietor to ensure documentation is provided within the appropriate timescales. Where an application to renew a vehicle licence is not received prior to the expiry of the licence, the licence will not be renewed. Unless under exceptional circumstances, in such cases a new application will be required, and a higher licence fee will apply. It is advised tests for vehicle renewals are confirmed and carried out at least 5 working days prior to the expiry of the licence. All interim test appointments shall be issued by notice at the time of grant of licence.

2.13 Change of address

2.13.1 The proprietor must advise the Licensing Authority in writing within 7 days of a change of business or home address during the period of the licence. There is no fee for this process.

2.14 Transfer of interest

2.14.1 The proprietor shall notify the Licensing Authority in writing, giving the name and address of the new proprietor, within 14 days if the interest in the vehicle is transferred to another person not currently named on the licence. All current proprietors must sign the transfer form. An administrative fee is charged if made during the term of the licence.

2.14.2 Where a proprietor wishes to be removed from the licence the Authority should be notified in writing within 14 days. All current proprietors must sign the transfer form. An administrative fee is charged if made during the term of the licence.

2.15 Executive Hire Private Hire Vehicles

2.15.1 Private hire vehicles (not hackney carriages) used solely and exclusively for executive hire can be exempted under Section 75 (3) Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge.

2.15.2 Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged solely and exclusively in the provision of an executive service.

2.15.3 Applications are to be made by e-mail to ncclicensing@newcastle.gov.uk

2.15.4 If granted, an Exemption Notice will be issued to the proprietor. The Exemption Notice shall not be granted for a period of more than 1 year and shall expire upon the expiry of the private hire vehicle licence.

2.15.5 The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions attached at **Appendix D** and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The conditions are attached at **Appendix D** to this Policy.

2.15.6 The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 regarding the respective licences and the conditions attached in each case.

2.16 Tinted Windows

2.16.1 The light transmission through the vehicle windscreen must be at least 75%.

2.16.2 The light transmission through other windows wholly or partly on either side of the driver's seat must be at least 70%.

2.16.3 Beyond the B pillar only vehicle manufactured body tinted glass will be permitted to be used. The tinted glass must be part of the whole vehicle design when produced and pre-registered for that model and specification.

2.16.4 No tinted glass whether manufactured or otherwise will be permitted to be added to a vehicle retrospectively following vehicle manufacture completion.

2.16.5 No retrospective tint application or film will be permitted to be applied to vehicle glass under any circumstances.

2.17 Close Circuit Television (CCTV) in vehicles

2.17.1 The purpose of CCTV is to provide a safe environment for the benefit of the driver and passengers by:

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Police and Licensing Officers in investigating incidents of crime and/or complaints
- Assisting insurance companies in investigating motor vehicle accidents

2.17.2 The policy's purpose is to facilitate the use of surveillance cameras in Hackney Carriages and Private Hire Vehicles, to protect drivers and passengers, whilst ensuring licence holders respect passenger privacy.

- 2.17.3 This protection is intended to come from:
- Visible surveillance cameras deterring individuals from committing a crime through the knowledge that evidence of it will be recorded.
 - Occupants of the vehicle feeling reassured that crimes, as well as malicious complaints against drivers, are less likely to occur in an environment protected by surveillance cameras.
 - Informing investigations by the Council and police.

2.17.4 The absence of CCTV in a hackney carriage and private hire vehicle does not indicate that the owner of the vehicle has failed to pay attention to passenger or driver safety.

2.17.5 CCTV Legality

2.17.5A The Department for Transport's [‘Statutory taxi and private hire vehicle standards’](#) recommended consulting on CCTV. The Information Commissioners Office (ICO) and Surveillance Commissioner have given the [strongest possible advice](#) that mandatory CCTV is exceedingly difficult for licensing authorities to justify.

2.17.5B CCTV is not required by the Licensing Authority; however, this policy outlines the requirements for those wishing to voluntarily install CCTV.

2.17.5C This policy has been produced in consideration of The Data Protection Act (2018), General Data Protection Regulations (GDPR) and Article 8 of the European Convention on Human Rights. The policy has regard to The Local Government Association's [‘Developing an approach to mandatory CCTV in taxis and PHVs’](#).

2.17.5D Data recorded by any CCTV system must be handled in accordance with The Data Protection Act and GDPR. The Information Commissioner's Office (ICO) is the UK regulator for all matters relating to the use of personal data.

2.17.5E It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the driver's view of the road through the windscreen.

2.17.6 Compliance, Regulation and Complaints

2.17.6A The Surveillance Camera Commissioner (SCC) works to encourage compliance with the [‘Surveillance camera code of practice’](#). Licence holders should follow the Surveillance Camera Commissioner's [‘Passport to Compliance’](#) to plan, implement and operate a system which complies with the Surveillance Camera Code of Practice. Licence holders are also recommended to obtain [third party certification with the Surveillance Camera Commissioner](#).

- 2.17.6B The Information Commissioner's Office (ICO) is the regulatory body responsible for enforcing compliance with privacy and data protection legislation. Licence holders should have regard to the Information Commissioner's Office Code of Practice, '[In the picture: A data protection code of practice for surveillance cameras and personal information](#)'.
- 2.17.6C If a passenger wants to request CCTV footage relating to them, they should make a Subject Access Request (SAR) to the Data Controller detailed on the signage in the vehicle. Signage is covered in greater detail in this document, under the section 'Signage and Advising of CCTV'. Information on how to make a valid SAR is available at <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>
- 2.17.6D If a passenger has an issue with their journey relating to the use of CCTV they should contact the Data Controller, in the first instance, using the details displayed on the CCTV signage within the vehicle.
- 2.17.6E If the Data Controller fails to resolve the issue, the complainant may escalate this to the ICO at <https://ico.org.uk/make-a-complaint/>

2.17.7 ICO Registration as Data Controller

- 2.17.7A The Information Commissioners Office (ICO) defines a 'data controller' as the individual or organisation which has ultimate responsibility for how personal data is collected and processed.
- 2.17.7B For the purpose of the installation and operation of in-vehicle CCTV and dashcam, the data controller is the vehicle licence holder. The licence holder must be registered with the [Information Commissioner's Office](#) and be able to evidence continuous registration throughout the lifetime of the licence.
- 2.17.7C Registration with the Information Commissioner's Office requires renewal on an annual basis, and payment of the appropriate fee.

2.17.8 Data Processors

- 2.17.8A A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. Where a service provider is authorised for the remote storage and/or management of CCTV data, they will act as a 'data processor'.
- 2.17.8B There must be a formal written contract between the data controller and data processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

2.17.9 Audio Recording

2.17.9A Newcastle City Council Licensing Authority cannot justify audio recording within its licensed vehicles as a proportionate solution to prevent and record crime. As such, CCTV systems must not be used to record conversations as this is highly intrusive to people's data rights and unjustified in meeting the purpose of preventing and evidencing crimes. You should choose a system without this facility where possible and system that comes equipped with an independent sound recording facility must be turned off or disabled in some other way.

2.17.10 Signage and Advising of CCTV

2.17.10A Any vehicle fitted with CCTV must display clearly visible and readable signage informing passengers that such a system is fitted. This signage must be displayed so as to minimise obstruction but must be visible before and after entering the vehicle.

2.17.10B The signage must contain:

- The purpose for using the surveillance system, "in the interests of public safety, crime detection and crime prevention".
- The name and contact number of the Data Controller, which should be the vehicle licence holder. **Newcastle City Council is not the Data Controller.**
- The Data Controller's ICO Registration Number.

2.17.10C If signage is lost or removed, new signage must be installed prior to any licensable activities being undertaken.

2.17.10D The driver should verbally advise that CCTV is in operation where necessary e.g., where people may have visual impairments and/or hearing difficulties.

2.17.11 Storage of Data

2.17.11A Data must be handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

2.17.11B CCTV footage must be encrypted to prevent unauthorised access. Data should be deleted after 31 days, unless it has been legitimately shared, in which case it should be deleted when appropriate on the conclusion of the request.

2.17.11C Digital screens within the vehicle for the purposes of viewing footage are prohibited.

2.17.12 Sharing Data

2.17.12A The licence holder must comply with valid information requests, in accordance with The Data Protection Act (2018) and General Data Protection Regulations (GDPR). Data must be shared securely, and requests must be fulfilled without charge. Data must only be shared where there is a valid lawful reason, for example:

- a. where a crime report has been made involving the specific vehicle and the Police have formally requested that data.
- b. when a substantive complaint has been made to the licensing authority regarding a specific vehicle / driver and that complaint is evidenced in writing (and cannot be resolved in any other way).
- c. where a Data request is received from an applicant e.g., police or social services, that has a legal basis to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
- d. a Subject Access Request (SAR) compliant with the GDPR. The DPA gives individuals the right to see information held about them, including CCTV images of them. More information on the Data Controller's responsibilities relating to SARs is available at <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

2.17.12B This list is not exhaustive; it is the responsibility of the Data Controller to consider the lawfulness of requests to share information in line with UK Data Protection Law.

2.17.12C The uploading of footage to social media does not have a lawful basis and it is expressly prohibited. This includes, by way of examples, but is not limited to: YouTube, WhatsApp, Instagram, TikTok, Facebook and Twitter. Where licence holders' have shared footage unlawfully, they will be liable to criminal prosecution. Unlawful sharing is a breach of UK Data Protection law and is considered a breach of policy.

2.17.13 Breaches of CCTV Policy

2.17.13A It is proposed that the following condition be added to vehicle licence conditions and byelaws, after the licence holder's CCTV system has been inspected by Newcastle City Council Licensing Authority:

"If a CCTV system or dashcam is installed in this vehicle, the holder of this licence must comply with the Council's 'Taxi and Private Hire Vehicle CCTV Policy'."

2.17.13B Failure to comply with this policy may result in the vehicle and driver licences being reviewed in accordance with enforcement policies.

2.17.14 Summary of CCTV Requirements

- 2.17.14A The vehicle proprietor must be registered with the Information Commissioner's Office and be able to evidence continuous registration throughout the lifetime of the licence.
- 2.17.14B The system must not record audio at any time.
- 2.17.14C Clearly visible and readable signage advising of the system and the Data Controller's contact details, including ICO registration number, must be displayed in the vehicle.
- 2.17.14D Data must be stored securely and only shared when lawful.
- 2.17.14E A vehicle licence may be refused, suspended or revoked where the CCTV system does not comply with this policy, or on any other reasonable grounds.

2.18 Environmental Considerations

- 2.18.1 Future policy is aimed to improve the efficiency of vehicles licensed by the Authority in particular, reducing the levels of nitrogen dioxide, particulate matter and carbon dioxide emitted.
- 2.18.2 Clearly emissions from hackney carriage and private hire vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks.
- 2.18.3 Local licensing authorities are, however, also advised to consider how far their vehicle licensing policies can and should support any local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels.

2.18.4 A further Government report suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European wide emission limits are having on improving air quality. In relation to motor cars with up to 8 passenger seats (and light goods vehicles which form the basis for many vehicle conversions), these standards were introduced for new vehicles as follows:

- Euro I technology – became mandatory for new passenger cars from 1993 (light goods vehicles 1994)
- Euro II technology – became mandatory for new passenger cars from 1997 (light goods vehicles 1998)
- Euro III technology – became mandatory for new passenger cars from 2001 (light goods vehicles 2002)
- Euro IV technology – became mandatory for new passenger cars in January 2006
- Euro V technology – became mandatory for new passenger cars in September 2010
- Euro VI technology – became mandatory for new passenger cars in September 2015

2.19 Emission standards

2.19.1 The Licensing Authority considers that every effort should be made to reduce or eliminate any pollutants from vehicles licensed by this Authority.

2.19.2 The Licensing Authority have sought to adopt emission standards to ensure continual improvement of its licensed fleet and in anticipation of future clean air zone implementation.

2.19.3 The following emission standards will be implemented over a 5-year period:

- From 1st November 2023 no new or replacement vehicle will be granted a licence, unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone.
- From 1st November 2028 no vehicle will be licensed unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone, save for:.
- From 1st November 2033 no wheelchair accessible vehicles will be licensed unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone.

2.19.4 All “Full Electric” and zero emission at source vehicles will be exempted from this standard.

2.20 Insurance 'Write off' Vehicles

- 2.20.1 Car insurance assessors use various categories of car insurance write off to rank the seriousness of accident damage. Two categories (A & B) represent very serious damage, but the remaining two categories (S & N) are for 'economic write off's' – where damage is expensive to fix but not necessarily dangerous. Vehicles that have been declared to be an insurance write off in category A & B will not be licensed. Vehicles that have been declared either category S or N write off may be licensed providing the vehicle passes the appropriate test at the Test Station.



Chapter 3. Drivers

3.1 Contents

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 - Right to live and work
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 - New applications
 - Renewal applications
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3.2 Licences

3.2.1 The Licensing Authority issues the following driver licences:

- Hackney carriage driver
- Private hire driver

3.2.2 Licences are issued subject to proof of eligibility – Disclosure & Barring Service, DVLA driving licence checks, knowledge & understanding training and engagement, safeguarding awareness, medical assessment and eligibility to live and work in the UK.

3.2.3 The statutory and practical criteria and qualifications for each licence are broadly identical and therefore this chapter will apply to all driver licences. However, where differences exist between the licensing regimes reference will be made to it in this policy.

3.2.4 Decision making in relation to licensing is an onerous duty, dealing with the risks to the safety of the public. The Licensing Authority is aware that in respect of an application for an initial grant of a licence, it is for the applicant to satisfy the Authority on the balance of probabilities that he/she is a safe and suitable person to be granted a licence.

3.2.5 Once a person is licensed, they shall be presumed to remain a fit and proper person to be licensed, unless he/she is considered to no longer be a safe and suitable person as a result of a conviction, caution, complaint or other non-conviction information.

3.3 Experience

3.3.1 All applicants must have held a full UK or European Economic Area (EEA) driving licence or that from a designated country for at least 12 months before the date of the application. A full list of EEA and designated Countries is available from the Licensing Office. Non-EU / EEA driving licences, may need to be converted to a full UK licence. A check can be made at www.gov.uk/driving-nongb-licence to establish the drivers' rights in the UK. However, a driving licence presented to the Authority must reflect the same current address of residence presented as part of the application.

3.4 Right to work

3.4.1 Applicants for a licence will be required to provide documentation that they have a right to live and work in the UK before being considered for a licence. No licence will be granted/renewed until the applicant is able to prove this requirement. If leave to remain in the country is less than 3 years a shorter licence will be issued.

3.4.2 The Licensing Authority is required to verify a driver's a Right to Live and Work in the UK via the United Kingdom Border Agency Employment Checking Service.

3.5 Driver Knowledge & Understanding Training & Engagement

3.5.1 In order to determine the fitness of a person to hold a licence, all new applicants are required to complete a training and engagement session with licensing officers and demonstrate their understanding of expected driver conduct, licensing legislation, vulnerable persons safeguarding awareness and aspects of the highway code.

3.5.2 No driver's licence will be issued without the applicant first completing the Knowledge & Understanding training and engagement session

3.5.3 Applications for Hackney carriage driver's licence will additionally be subject to assessment of local geographical knowledge as part of a 1:1 interview with Licensing Officers. Licences will only be granted on successful completion of this assessment.

3.6 Disclosure & Barring Service (DBS) Check

3.6.1 The Enhanced Disclosure usually provides details of all convictions, cautions, reprimands and warnings held on the Police National Computer. The Enhanced Check will include information held on the DBS's Children and Adult Barred Lists of those considered unsuitable or banned from working with children or adults.

3.6.2 In addition, where appropriate the Disclosure will share with the Licensing Authority other relevant information disclosed at the Chief Police Officer(s) discretion.

3.6.3 Enhanced disclosure includes details of spent and unspent convictions, cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1975. The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driving licences.

3.7 DBS Process

3.7.1 The Licensing Authority no longer accepts paper applications from the Disclosure & Barring Service (DBS). Applicants applying for a hackney carriage or private hire driver's licence must complete an on-line DBS form using the Authority's approved procured supplier. The online link will be provided upon accessing the on-line application.

3.7.2 A minimum of three forms of identity will be required in order to verify the identification of an applicant. The full list of approved documentation is available from the approved procured supplier.

3.7.3 The Licensing Authority requires applicants and existing drivers to subscribe to the DBS Update Service. An additional fee payable to the DBS will be required in relation to this service. Applicants must apply to the update service within the specified DBS time frame. The Update Service will allow criminal record certificates to be kept up to date so that they can be taken from role to role.

3.7.4 Licence holders will need to provide the Licensing Authority with their Disclosure Certificate when applying for a licence or renewal of a licence and complete and sign a mandate confirming that they consent to the Authority carrying out the online check. A new application may be deemed incomplete if the DBS certificate is not produced to the Licensing Authority within 30 days of receipt. Where an existing driver receives a request to produce their DBS and fails to do so, the licence of that driver may be suspended or revoked.

3.7.5 The Update Service will then allow the Licensing Authority to carry out free, instant online checks of an individual's certificate to check it is up to date. The Licensing Authority will only have to seek a new criminal record check if the DBS advises that something has changed, or if the applicant does not subscribe to the update service, cancels it or allows it to lapse. Further information is available on the Disclosure and Barring Service website at www.gov.uk/dbs

3.7.6 The applicant is required to notify the Licensing Authority within 7 days in writing of any convictions/cautions, motoring offences or Court judgements received.

3.8 Applicants who have spent time abroad

3.8.1 If an applicant is newly resident in the UK, they must still apply for an enhanced DBS check regardless of the period of time they have spent in the UK.

- 3.8.2 Where an applicant has been continually absent from the United Kingdom and Channel Islands for 3 months or more an enhanced DBS disclosure in itself will be insufficient to satisfy the Licensing Authority that the applicant is a fit and proper person, as the DBS does not routinely provide criminal record information from non-UK countries. Such applicants should provide a Certificate of Good Conduct or equivalent document from each country where they have been resident/domiciled.
- 3.8.3 A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual.
- 3.8.4 The Licensing Authority may approach the relevant Embassy or appropriate body directly to verify documents provided. The applicant will be advised of any costs involved (e.g., in relation to translation) and these costs must be met by the applicant.
- 3.8.5 The Licensing Authority may require the applicant to submit additional information and references.
- 3.8.6 At all times, the Licensing Authority's aim is to protect members of the public who are using vehicles and drivers licensed by the Authority and thus if the documentation produced does not satisfy the Authority, then the application will be refused.
- 3.8.7 Asylum seekers or persons granted asylum/refugee status will not be required to produce a Certificate of Good Conduct from the country they are claiming asylum from. To gain this exemption the applicant must provide a Certificate of Registration, or a letter issued by the Border and Immigration Agency confirming the above and must submit a written request to the Licensing Authority for the exemption to apply. A DBS for time spent in the UK will still be required.
- 3.8.8 The Authorised Officer may determine such applications or refer them to the Regulatory and Appeals Sub-Committee as may be required.
- 3.9 Relevance of Convictions and Cautions (Ref. Chapter 7)**
- 3.9.1 In assessing whether the applicant is a fit and proper person to hold a licence, or if an existing driver continues to be a fit and proper person the Licensing Authority will consider each case on its own merits.
- 3.9.2 In some cases, the Licensing Authority may require additional DBS checks at a cost to the applicant/licence holder.

3.10 Medical Assessment

- 3.10.1 Upon initial application for a driver's licence the applicant shall produce a completed Medical Certificate Form. This must be completed by the applicants own General Practitioner (GP) or a Medical Practitioner with access to the applicant's available medical history as held with the applicants own G.P. The applicant is responsible for paying the fee for the examination. If necessary, the GP may return the completed form direct to the Licensing Authority
- 3.10.2 Group 2 Medical Standard of Fitness applies.
- 3.10.3 Applicants attaining 45 years of age must provide evidence of their medical fitness to hold a licence every five years up until the age of 65 years, after which a medical is required every year.
- 3.10.4 Where a medical is due within the term of the licence, the Licensing Authority will contact the driver in writing to advise of this. Should the medical not be provided within the relevant timescale, the drivers licence may be revoked for failure to produce adequate medical confirmation.
- 3.10.5 If a driver has a notifiable condition (as prescribed in Group 2 medical standards) the Licensing Authority may request written confirmation from the licence holder's doctor or consultant confirming continuing compliance to Group 2 medical standards. This cost of this further medical confirmation shall not be borne by the Licensing Authority. The driver's licence may be revoked for failure to produce adequate medical confirmation.

3.11 Safeguarding Vulnerable Persons

- 3.11.1 Safeguarding Vulnerable Persons is 'everybody's business' and the Authority is committed to working in partnership with and supporting local businesses and the community to raise awareness of this issue. Licensed drivers may see, hear or recognise situations or behaviour that may be of concern to them. As well as being in a position of trust, drivers play an important role in helping to safeguard vulnerable people. It is important therefore that licensed drivers and applicants undergo awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information sexual exploitation can be prevented, vulnerable persons protected, and perpetrators of sexual offences prosecuted.
- 3.11.2 It is a requirement that all new applicants for a hackney carriage or private hire driver's licence undertake safeguarding vulnerable persons awareness training prior to being issued a licence.

3.12 Three Year Driving Licences

3.12.1 In the majority of cases the Licensing Authority will issue driver licences for up to 3 years, although 1-year licence duration is available.

3.12.2 In certain cases, a 3-year licence will not be appropriate, but the Licensing Authority will advise if this is the case

3.13 National Register for Revocations, Refusals and Suspensions (NR3S)

3.13.1 The Licensing Authority has signed up to the National register of Taxi licence revocations, refusals and suspensions (NR3S). This means that when an application for a hackney carriage or private hire driver's licence is refused, or when an existing driver's licence is revoked or suspended, that information will be placed on the register. **Appendix J** refers.

3.14 New Applications

3.14.1 The following documents are to be submitted using the online application process as applicable for a new application:

- Fully completed application form
- Medical Certificate Form completed by applicant's own GP or one who has had access to the applicant's available medical history and/or any relevant electronic medical records held or evidence provided that a DVLA Group 2 licence is held. A suitable alternative medical will be considered on a case-by-case basis.
- Enhanced Disclosure and Barring Service (DBS) submission together with appropriate identity documents or evidence provided to confirm subscription to the DBS Update Service
- Statement of Knowledge & Understanding training participation and successful completion
- DVLA Driving Licence
- Fully completed mandate for DVLA licence check
- Evidence of a right to reside and work in the UK
- Evidence of completion of Safeguarding Vulnerable Persons awareness training
- Proof of compliance with Finance Act 2021
- Any additional information requested by the Licensing Authority

3.14.2 Fees:

- Licence fee including DBS Check fee DVLA Mandate check

- 3.14.3 The application will not be determined until a knowledge & understanding training and engagement session has been successfully completed, a satisfactory Medical Certificate an Enhanced Disclosure certificate presented and where applicable a Certificate of Good Conduct, and any additional information requested are received. Any incorrectly completed forms will be returned.
- 3.14.4 If the application is withdrawn or refused the fee will be refunded minus the proportion of the charge for the DBS and DVLA request, and knowledge interview fee and an administrative charge. Should the application be appealed, the administrative charge will be higher.
- 3.14.5 Fees paid in relation to driver licences will be subject to a partial refund on the unexpired portion of the licence should the driver choose to surrender their licence. Refunds will be payable in relation to each full year remaining on the licence and an administration fee will be levied.

3.15 Renewal Applications

3.15.1 Applications to renew a licence must be submitted online as applicable prior to the expiry date of the current licence.

3.15.2 The following documents are to be submitted for a renewal application:

- Fully completed renewal form.
- Where applicable, a Medical Certificate Form completed by applicant's own GP or one who has had access to the applicant's available medical history and/or any relevant electronic medical records held or evidence provided that a DVLA Group 2 licence is held. A suitable alternative medical will be considered on a case-by-case basis.
- Where appropriate, an Enhanced Disclosure and Barring Service (DBS) Submission together with appropriate identity documents or evidence provided to confirm subscription to the DBS Update Service.
- Driving licence and fully completed DVLA mandate.
- Evidence of a right to reside and work in the UK (where required).
- Proof of compliance with the Finance Act 2021.
- Any additional information requested by the Authority.

3.15.3 Fees:

- Licence fee including DBS Check fee DVLA Mandate check where required.

3.15.4 There is no legal requirement for the Authority to send out reminders for renewals for licences, but to aid drivers the Authority will endeavour to do so. However, the responsibility rests with the driver to ensure documentation is provided within the appropriate timescales. If the required documents are not produced the application will not be determined.

3.16 Incomplete applications

- 3.16.1 An application to renew a licence that has been submitted with the appropriate licence fee prior to the expiry of that licence, but is incomplete, the Licensing Authority may issue a written request to the licensee for the additional information to be provided within 14 days of the expiry of the licence. During this time the licence holder can continue to drive.
- 3.16.2 If the licence holder fails to provide the information within this time period the application will be refused, to which the licensee will have a right of appeal. During this time the licensee can also continue to drive. If no appeal is received within 21 days, then the driver must cease driving.
- 3.16.3 Holders of existing hackney carriage or private hire driver licences must apply to renew their licence in the month preceding the expiry date. The application should be received by the Licensing Authority at least 7 working days prior to the expiry of the existing licence. Renewal applications submitted after the licence expiry date will not be accepted. Unless under exceptional circumstances, any late renewals will be classed as a New Application. In such circumstances an applicant must not drive a licensed vehicle until a new licence has been granted.
- 3.16.4 Renewal applications will be processed, and a driver's licence issued pending any required enhanced DBS and DVLA mandate return unless the Licensing Authority has reasonable grounds for concern. In this situation the renewal will not be granted until or unless these concerns have been resolved. If no evidence is provided of an enhanced DBS check having been submitted, the renewal will not be granted.
- 3.16.5 If convictions or other relevant information are disclosed, the Delegated Officer shall consider their relevance. The Licensing Authority may require further information from the Police, Crown Prosecution Service or other agencies prior to making a decision. If the information received is deemed relevant according to this Policy, the application would be referred to the Regulatory and Appeals Sub-Committee for determination.
- 3.16.6 If details of any convictions or cautions are received through the DBS or DVLA procured process and this information was not disclosed by the applicant on the signed declaration form, then this will be treated as a dishonest offence and the appropriate action taken in accordance with the Authority's Enforcement Policy.
- 3.16.7 Where a decision to suspend, revoke or refuse to renew a licence is made by the Regulatory and Appeals Sub-Committee then the decision and the grounds upon which this decision has been made will be notified in writing to the applicant or licensee within 14 days of the decision.
- 3.16.8 Where a licence is issued, drivers will be issued with an identity badge detailing their name, licence number, expiry date of the licence and a photograph of the licence holder. The identity badge must always be worn when the driver is working.

3.16.9 The loss or damage of an identification badge must be notified to the Licensing Authority as soon as such loss becomes known. A fee will be charged for each replacement badge.

3.17 Conditions of Licence and Bylaws

3.17.1 The conditions set out at **Appendix E** are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.

3.17.2 The Licensing Authority is not permitted to attach conditions to a hackney carriage driver's licence. The City Council has adopted The Byelaws which regulate hackney carriage drivers. It is, however, empowered to attach conditions to a private hire driver's licence as are considered necessary. Hackney Carriage drivers are expected to comply with **Appendix F – Licensed Driver Code of Conduct**.



Chapter 4. Private Hire Operators

4.1 Contents

- 4.1.1
 - Requirements and obligations
 - Criminal Record Checks
 - Conditions
 - Other obligations
 - Application Procedure
 - Licence Duration
 - Address from which an operator may operate
 - Record Keeping
 - Change of Address
 - Convictions/Cautions

4.2 Requirements and obligations

- 4.2.1 Any person who operates one or more private hire vehicles must apply to the Licensing Authority for a private hire operator's licence.
- 4.2.2 The objective in licensing private hire operators is to ensure the safety and to afford protection to the travelling public who may be using the operator's premises and the vehicles and drivers arranged through them through their booking processes.
- 4.2.3 A private hire vehicle may only be despatched 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 private hire vehicle.
- 4.2.4 A private hire operator must ensure that every private hire vehicle despatched by the operator is licensed and driven by a person who holds a private hire driver's licence. All three licences (operator, vehicle and driver), often referred to as a triumvirate or trinity must be issued by the same Licensing Authority. A private hire operator may, however, subcontract a booking to another private hire operator, who may also be licensed by Newcastle City Council, but could also be licensed anywhere else in England, Scotland or Wales subject to section 55B of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2.5 It is a criminal offence to operate a private hire vehicle without an operator's licence.
- 4.2.6 Operators and prospective operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.

4.2.7 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Licensing Authority will then decide whether the applicant is considered a fit and proper person to hold an operator's licence. It is accepted that an Operator does not have the same level of direct contact with the public as they will not drive the customer (unless s/he holds a hackney carriage or private hire driver's licence). However, as the Operator will be in possession of information about a person's whereabouts, it is still necessary to make sure that they are a fit and proper person.

4.2.8 The Licensing Authority may also require additional information including a business plan to demonstrate how infrastructure is used for receipt and dispatch of bookings.

4.3 Criminal Record and Disclosure & Barring Service Checks

4.3.1 Private hire operator's licences will only be granted to persons that the Licensing Authority are satisfied are fit and proper. This will be ascertained by way of a Basic Disclosure of criminal convictions, information requested on the application form or if deemed necessary during interview with the Authorised Officer.

4.3.2 Before an application for a private hire operator's licence will be considered the applicant (whether this be an individual, partnership or the Directors of a Limited Company) must provide a current (less than 1 month old) Basic Disclosure of criminal convictions from the Disclosure and Barring Service. If the applicant is currently licensed as a driver with this Authority, they will be exempt from this requirement as they will already have had a higher level of criminal record check.

4.3.3 Where a private hire operator's licence is in force in the name of an individual, partnership or limited company and a new individual or director(s) is proposed, then each proposed individual or director will be required to provide a current (less than 1 month old) Basic Disclosure of convictions from the Disclosure and Barring Service. If the applicant is currently licensed as a driver with this Authority, or have subscribed to the DBS update service, they will be exempt from this requirement.

4.3.4 Any concerns highlighted during this process will be carefully considered and may be referred to the Regulatory and Appeals Sub-Committee for determination.

4.3.5 Operators are required to keep a register of their staff who take bookings or despatch vehicles, and operators are required to have had sight of a basic DBS check on all staff listed in the register of staff.

4.3.6 Operators will be required to have a Policy on employing staff who have convictions, who take bookings and despatch vehicles and the Licensing Authority will be provided with a copy of that Policy by the operator.

4.4 Conditions

4.4.1 The Authority has power to impose such conditions on an operator's licence as it considers reasonably necessary.

4.4.2 **Appendix G** sets out the model conditions to be attached to an operator's licence which cover the standards of service expected.

4.5 Other obligations

4.5.1 Applicants are advised to ensure that the appropriate public liability insurance has been taken out for premises where members of the public have access.

4.5.2 Applicants for operator licences (new or renewal) will be required to prove that they have a right to work in the UK before being considered for a licence. No licence will be granted until the applicant is able to prove that they have a right to work in the UK. If leave to remain in the country is less than 5 years a shorter licence will be issued.

4.5.3 All new applicants and on renewal for existing operators a Right to Live and Work in the UK check will be carried out.

4.5.4 A private hire operator licence is not transferrable, and operators must notify any proposed changes to the person(s) authorised to operate under the terms of the licence prior to implementation. A new application would be required in most circumstances.

4.5.5 Applicants are required to obtain planning permission where necessary for the premises from which they intend to operate. The planning authority will be consulted as part of the application for a Private Hire Operators licence, and their comments may be considered, when determining the licence application.

4.6 Application Procedure

4.6.1 The following documents are to be submitted using the online application process, in person, by email or by post, for a new or renewal application:

- Application form
- Basic Disclosure of criminal convictions certificate, or a issued certificate not greater than 1 month old (if not currently licensed as a driver by the Licensing Authority), or those having subscribed to the DBS update service, of the applicant and his/her/its staff
- Evidence of a right to reside and work in the UK (where required)
- Business Plan
- Planning permission
- Policy on employing ex-offenders who are responsible for booking or despatching vehicles
- Any additional information requested by the Licensing Authority

4.6.2 Fees:

- Licence fee

4.6.3 The Authority shall require a site visit to the premises prior to the determination of the application for an operator's licence to ensure compliance with legislation and the business plan provided.

4.7 Licence Duration

4.7.1 The licence expires 12 or 60 months from the date of issue. Any application for renewal must be made in the month preceding the expiry date and ideally at least 7 days prior to the expiry date of the existing licence.

4.8 Address from which an operator may operate

4.8.1 Upon grant of an operator's licence the Licensing Authority will specify the address or addresses from which the operator may operate. The premises must be in the controlled district of the city. The operator may only operate from the address stated on their licence.

4.8.2 If an operator wishes to change the premises from which they operate, a telephone number, logo or name, they should seek approval from the Licensing Authority prior to any change.

4.9 Record Keeping

4.9.1 Operators are required by condition to keep records of each proprietor, vehicle and driver used by the said operator. Booking records, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare agreed at the time of booking must be maintained as **Appendix G** refers.

4.9.2 Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an Officer of the Licensing Authority.

4.9.3 The Licensing Authority may not stipulate a fare to be charged by an operator. However, any operator tariff must be deposited with the Licensing Authority. The operator must notify the Licensing Authority of any tariff changes within 7 days of such change taking place.

4.10 Change of Address

4.10.1 The operator must advise the Licensing Authority in writing of any change of an address within 7 days of such a change taking place.

4.10.2 Any addition to the named persons on the operator licence shall require a New Private Hire operator application to be submitted. This would include any change to the status of the named directors of a company holding a licence.

4.11 Convictions/Cautions

- 4.11.1 Any individual or partner named on the operator licence shall disclose to the Licensing Authority within 7 days in writing of any conviction/caution, or in the case of a limited company, against the company secretary or any of its directors.
- 4.11.2 The operator shall notify the Licensing Authority as soon as practicable of any criminal proceedings or pending criminal proceedings taken against him/her or in the case of a limited company, against the company secretary or any of its directors or any of the operator's staff responsible for the booking or despatch of vehicles.



Chapter 5. Fares

5.1 Contents

- 5.1.1
 - General
 - Fare Tariff Formula
 - Table of Fares
 - Receipts
 - Overcharging

5.2 General

- 5.2.1 Licensing Authorities have the power to set hackney carriage fares for journeys within the prescribed area.
- 5.2.2 Hackney carriage fares, set by the Licensing Authority, are a maximum and can be negotiated downwards by the hirer.
- 5.2.3 The Licensing Authority reviews the fare scales when requested by the trade. When determining the level of fares, consideration will be given to what is always reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service as reasonably required.
- 5.2.4 The Licensing Authority is not able to set fares for journeys taken in licensed private hire vehicles. It is a matter for negotiation between the hirer and operator.
- 5.2.5 When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages. The meter must be used for all journeys. Failure to comply is an offence.
- 5.2.6 When a journey ends outside of the Authority's district a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. The meter must be used during all journeys. Failure to comply is an offence.

5.3 Fare Tariff Formula

- 5.3.1 The Licensing Authority prescribes the maximum fares that can be charged by a hackney carriage. The table of fares is not attached to this Policy as it is reviewed following trade request. A current table of fares is available from the Licensing Authority or on the website at www.newcastle.gov.uk.
- 5.3.2 A notice of any variation to the maximum fare will be advertised in the local press (Newcastle Evening Chronicle) with a date set of 14 days from publication for making objections to the variation of fares.

5.3.3 If no objections are received the fare variation will have immediate effect at the end of the date stated for lodging objections. If any objections are received, these will be referred to the Licensing Manager for consideration.

5.4 Table of Fares

5.4.1 Tables of fares will be provided to each hackney carriage licence holder, which must be displayed in the vehicle so that they are easily visible to all hirers. Replacement fare tables are available for an additional fee. A set of hackney carriage bylaws shall be provided to each hackney carriage proprietor. A copy of these bylaws shall be held in the hackney carriage and be available for inspection on request.

5.5 Receipts

5.5.1 A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid. No fare greater than that shown on the meter may be charged when using a debit/credit or contactless payment device.

5.6 Overcharging

5.6.1 All meters must be calibrated to the correct rate of fares. It is an offence for the driver to demand more than the fare shown on the meter. A taximeter may be programmed with further tariff's addition to the Licensing Authority prescribed tariff. However, these rates cannot exceed the prescribed tariff.

5.6.2 Hackney carriage meters displaying incorrect information or a fare higher than permitted may result in the hackney carriage proprietor licence being suspended and the driver may face legal proceedings.

Chapter 6. Fees

6.1 Contents

- 6.1.1
 - Fee Structure
 - Variations to fee structure
 - Payments
 - Payment Refunds

6.2 Fee Structure

- 6.2.1 The Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to set fees for hackney carriage and private hire vehicles, drivers and operator licences. The legislation permits the local authority to recover the cost of providing the licensing scheme and such fees must be reasonable.
- 6.2.2 Section 53 (2) of the 1976 Act controls the levying of fees in respect of driver's licences for both hackney carriages and private hire vehicles. Section 70 of the 1976 controls the levying of fees for hackney carriage proprietor's licences, private hire vehicle licences and private hire operator's licences.

- 6.2.3 The current scale of fees and charges are available from the Authority and via the website at www.newcastle.gov.uk.

6.3 Variations to fee structure

- 6.3.1 The fee structure is reviewed annually as part of the Newcastle City Council's budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.
- 6.3.2 A Notice of any variation to the maximum fees will be advertised on Newcastle City Council website a date set 28 days from publication for making objections to the variation of fees.
- 6.3.3 If no objections are received the fee variation will have immediate effect at the end of the 28-day period specified for objections. If any objections are received the matter will be referred to Regulatory & Appeals Sub-Committee for consideration.

6.4 Payments

- 6.4.1 Payments can be made online during the application process and by using the dedicated payment line.

6.5 Payment Refunds

- 6.5.1 Fees paid in relation to hackney carriage and private hire proprietor/vehicle licences are subject to a partial refund on the unexpired portion of the licence, minus any test fee(s), should the proprietor choose to surrender their licence during the period of the licence. Refunds are payable for a maximum of 6 months and an administration fee will be levied.
- 6.5.2 Fees paid in relation to hackney carriage and private hire driver licences are subject to a partial refund on the unexpired portion of the licence should the driver surrender their licence during the period of the licence. Refunds are only payable for each full year left and an administration fee will be levied.
- 6.5.3 Fees paid in relation to private hire operator licence are subject to a partial refund on the unexpired portion of the licence should the operator surrender their licence during the period of the licence. Refunds are only payable for each full year left and an administration fee will be levied.



Chapter 7. Convictions, Cautions, Conduct & Medical Fitness

7.1 Contents

- 7.1.1
- Hackney Carriage & Private Hire Drivers
 - Rehabilitation of Offenders Act 1974 & The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 (SI 2002/441).

7.1.2 **Section A – Guidance as to the Relevance of Convictions, Reprimands, Final Warnings, Cautions & Fixed Penalties**

- General Policy
- Cautions, Reprimands, Final Warnings and Fixed Penalties
- Fixed Penalties
- Barred Lists
- Outstanding charges or summonses/non-conviction information
- Offences
- Offences of Dishonesty
- Offences of Violence
- Drugs Offences
- Supply of Drugs
- Possess/Cultivation of Drugs
- Sexual & Indecency Offences
- Driving Offences
- Minor Driving Offences
- Major Driving Offences
- (DVLA) Disqualification
- Licensing offences

7.1.3 **Section B – Conduct**

7.1.4 **Section C – Medical Fitness**

- Production of medical certificate
- Group 2 Driver (Medical) Standards
- Age
- Monitoring of medical condition
- Refusal, Suspension and Revocation on grounds of medical fitness

7.2 Hackney Carriage & Private Hire Drivers

- 7.2.1 When an application is made for a private hire or hackney carriage driver licence the Licensing Authority must be satisfied that the applicant is a fit and proper person before issuing the licence. By law the Licensing Authority shall not licence drivers unless it is satisfied of this (section 51 & section 59 Local Government (Miscellaneous Provisions) Act 1976).

7.2.2 The legislation is worded in such a way so as to put the onus on the applicant to produce evidence to satisfy the Licensing Authority that they are a fit and proper person, rather than for the Licensing Authority to prove that they are not.

7.2.3 The Licensing Authority may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

7.2.4 In addition, the Licensing Authority may:

- suspend; or
- revoke; or
- refuse to renew

a hackney carriage or private hire driver licence:

- if the licence holder has been convicted of an offence involving dishonesty, indecency or violence; or
- if the licence holder has been convicted of a private hire/hackney carriage licensing offence;
- if since the grant of the licence the licence holder has been convicted of an immigration offence or required to pay an immigration penalty; or
- for any other reasonable cause (section 61 LG(MP) Act 1976).

7.2.5 Reasonable cause will encompass other convictions, cautions, medical fitness or conduct.

7.2.6 If it appears to be in the interests of public safety to do so, then a suspension or revocation will have immediate effect and the driver will be given notice of that decision. The effect of this decision will mean that a driver cannot continue to drive licensed vehicles. The suspension or revocation will continue to apply should an appeal be made against the decision. In certain cases, a licence may be suspended or revoked without taking immediate effect.

7.3 Rehabilitation of Offenders Act 1974 & The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 (SI 2002/441)

7.3.1 Hackney Carriage and Private Hire drivers are excluded from the provisions of the Rehabilitation of Offenders Act 1974.

7.3.2 The effect Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 (SI 2002/441) was to add 'TAXI DRIVERS' (defined as Hackney Carriage and Private Hire drivers) to the list of 'excepted occupations'.

- 7.3.3 All previous convictions for any offences, including spent convictions must be declared on first application or any renewal and will be considered.
- 7.3.4 Any offences mean not only motoring or driving offences, but also any other offences including dishonesty, indecency or violence, or offences relating to work as a taxi/private hire driver or to Hackney Carriage or Private Hire Vehicles.
- 7.3.5 Official cautions either by the Police or other Regulatory Body must also be declared.

7.4 Section A – Guidance as to the Relevance of Convictions, Reprimands, Final Warnings, Cautions & Fixed Penalties

7.4.1 General Policy

7.4.1A The overriding consideration of the licensing regime is the safety of the public. The Authority has a duty to ensure that, as far as possible, those licensed to drive the public in hackney carriage or private hire vehicles are suitable persons to do so, that they are safe drivers with a good driving record, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their position to abuse or assault customers.

7.4.1B The aim of these guidelines is not to punish the applicant/licence holder twice for a conviction or caution but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity towards wrongdoing.

7.4.1C These guidelines are intended to assist Licensing Officers and the Regulatory and Appeals Sub-Committee in decision making and to ensure a consistent approach is maintained. However, each case is to be decided upon its own merits and Licensing Officers and the Committees' discretion is not in any way fettered by these guidelines or this policy.

7.4.1D The Policy guidelines are not an attempt to define who is a fit and proper person.

7.4.1E The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently described or worded in any statutory provision, modification or re-enactment, will be considered in accordance with the guidelines. In all cases the safety of the public will be the primary concern.

7.4.2 Formal Cautions, Fixed Penalties or Community Resolutions

7.4.2A For the purpose of these guidelines formal cautions, fixed penalties and community resolutions shall be treated as though they were convictions and in this Policy any reference to "conviction" includes formal cautions, fixed penalties, community resolutions as well as matters that amount to criminal behaviour but that have not resulted in a conviction.

7.4.3 Cautions

7.4.3A The Licensing Authority requires applicants and licence holder to disclose any cautions they may have received. A caution can only be imposed following an admission of guilt which is equivalent to a guilty plea on prosecution. Before a caution can be administered the police or prosecuting authority must have considered that there was sufficient evidence to proceed with a prosecution had the offer of a caution been refused.

7.4.4 Fixed Penalties

7.4.4A Fixed penalties are not limited to motoring offences and may be given for a range of offences including shop theft, minor public order offences and offences such as littering, dog fouling etc. Fixed penalties must be declared to the Licensing Authority in the same way as convictions are declared and may be considered by the Licensing Authority. This is because payment of a fixed penalty indicates acceptance of guilt.

7.4.5 Community Resolutions

7.4.5A A community resolution imposed for crime or anti-social behaviour must be disclosed to the Licensing Authority. This is because a community resolution can only be imposed where the offender admits guilt.

7.4.6 Barred Lists

7.4.6A Part of the role of the Disclosure & Barring Service (DBS) is to help prevent unsuitable people from working with vulnerable groups including children, barring them where necessary. As part of the enhanced DBS check the Authority is provided with information about whether an applicant is barred from working with children or adults. In most cases, the Licensing Authority will not grant a licence to someone on the barred list. In the interests of public safety, unless there are exceptional circumstances, an application should usually be refused where the applicant appears on either barred list.

7.4.7 Outstanding charges or summonses/non-conviction information

7.4.7A Where an applicant/licence holder is the subject of an outstanding charge or summons their application will not usually be determined until the conclusion of proceedings or the charge(s) has/have been withdrawn.

7.4.7B If an applicant/licence holder has been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, consideration will be given to refusing the application or if currently licensed, to further action being taken having regard to this Policy and guidelines.

7.4.8 Offences

7.4.8A The Policy guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though perhaps differently entitled in any statutory provision, modification or re-enactment, will be considered in accordance with the guidelines.

7.4.9 Offences of Dishonesty

7.4.9A Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the appropriate fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people. For these reasons a serious view is taken of any convictions involving dishonesty.

7.4.9B Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence should not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

7.4.10 Offences of Violence

7.4.10A Applicants/licence holders with a conviction for an offence of murder, manslaughter or culpable homicide whilst driving will usually be refused a licence.

7.4.10B Where an applicant/licence holder has a conviction for an offence of violence, or connected with any offence of violence, a licence should not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

7.4.11 Discrimination

7.4.11A Where an applicant/licence holder has a conviction involving or connected with discrimination in any form, a licence should not be granted until at least 7 years have elapsed since the completion of any sentence imposed or any custodial sentence imposed.

7.4.12 Possession of a Weapon

7.4.12A Where an applicant/licence holder has a conviction for possession of a weapon or any other weapon related offence, a licence should not be granted until at least 7 years have elapsed since the conviction or completion of any custodial sentence imposed.

7.4.13 Drugs Offences

7.4.13A Supply of Drugs/Cultivation of Drugs

7.4.13AA 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 should not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

7.4.13B Possession of Drugs

7.4.13BA Where an applicant/licence holder has a conviction for possession of drugs, or related to the possession of drugs, a licence should 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 drug testing at their own expense, to demonstrate that they are not using controlled drugs now.

7.4.14 Sexual and Indecency Offences

7.4.14A 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 should not be granted. In addition to the above, the Licensing Authority should not grant a licence to any applicant who is currently on the Sex Offenders register or on any barred list.

7.4.15 Driving Offences

7.4.15A Those licensees who drive hackney carriage and private hire vehicles are deemed professional drivers. They are charged with the responsibility of carrying the public. Given that driving is of central importance to a licensed driver, (i.e. it is the primary role that they perform), the requirement to be a “safe driver with a good driving record” forms part of the “fit and proper person test”

7.4.15B It is accepted that driving offences can be committed unintentionally. Given the increased time that licensed drivers spend driving there is an increased chance of them committing driving offences. However, this does not provide an acceptable excuse, or justification for any driving offences that may be committed.

7.4.15C A person who is convicted of, or who accepts a fixed penalty notice for a driving offence will have penalty points endorsed on their Driving Licence issued by the Driver and Vehicle Licensing Agency, (the “DVLA”). Points range from 1 to 11. The more serious offences carry a greater number of points.

7.4.15D Relevant motoring offences, their corresponding points and their driving licence retention period is detailed to the following website:

<https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>

- 7.4.15E Depending upon the offence in issue, penalty points remain on a Driving Licence for either 4, or 11 years. Some offences could result in disqualification.
- 7.4.15F If a licensed driver acquires a total of 12 points in a three-year period they will be disqualified under the “totting-up procedure” under Section 35 of the Road Traffic Offenders Act 1988, unless they are able to satisfy the Magistrates’ Court, (or the Crown Court in the event of an Appeal), that their disqualification would cause “exceptional hardship”.
- 7.4.15G For the avoidance of any doubt, the “exceptional hardship” provisions only have application to the Court when deciding whether, or not to disqualify. It is not a relevant consideration for the Council. “Exceptional hardship” is not referenced in legislation concerning licensed vehicles. The case of Leeds City Council -v- Hussain [2002] confirms that in respect of the relevance of a licensee’s personal circumstances as to the issue of whether they are, or remain a “fit and proper person”, this “does not require any consideration of the personal circumstances which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver”.
- 7.4.15H A single occurrence of a Minor Driving Offence (below) would not prohibit the granting of a Licence to an Applicant. However, where an Applicant, or an existing Licensed Driver has multiple motoring convictions this may indicate that they do not exhibit the behaviours of a safe driver with a good driving record and somebody that is suitable to drive professionally.
- 7.4.16 Minor Driving Offences**
- 7.4.16A Where an applicant/licence holder has between 3-4 penalty points either at the time of application or during the licence period this will be considered as a Minor Driving offence. Convictions for minor traffic offences should not prevent a person from obtaining a licence. In most cases the applicant / licence holder will receive a warning or advice regarding future conduct from the delegated licensing officer.
- 7.4.16B Where an applicant/licence holder has accrued up to 6 penalty points for no more than two minor traffic offences in most cases a formal written warning will be issued by the delegated licensing officer.

- 7.4.16C Existing licensed drivers who accrue more than 6 penalty points and up to 9 penalty points for Minor Driving Offences within a three-year period will be requested by the Licensing Manager to undertake a driver improvement course. The licensed driver will be required to meet the cost of attending the course. If the licensed driver refuses to attend the course their case will be referred to the Regulatory & Appeals Sub-Committee by the Licensing Manager for determination, with the Regulatory & Appeals Sub-Committee being asked to give consideration to the possible suspension, revocation, or refusal to renew their licence, as appropriate. For the avoidance of any doubt, the Regulatory & Appeals Sub-Committee could, if deemed appropriate, impose a period of suspension and direct that a licensed driver who has refused to undertake a driver improvement course to undertake such a course at their own expense, with their suspension ending on the date that they successfully complete the course, as opposed to them serving the full period of suspension as originally imposed by the Regulatory & Appeals Sub-Committee;
- 7.4.16D Existing licensed drivers who accrue 6 penalty points and up to 9 penalty points for Minor Driving Offences within a three-year period may have their case referred to the Regulatory & Appeals Sub-Committee for determination instead of being requested to undertake a driver improvement course if the Licensing Manager believes there are aggravating factors to justify this, with the Regulatory & Appeals Sub-Committee being asked to give consideration to the possible suspension, revocation, or refusal to renew their licence, as appropriate. Depending on the circumstances of the case, they should have their licence suspended for a maximum period of six months or revoked. The Licensing Manager will record the reasons why they believe aggravating factors apply. For the avoidance of any doubt, the Regulatory & Appeals Sub-Committee could, if deemed appropriate, impose a period of suspension and direct that a licensed driver who falls under this provision to undertake a driver improvement course at their own expense, with their suspension ending on the date that they successfully complete the course, as opposed to them serving the full period of suspension as originally imposed by the Regulatory & Appeals Sub-Committee; and
- 7.4.16E Existing licensed drivers who accrue more than nine penalty points for Minor Driving Offences within a three-year period will have their cases referred to the Regulatory & Appeals Sub-Committee for determination. Depending on the circumstances of the case, they should have their licence suspended for a maximum period of six months or revoked. For the avoidance of any doubt, the Regulatory & Appeals Sub-Committee could, if deemed appropriate, impose a period of suspension and direct that a driver who falls under this provision to undertake a driver improvement course at their own expense, with their suspension ending on the date that they successfully passed the course, as opposed to them serving the full period of suspension as originally imposed by the Regulatory & Appeals Sub-Committee.
- 7.4.16F An applicant who has 5 penalty points for a single offence or accrued more than 9 penalty points will usually be referred to the Regulatory & Appeals Sub-Committee for determination with policy to refuse a licence for 1 year from the date of the most recent conviction.

7.4.17 Major Driving Offences

7.4.17A Road Traffic Offences which carry mandatory disqualification from driving will always be considered as Major Traffic Offences. Where an applicant/licence holder has 6 or more penalty points for a single offence or where the Court has disqualified the driver for a single offence this will be considered as a major traffic offence. An application will usually be referred to the Regulatory & Appeals Sub-Committee for determination with a policy to refuse until a period of 2 years has lapsed since the date of the last conviction.

7.4.18 (DVLA) Disqualification

7.4.18A Where an applicant/licence holder has a conviction for drink driving or driving under the influence of drugs, a licence should not be granted until at least 7 years have elapsed since the completion of any sentence or period of disqualification from driving. Following a conviction for driving under the influence of drugs, an applicant will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

7.4.18B When an applicant/licence holder has accumulated sufficient penalty points for the Courts to impose a TT99 “totting up” revocation on the DVLA licence, a licence should not be granted until at least 2 years following restoration of the DVLA licence.

7.4.18C When an applicant/licence holder has accumulated sufficient penalty points for a TT99 to be considered and the courts have not imposed a disqualification, the Authority shall consider the driving offences in the same manner as though a ban had been imposed.

7.4.19 Licensing Offences

7.4.19A One of the main purposes of the licensing regime set out in the Town Police Clauses Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the Acts) and Hackney Carriage Byelaws is to ensure the protection of the public.

7.4.19B A serious view is taken of convictions for offences under the Acts and byelaws when deciding whether an applicant/licence holder is, or remain, a fit and proper person to hold a licence.

7.4.19C In particular, where an applicant has been convicted of an offence such as driving a hackney carriage or private hire vehicle without the appropriate driver's licence or using an unlicensed vehicle during the 2 years preceding the application, they will usually be refused a licence.

7.4.19D Where an individual has more than one conviction for a licensing offence within the 5 years preceding the date of the application, they will usually be refused a licence.

7.5 Section B – Conduct

- 7.5.1 Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant or licensee's demeanour, appearance and behaviour may be considered in determining fitness and propriety as well as any complaints received about a current licence holder.
- 7.5.2 When determining the fitness and propriety of drivers, the Licensing Authority will consider whether they would allow their child, spouse or partner, mother or father, grandson or granddaughter or any other person for whom they care, to get into a vehicle with the applicant/licence holder.
- 7.5.3 If the answer to this question is an unqualified yes, then the test is probably satisfied. If the Officers or members have doubts, then further consideration will be given as to whether the individual is a fit and proper person.
- 7.5.4 Matters that have not resulted in a criminal conviction (whether as a result of an acquittal, a conviction being quashed, decision not to prosecute or an on-going investigation where the individual has been bailed) can and will be taken into account by the Authority when determining the fitness of a person to hold, or to continue to hold a licence. This includes complaints where there has been no police involvement.
- 7.5.5 The Licensing Authority's focus is upon safeguarding and public safety. This does not require any consideration of the personal circumstances of the applicant or licensee which are irrelevant, except perhaps in exceedingly rare cases to explain or excuse some conduct of the driver.

7.6 Section C – Medical Fitness

7.6.1 Production of medical certificate

- 7.6.1A Under section 57 of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority may require an applicant for a hackney carriage or private hire drivers' licence to produce a certificate signed by a registered medical practitioner to the effect that s/he is physically fit to be a driver of such a vehicle. The Licensing Authority requires a medical certificate upon an initial application for a licence.
- 7.6.1B The medical practitioner must confirm that:
- i. they have examined the applicant
 - ii. the applicant is registered with the practice and/or
 - iii. they have had access to the applicant's available medical records
 - iv. the medical examination was carried out to DVLA Group 2 standard
 - v. s/he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle.

7.6.1C If the medical practitioner has not had access to the applicant's available medical records the Licensing Authority may require more frequent medical testing and/or select a practitioner to undertake a full medical examination of the applicant. All expenses are payable by the applicant.

7.6.2 Group 2 Driver (Medical) Standards

7.6.2A In line with DVLA recommendations, the Licensing Authority has adopted DVLA Group 2 driver standard for medical fitness of hackney carriage and private hire drivers. This reflects the higher risk caused by the length of time the driver may spend at the wheel during his/her occupation and the responsibility they have for the safety of their passengers and the public.

7.6.3 Age

7.6.3A The Licensing Authority's policy is that a medical certificate is required upon an initial application for a licence. It remains valid until a driver reaches the age of 45 years when a further medical certificate is required. A medical certificate is then required every 5 years until the age of 65 after which a certificate is required on a yearly basis.

7.6.4 Monitoring of medical condition

7.6.4A In addition, where a driver suffers from a medical condition that requires monitoring but would not prevent him/her from holding a licence the Licensing Authority may, as an additional requirement of their licence, require written confirmation from his/her GP or consultant on each annual renewal that s/he remains fit to carry out the duties of a driver.

7.6.4B It is a requirement that a driver notifies the Licensing Authority immediately (or in any case within 48 hours) of any medical condition which could affect their ability to carry out the duties of a licensed driver.

7.6.5 Refusal, Suspension and Revocation on grounds of medical fitness

7.6.5A If the Licensing Authority is not satisfied on the balance of probabilities as to the medical fitness of an applicant a hackney carriage or private hire driver's licence will not be granted [section 51 & section 59 Local Government (Miscellaneous Provisions) Act 1976].

7.6.5B If the Licensing Authority is not satisfied as to the medical fitness of a hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under section 61 Local Government (Miscellaneous Provisions) Act 1976.

- 7.6.5C Where an applicant/licence holder presents a Group 2 medical certificate showing drug use, the Licensing Authority shall consider this in the same manner as a conviction for possession of drugs and a licence will not be granted for five years. The applicant will also have to under – go drug testing at their own expense, to demonstrate they are no longer using controlled drugs.
- 7.6.5D Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Authority to revoke or suspend an existing driver’s licence with immediate effect when that driver no longer meets the Group 2 medical standard and in the opinion of the Licensing Authority’s it is in the interests of public safety to take such a course of action. The Licensing Authority will only lift a suspension of a licence on receipt of written confirmation from a GP or consultant that the driver now meets the Group 2 medical standard.



Chapter 8. Enforcement and Discipline

8.1 Contents

- 8.1.1
- Licensing Authority Officers and Regulatory & Appeals Sub-Committee
 - Enforcement/Disciplinary Options
 - Informal Action
 - Vehicle on -Compliance Notice
 - Suspension of Vehicle Licence
 - Section 68 Notices - Suspension of Vehicle Licences
 - Suspend, Revoke or Refuse to renew a licence
 - Section 60 Notice - Vehicle Licences
 - Section 61 Notice - Driver Licences
 - Section 62 Notice - Operator Licences
 - Stay of action pending outcome of Court Appeal
 - Requests for Insurance
 - Cautions
 - Prosecution
- 8.1.2 Please note: This chapter provides an overview of enforcement and disciplinary action. It is not intended to be an exhaustive list. It does not constitute legal advice.
- 8.2 Licensing Authority Officers and Regulatory & Appeals Sub-Committee**
- 8.2.1 Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the City, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.
- 8.2.2 Enforcement of hackney carriage and private hire matters is undertaken by the Licensing Authority. The police may also act in certain circumstances.
- 8.2.3 Authorised Officers of the Licensing Authority can be authorised by the Director of Operations & Regulatory Services to undertake enforcement work. In undertaking such work, the Officers will abide by the appropriate Enforcement Policy. Enforcement work includes the investigation of complaints in addition to proactive compliance checks. The Licensing Authority can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.
- 8.2.4 The Director of Operations & Regulatory Services and their delegated officers may take appropriate disciplinary action against the licence holder in accordance with this policy. The Authority's Regulatory & Appeals Sub-Committee may determine the appropriate disciplinary action (if any) to take against the licence holder referred to it by the Director of Operations and Regulatory Services and their delegated officers.

8.3 Enforcement/Disciplinary Options

8.3.1 There are various options to take depending upon the circumstances including:

- No further action
- Informal action/warning
- Use of statutory and/or other notices
- Suspension of licence
- Revocation of licence
- Refuse to renew licence
- Issue of formal caution
- Legal action/prosecution
- Obtain an injunction

8.3.2 The Director of Operations & Regulatory Services and their delegated officers may refuse to grant or renew licences and may revoke or suspend licences.

8.3.3 Informal Action/Warning

8.3.3A Informal action to secure compliance with the legislation and policy includes offering advice, verbal and written warnings and requests for action.

8.3.3B Informal action may be appropriate where:

- the act or omission is not serious enough to warrant more formal action
- from the individual licensee's history, it can be reasonably expected that informal action will achieve compliance
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

8.3.3C Even where the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

8.3.3D Repeated incidents of licence infringements, complaints etc are likely to lead to action being taken against the licensee by delegated officers of the Director of Operations & Regulatory Services or a referral to the Regulatory & Appeals Sub Committee.

8.3.4 Vehicle Non – Compliance Notice

8.3.4A In situations where non-compliance with the conditions of vehicle licence or contravention of the legislation or byelaws is noted, any Authorised Officer may issue a vehicle non-compliance notice. Such notices are appropriate where the immediate suspension of the vehicle licence is not required. The notice will require the proprietor to remedy the defect and present the vehicle for inspection by any Authorised Officer within 5 working days at the City Council's MOT Test Station/ Licensing Office or a mutually agreed location.

8.3.4B If the defect has been remedied, then usually no further action will be taken. If the defect is not remedied or the vehicle is not presented for inspection the vehicle licence may be suspended [section 60 or section 68 Local Government (Miscellaneous Provisions) Act 1976] and/or the proprietor may be prosecuted [section 50 and section 73 Local Government (Miscellaneous Provisions) Act 1976].

8.3.4C A proprietor may appeal against a section 60 vehicle suspension during which time the vehicle can continue to be used. However, the driver/proprietor may then be knowingly using a vehicle contrary to construction and use regulations and face prosecution (if in contravention) by the Licensing Authority or the Police.

8.3.5 Section 68 Notice – Suspension of Vehicle Licence

8.3.5A An Authorised Officer or Police Officer has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle (or taximeter affixed to such a vehicle) licensed by the Licensing Authority to ascertain its fitness. If s/he is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter s/he may, by a written notice, require the proprietor to make the vehicle or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. The Authorised Officer may suspend the vehicle licence until such time as they are satisfied as to fitness/accuracy using section 68 of the Local Government (Miscellaneous Provisions) Act 1976). Suspension under section 68 takes immediate effect. There is no right of appeal against such a suspension. Therefore, this action will only be taken when an officer has reasonable grounds to suspect that the condition of the vehicle/taximeter poses an immediate risk to passengers and/or other road users. There may be an additional vehicle inspection fee on presentation of vehicle.

8.3.5B If the Authorised Officer is not satisfied of the fitness/accuracy of the vehicle within 2 months, the vehicle licence is deemed to be revoked. Such matters do not need to be referred to Regulatory & Appeals Sub Committee. The proprietor will be given written notice of the revocation, including any right of appeal, within 14 days.

8.3.6 Section 60 Notice – Vehicle licence

8.3.6A The Licensing Authority may suspend or revoke or refuse to renew a vehicle licence (private hire or hackney carriage) on any of the following grounds:

- i. that the vehicle is unfit for use;
- ii. the operator or driver has committed any offence under or has not complied with the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- iii. any other reasonable cause

8.3.6B Where the Licensing Authority suspends, revokes or refuses to renew a vehicle licence under section 60 Local Government (Miscellaneous Provisions) Act 1976 it shall give the proprietor written notice of the grounds for the decision within fourteen days. The proprietor may appeal this decision to a Magistrates Court.

8.3.7 Section 61 Notice - Driver licence

8.3.7A The Licensing Authority may suspend or revoke or refuse to renew a driver licence (hackney carriage or private hire) on any of the following grounds:

- a. that since the grant of the licence the licence holder has been convicted of an offence involving dishonesty, indecency or violence; or
- b. that since the grant of the licence the licence holder has been convicted of an offence under or has failed to comply with Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- c. in some cases, if since the grant of the licence the licence holder has been convicted of an immigration offence or required to pay an immigration penalty; or
- d. any other reasonable cause.

8.3.7B Where the Licensing Authority suspends, revokes or refuses to renew a driver licence under section 61 Local Government (Miscellaneous Provisions) Act 1976 it shall give the driver written notice of the grounds for the decision within 14 days. The driver must on demand return to the Authority the Driver's badges. The driver may appeal to a Magistrates Court. Any appeal must be lodged within 21 days following notification of the decision. Section 300(2) of the Public Health Act 1936, pursuant to section 77(1) of the 1976 Act, provides that "the time within which any such appeal may be sought shall be 21 days from the date on which notice was served upon the person desiring to appeal.

8.3.8 Section 61(2B) – Driver Licence

8.3.8A If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

8.3.8B In order to instigate the immediacy of this action on public safety grounds the suspension or revocation can be completed by the Director of Operations and Regulatory Services and their delegated officers.

8.3.9 Section 62 Notice - Operator Licences

8.3.9A The Licensing Authority may suspend or revoke or refuse to renew an operator's licence on any of the following grounds:

- a. any offence under or non-compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- b. any conduct on the part of the operator which appears to render him unfit to hold an operator's licence;
- c. any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- d. in some cases, if since the grant of the licence the licence holder has been convicted of an immigration offence or required to pay an immigration penalty; or
- e. any other reasonable cause.

8.3.9B Where the Licensing Authority suspends, revokes or refuses to renew an operator licence under section 62 Local Government (Miscellaneous Provisions) Act 1976 it shall give the operator written notice of the grounds for the decision within 14 days. The operator may appeal to a Magistrates Court. Any appeal must be lodged within 21 days following notification of the decision. Section 300(2) of the Public Health Act 1936, pursuant to section 77(1) of the 1976 Act, provides that "the time within which any such appeal may be sought shall be 21 days from the date on which notice was served upon the person desiring to appeal."

8.3.10 Stay of Action Pending Outcome of Court Appeal

8.3.10A Section 77(2) LG(MP)Act 1976 stays any action against a licence pending the outcome of the Court appeal. This means that if a driver, operator or proprietor appeals against a decision to refuse to renew, suspend or revoke a licence, the licence holder can continue to do as was permitted by the licence until the appeal has been disposed of or withdrawn. This provision does not apply to section 60 notices where a vehicle licence is deemed revoked resulting from non-compliance with a section 68 notice after two months; or in relation to a driver immediate revocation or suspension under section 61(2B).

8.3.10B The licence holder has 21 days from notification of the decision to lodge an appeal with the Court. The licence holder can continue to use the licence during that period and once an appeal is lodged, can continue to use it until the appeal has been dealt with. If the Magistrates dismiss the appeal the licence holder has 21 days within which to lodge an appeal in the Crown Court and again, can continue to use the licence until the appeal is determined. If no appeal is lodged the driver must cease driving at the end of this period.

8.3.10C Where the Licensing Authority decide that a suspension or revocation should take immediate effect in the interests of public safety, in accordance with Section 77(3) of the Local Government (Miscellaneous Provisions) Act 1976 a licensed driver is not entitled to drive a hackney carriage or private hire vehicle pending any appeal they may wish to make (see 8.3.8B).

8.3.11 Requests for Insurance

8.3.11A Following a vehicle examination or compliance check, an Authorised Officer may request for the proprietor of the vehicle to produce insurance. If insurance is not produced the vehicle licence may be suspended and the proprietor may be prosecuted (section 50 LG(MP)Act 1976).

8.3.11B In addition, anyone using an uninsured vehicle may be prosecuted [section 143 Road Traffic Act 1988 (or any successor legislation)].

8.3.12 Cautions

8.3.12A A simple or conditional caution may be used as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but mitigation and circumstances have been considered in line with the offence. The Authority will have regard to Ministry of Justice guidance on the Cautioning of Adult Offenders, and other relevant guidance. It is necessary for the offence to be admitted prior to administering a caution.

8.3.12B A simple or conditional caution may be issued when:

- the offender has admitted the offence;
- the offender is willing to accept the caution
- there must be sufficient evidence to provide a realistic prospect of a conviction if the offender were to be prosecuted
- the offence is not one where a prosecution is required in the public interest.

8.3.13 Prosecutions

8.3.13A In certain cases, the Authority will determine to instigate legal proceedings. In all cases the evidential and public interest test contained within the Code for Crown Prosecutors must be satisfied.

8.3.13B In addition to prosecution, proportionate disciplinary action (e.g., warning, suspension, revocation, refusal to renew) may be taken against the licence through the Regulatory & Appeals Sub-Committee process.

8.3.13C

The current standard fines for summary offences in the magistrates' court are as follows:

- Level 1 - £200
- Level 2 - £500
- Level 3 - £1,000
- Level 4 - £2,500
- Level 5 - unlimited



Chapter 9 Regulatory & Appeals Sub-Committee

9.1 Contents

- 9.1.1
 - Introduction
 - Decision Making
 - Disciplinary or Referred Matters
 - Procedure Note
 - Before the Hearing
 - Absence of Licensee/Applicant
 - At the Hearing
 - Appeal to the Court

9.2 Introduction

9.2.1 The Authority's Regulatory & Appeals Sub-Committee (the Sub-Committee) exercises the Authority's functions in relation to the individual licensing of Hackney Carriage vehicles, Hackney Carriage drivers, Private Hire vehicles, Private Hire operators and Private Hire drivers under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation. All Members that have been appointed to this Sub-Committee receive on-going training from Authority Officers.

9.2.2 The Sub-Committee is convened on a regular basis to discuss and determine specific taxi/private hire licensing issues. The schedule of meetings is available at www.newcastle.gov.uk

9.2.3 When considering any matter presented before the Sub-Committee will have regard to this Policy.

9.2.4 The Sub-Committee will meet to determine the following:

- Disciplinary Action (if any) to take against licensees referred to it by the Director of Operations & Regulatory Services and their delegated officers; and
- Referred matters - any licensing application or other matter concerning individual licence holders referred to it by the Director of Operations & Regulatory Services and their delegated officers.

9.3 Decision Making

9.3.1 Decision making in relation to licensing is an onerous duty and must be exercised in a way that protects the public. In respect of an application for an initial grant of a licence, it is for the applicant to satisfy the Licensing Authority on the balance of probabilities that he/she is a fit and proper person to be granted a licence.

- 9.3.2 Once a person is licensed, they shall be presumed to remain a fit and proper person to be licensed, unless he/she is considered no longer a fit and proper person to hold a licence as a result of a conviction, caution, community resolution, complaint or other relevant non-conviction information.
- 9.3.3 When the Sub-Committee considers such matters concerning an applicant/licence holder it is operating in an administrative capacity and the rules of natural justice must be observed, the applicant/licence holder must be treated fairly and be seen to be treated fairly. The Sub-Committee must be impartial, unbiased and act in good faith.
- 9.3.4 The Sub-Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates of either the Director of Operations & Regulatory Services, the Police or the applicant/licence holder but to weigh the merits of the case as presented to it - ensuring that the proper considerations are taken into account and any irrelevant factors are ignored, thereby reaching a balanced decision. The Sub-Committee must also state the reasons for its decisions.
- 9.3.5 Only the Sub-Committee members who have heard the entire application, or referred matter are able to take part in the decision-making process.
- 9.3.6 The Sub-Committee members should not participate in the hearing of a matter if there is a conflict of interest. This can arise where a members outside connections make it appear that there is a conflict, or a member has a prejudicial interest. Personal interest in a matter under consideration must be declared. Where a prejudicial interest exists, the member must withdraw from the meeting.
- 9.3.7 The Licensing Authority's Code of Conduct for Members provides that where a member has a registerable or non-registerable personal interest in an item before the Sub-Committee hearing, they must then consider whether they should participate in the meeting itself. The duty to consider whether or not to participate in a meeting is set out in the Code of Conduct.

9.4 Disciplinary or Referred Matters

- 9.4.1 When considering a disciplinary or a referred matter e.g., an application for a licence, the Sub-Committee will have regard to the appropriate section of the policy.
- 9.4.2 Appropriate disciplinary action can take a number of forms, for example:
- Revocation of a licence
 - Refusal to renew a licence
 - Suspension of a licence
 - A written warning expressing the Licensing Authority's dissatisfaction with the applicant/licence holder's behaviour, whilst also advising that future conduct incompatible with that expected of a licence holder could lead to a suspension, refusal to renew or revocation.

9.4.3 Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed (conditions cannot be attached to a Hackney Carriage Driver's Licence).

9.4.4 The action to be taken in any case will depend on the seriousness of the conduct/conviction/medical condition concerned.

9.5 Procedure Note – Regulatory & Appeals Sub-Committee

9.5.1 The Regulatory & Appeals Sub Committee hearing aims to ensure that the Licensing Authority and the applicant/licence holder have the fullest opportunity to present all the information they wish. The Sub-Committee is required to give full and fair consideration to the cases presented by the Authorised Officers and the applicant/licence holder and must reach a decision based on all of the relevant information presented to it at the hearing. To achieve this, the following procedure is adopted: -

9.5.2 Prior to Hearing

9.5.2A Where the Licensing Authority refers a matter to the Regulatory & Appeals Sub Committee for determination, it shall notify the applicant/licence holder of this and will submit a report to the Sub-Committee.

9.5.2.B A copy of the report to go before the Sub-Committee and the procedure to be followed at the hearing is supplied to the applicant/licence holder by the Licensing Authority. Copies of the Hackney Carriage and Private Hire Licensing Policy are available on the internet or upon request from the Licensing Authority. Applicant / licence holders are strongly advised to read this document when preparing for the hearing.

9.5.2C The applicant/licence holder shall be given notice in writing at least 5 clear working days in advance of the time and place of the hearing and of his right to be accompanied by a friend or other person, including a solicitor, and shall be allowed to call witnesses where required.

9.5.2D The applicant/licence holder may also submit a written statement of his/her case or other supporting documents prior to the hearing. Documentation should be provided to the Licensing Authority in advance of the hearing, if it is not, or if the Sub-Committee has not had sufficient time to consider the documentation the Sub-Committee may refuse to accept the documentation, or it may be necessary for consideration of the case to be deferred.

9.5.3 Absence of the Applicant/Licence Holder

9.5.3A The meeting may proceed in the absence of the applicant/licence holder if they have informed the Licensing Authority that they do not wish to attend or be represented at the hearing. If the applicant/licence holder would like the meeting to be adjourned to enable them to attend, then they must make this clear and provide reasons for the request.

- 9.5.3B If the applicant/licence holder fails to attend without notifying the Licensing Authority, the Sub-Committee may adjourn the hearing to a specific date if it considers it to be appropriate to do so. Alternatively, it may proceed with the meeting in their absence. In the interests of efficiency, meetings will generally proceed notwithstanding the absence of the applicant / licence holder.
- 9.5.3C Where it is decided to proceed in the absence of the applicant/licence holder the Sub-Committee will consider the information they have supplied along with the report from the Licensing Officer.
- 9.5.3D If a decision is made to adjourn a hearing the applicant/licence holder will be advised of the new date, time and venue.

9.5.4 At the Hearing

- 9.5.4A The Licensing Officer shall introduce the applicant and any accompanying persons before presenting the report to all present.
- 9.5.4B Further to an introduction of Councillors and supporting Officers by the Chair of the Committee, the applicant/licence holder and/or their representative shall be invited to present their case and shall call such witnesses as he/she wishes.
- 9.5.4C The Regulatory and Appeals Sub-Committee, their legal advisor, Officers of the Licensing Authority and any other attending Police representatives shall have the opportunity to ask questions of the applicant/licence holder and/or their representative and any witnesses called by or on behalf of the applicant/licence holder.
- 9.5.4D Attending Police representatives and Officers of the Licensing Authority will be invited to make any additional comments or points of clarification. Members of the Sub-Committee and the applicant may then ask questions by return at this stage.
- 9.5.4E The applicant/licence holder and their representative shall have the opportunity to sum up their case if they so wish.
- 9.5.4F The applicant/licence holder and his/her representative and witnesses and the Officers of the Licensing Authority and any additional witnesses shall withdraw from the meeting. Authorised officers from Legal and Democratic Services will remain in the meeting to provide procedural and legal advice.
- 9.5.4G The Regulatory and Appeals Sub-Committee shall deliberate in private, only recalling the applicant/licence holder or their representative and Officers to provide clarification on issues if required. If this occurs all parties will be invited back into the hearing together.
- 9.5.4H The applicant/licence holder will be notified of the Regulatory and Appeals Sub-Committee's decision and the reasons for it in writing, or where a licence has been suspended, revoked or a renewal has been refused written notice must be given within 14 days.

9.5.5 Appeal to Court

9.5.5A There is a statutory right of appeal to the Magistrates Court in relation to:

- a refusal to grant a private hire or hackney carriage driver licence;
- any conditions attached to a private hire driver licence;
- a decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver licence;
- a refusal to grant a private hire vehicle licence or against any conditions specified in the licence;
- a refusal to grant an operator's licence or any conditions attached to the grant of an operator's licence;
- a decision to suspend, revoke or refuse to renew an operator's licence.
- a decision to refuse to renew a hackney carriage proprietor's licence
- any conditions attached to a hackney carriage proprietor's licence

9.5.5B An appeal against a refusal to grant a Hackney Carriage vehicle/proprietors licence lies straight to the Crown Court.

9.5.5C Any appeal must be lodged with the appropriate Court 21 days following notification of the decision. Section 300(2) of the Public Health Act 1936, pursuant to section 77(1) of the 1976 Act, provides that "the time within which any such appeal may be brought shall be 21 days from the date on which the notice was served upon the person desiring to appeal". A Court fee may be levied. Costs may be awarded by the Court against an unsuccessful applicant or a licence holder. Such a person may wish to take independent legal advice regarding the merits of an appeal.

9.5.5D Usually, any action against the licence is stayed pending the outcome of a Court appeal [section 77(2) Local Government (Miscellaneous Provisions) Act 1976]. However, in cases where the public interest requires that a suspension or revocation of a driver licence should take immediate effect a decision can be made that section 77(2) shall not apply. In such cases the driver must be notified in writing, with an explanation as to why the action has been taken.

9.5.5E Decision making may also be challenged by judicial review in the High Court. Independent legal advice should be sought.

Chapter 10 Hackney Carriage Stands/Taxi ranks

10.1 Contents

- 10.1.1
 - Appointed Stands
 - Rank Etiquette
 - Byelaws

10.2 Appointed Taxi ranks

10.2.1 The purpose of taxi rank (also known as hackney carriage ranks) is to provide the public with a set location where they can hire a licensed hackney carriage. The taxi rank is the only situation where a hackney carriage may ply for hire in a stationary position and should be situated in locations where the public most need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Taxi ranks should be sited so that passengers can board or alight from the vehicle safely.

10.2.2 Hackney carriage ranks in the City are appointed under the City of Newcastle upon Tyne (On Street Parking Places) Order using powers set out by the Road Traffic Regulation Act 1984.

10.2.3 The Authority is required to continually review the provision of hackney carriage stands in the City.

10.3 Rank Etiquette

10.3.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages.

10.3.2 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages.

10.3.3 Drivers of hackney carriages who park on a stand and leave their vehicle unattended commit an offence.

10.3.4 Drivers of hackney carriages are expected to turn their vehicles off whilst waiting for a fare or to use their start stop technology if fitted.

10.4 Byelaws

10.4.1 The Authority has adopted Byelaws regarding the operation and use of hackney carriages and their drivers. The Byelaws are currently under review and will be amended. Although included at **Appendix H** to this Policy, regard must be had to the fact that the Byelaws are under review. Upon completion of the review any new Byelaws that are adopted will replace those at **Appendix H** and become part of this Policy without further consultation.

Chapter 11 Complaints Procedure

- 11.1 The Licensing Authority recognises the high standards of the private hire and hackney carriage trade and always expects all licence holders to uphold these standards. However, it is recognised that there may be occasions for transport users and other members of the trade or members of the public would like to make complaints and as such a complaints procedure has been devised.
- 11.2 All complaints received will be investigated (subject to paragraph 11.5). Complainants will receive a written acknowledgement of their complaint within 3 working days advising the name of the Officer assigned to investigate the complaint.
- 11.3 Complainants may be asked to put their complaint in writing if the complaint is such that formal action may result.
- 11.4 Depending on the nature of the complaint, the complaint may be referred to another more relevant regulator or Council department.
- 11.5 The Licensing Authority recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.
- 11.6 Licence holders are expected to assist with investigations and make themselves available for interview at a mutually convenient time and place.
- 11.7 At the end of the investigation, all parties concerned will receive confirmation of the result and action to be taken.
- 11.8 If any party is not satisfied as to the outcome, the Council's corporate complaints procedure is in place to deal with these issues.

This is accessible via Newcastle City Council website at:

<https://www.newcastle.gov.uk/services/communities-and-neighbourhoods/compliments-and-complaints>

APPENDIX A HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATIONS

- A.1 All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle. This is in addition to all the requirements of Road Traffic legislation, which relates to all motor vehicles.
- A.2 All vehicles must have the appropriate GB Type Approval or European Community Whole Vehicle Type Approval (ECWVTA).
- A.3 It is a legal requirement that the proprietor of an existing licensed vehicle (hackney carriage or private hire) shall notify the Authority in writing within 72 hours of any accident or occurrence materially affecting the safety, performance or appearance of the vehicle.
- A.4 The following vehicle specification shall be complied with during the licence period unless changes have been given prior approval by the Authority.

A.5 General Construction

- A.5.1 The vehicle shall comply fully with all relevant statutory provisions relating to the construction of motor vehicles and including those contained in the Road Vehicles (Construction and Use) Regulations 1986 (or any superseding legislation).
- A.5.2 Any modification to the vehicle (e.g., conversion to wheelchair accessible, alteration of the original seat configuration or any other 'adaptation') must be approved by the Authority and the appropriate certification produced where required.
- A.5.3 The vehicle shall be right-hand drive (unless exempted by the Authority).
- A.5.4 Tyres must be of the designated size, speed, and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.
- A.5.5 The body of the vehicle shall be of the fixed head type body.
- A.5.6 The vehicle shall be M1 category. All vehicles where adapted (e.g., movement of seatbelt anchorage points, floor change) must provide certification to the Authority showing compliance to the relevant 'type approval'.
- A.5.7 The vehicle must be wind and water-tight, and it must be maintained in a clean, comfortable, safe and mechanically sound condition and be in every way suitable for public service.

A.6 Passenger Comfort to Check

- A.6.1 There should be no obstructions or features in the vehicle (e.g., prominent transmission tunnels, door furniture, vehicle controls, etc) which, in the opinion of the Council, materially interferes with the comfort of any passenger.

- A.6.2 The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers.
- A.6.3 The vehicle shall be equipped with either:
- a) A spare wheel of full or space save design above the legal tread requirement and the tools to change a wheel, or
 - b) An emergency puncture repair kit (with compressor/inflation pack) or
 - c) Run flat tyres or
- A.6.3.1 In the event of a space – saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it is only to complete a fare and must comply and be maintained in accordance with the manufactures' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.
- A.6.3.2 A contract with a national emergency tyre replacement service is advisable to proprietors who may be unable to safely change a wheel.
- A.6.4 The vehicle shall have interior lighting fitted in the passenger compartment sufficient to illuminate the whole of that compartment to enable passengers to enter and leave the vehicle safely. The light(s) shall operate automatically when a door is opened.
- A.7 Passenger Safety**
- A.7.1 The vehicle must be fitted with glass which is in accordance with current Vehicle (Construction and Use) Regulations prescribed in respect of the normal zone of vision i.e., the front windscreen 75% light transmittance and the front door windows 70% light transmittance. All remaining windows to the rear of the B pillar may have tint complying to original manufacture specification. No retrospective fitting of tinted windows shall be fitted. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass.
- A.7.2 The vehicle must have at least one window on each side which is capable of being opened and closed.
- A.7.3 The vehicle should have at least four doors which open sufficiently wide as to allow safe and easy access and egress. Each passenger, other than a front seated passenger, shall have access to at least two doors.

A.7.4 Head restraints must be fitted for all forward and rear facing seats. The design of the headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

A.8 Luggage Capacity

A.8.1 Suitable dedicated provision for the secure carriage of luggage must be made separated from the passenger compartment.

A.9 Emission Standards

A.9.1 The following emission standards will be implemented as below:

- From 1st November 2023 no new or replacement vehicle will be granted a licence, unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone.
- From 1st November 2028 no vehicle will be licensed unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone, save for:.
- From 1st November 2033 no wheelchair accessible vehicles will be licensed unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone.

A.9.2 All "Full Electric" and zero emission at source vehicles will be exempted from this standard.

A.10 Specification for New and Replacement Wheelchair Accessible Vehicle Only

A.10.1 The vehicle must comply fully with the requirements of the Road Vehicles (Construction and Use) Regulations 1986 (or superseding legislation) as well as all general policies and specifications of the Authority which relate to Hackney Carriage vehicles.

A.10.2 Any vehicle that has been modified to accommodate a passenger with a disability confined to a wheelchair shall have been tested, or retested after modification, to meet the GB Type Approval or European Community Whole Vehicle Type Approval standards in the M1 category.

A.10.3 Appropriate VIN Plates shall be located in the position agreed by the vehicle converter and the Vehicle Certification Agency (VCA). This must bear the VCA Authentication stamp. A copy of the vehicle certificate of conformity may be required.

A.11 Passenger Safety and Comfort – Wheelchair Accessible Vehicles

- A.11.1 The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, and without interfering with the safety and comfort of any other passengers.
- A.11.2 Approved anchorages must be provided for wheelchair tie-downs. These anchorages must either be chassis or floor linked and shall comply with the strength requirements for M1 standards as part of GB Type Approval or ECWVTA and any current European directives. Restraints for wheelchair and occupant must be independent of each other. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- A.11.3 The design of the vehicle must allow safe access and egress of passengers including elderly and disabled passengers.
- A.11.4 Wheelchair access to the vehicle must be from the nearside or rear of the vehicle. The door and doorway must be constructed as to permit an unrestricted opening across the doorway of at least 75cm.
- A.11.5 The clear height of the doorway must not be less than 1.2 metres.
- A.11.6 Grab handles must be placed at one or more passenger door entrances as appropriate, to assist the elderly and disabled.
- A.11.7 The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
- A.11.8 Suitable means of wheelchair access must be fitted to the vehicle. Ramps must be of suitable design to ensure that they do not slip or tilt when in use and they provide a suitable gradient when in use. Tail-lifts must be of an approved type.
- A.11.9 If any of the seating within the vehicle has to be removed or adjusted in any way to accommodate one or more wheelchairs, the following conditions will also apply:
- The removal/adjustment must be able to be completed quickly and easily so that in the opinion of the Council there is minimal inconvenience caused to any hirer of the vehicle by the 'conversion'
 - Where one or more seats require removal to accommodate one or more wheelchairs there must be adequate space on the vehicle for the secure storage of any removed seats.
 - Where one or more seats are either removed or they become unusable when the vehicle has been 'converted' for wheelchair use there must be at least one further useable passenger seat.

APPENDIX B CONDITIONS ATTACHED TO A PRIVATE HIRE VEHICLE LICENCE [LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976]

B.1 Emission Standards

B.1.1 The following emission standards will be implemented as below:

- From 1st November 2023 no new or replacement vehicle will be granted a licence, unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone.
- From 1st November 2028 no vehicle will be licensed unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone, save for:
- From 1st November 2033 no wheelchair accessible vehicles will be licensed unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone.

B.1.2 All “Full Electric” and zero emission at source vehicles will be exempted from this standard.

B.2 Supplemental Documents

B.2.1 In addition to the application and associated fee, a vehicle licence will only be issued where the vehicle has evidence of:

- valid vehicle insurance certificate specifically stating that the vehicle is to be used for private hire / hire or reward.
- Certificate of Mechanical Compliance Test from the Council’s vehicle test centre.
- V5 vehicle registration document. In the case of a new vehicle the sales invoice which must show engine and chassis numbers, shall be produced at the time of application. The registration document shall be produced when it is received from the DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.
- a current MOT certificate (if applicable) for the vehicle.

B.3 Maintenance of Vehicle

B.3.1 The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

B.3.2 No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Licensing Authority.

B.4 Exterior Identification Plate

- B.4.1 The green licence plate supplied by the Licensing Authority shall be securely fixed externally on or about the rear bodywork or bumper of the vehicle in a conspicuous position and in such a manner as to be easily removed if necessary, by an Authorised Officer of the Licensing Authority or a Police Officer. The plate must be maintained in a satisfactory condition.
- B.4.2 “Securely fix” using the approved bracket provided by the Licensing Authority, but does not include fixing by magnets, ties or straps.
- B.4.3 The licensee shall not wilfully or negligently cause or suffer the said plate or decal attached in pursuance of this condition to be concealed from public view or to be so defaced that any figure or material particular is illegible.
- B.4.4 The licence plate always remains the property of the Licensing Authority.
- B.4.5 The licensee shall report the loss of any plate or the licence to the Licensing Authority as soon as the loss becomes known and arrange for a replacement to be issued within three working days. In the event of ceasing to use his vehicle for private hire purposes, shall return the licence plate to the Licensing Authority within 7 days.
- B.4.6 In the event of a licence plate being stolen, lost, damaged or destroyed, the full cost of the replacement of the plate shall be payable by the proprietor.

B.5 Interior Identification Markings

- B.5.1 The two green markings referred to as decals supplied by the Licensing Authority showing the number of the licence and the number of passengers prescribed in the licence, shall be displayed inside the vehicle on the nearside proportion of the windscreen and rear nearside quarter light area, in a prominent position so as to be clearly visible to all passengers. The decal must be maintained in a satisfactory condition and be legible.
- B.5.2 The numbered decals always remain the property of the Authority.
- B.5.3 The licensee shall report the loss of any numbered decal to the Licensing Authority as soon as the loss becomes known and arrange for a replacement to be issued within three working days. In the event of ceasing to use his vehicle for private hire purposes, shall return the numbered decal to the Licensing Authority within 7 days.

B.6. Wheelchair Facilities

B.6.1 The licensee shall ensure that:

- the equipment for securing a wheelchair complies with the hackney carriage and private hire vehicle specification and is always in a safe working order.
- the ramp for use in loading a wheelchair user is in a safe working order and is safely stored and secured when not in use.
- any drivers engaged in driving the licensed private hire vehicle have been instructed in the correct usage of the wheelchair equipment, its maintenance and storage.

B.7 Signage & Livery/Operator Identification

B.7.1 No signs, advertisements, video or audio display or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

B.7.1.A Any sign, notice or other marking required to be displayed by legislation or any other condition attached to this licence.

B.7.1.B Private Hire Vehicles shall at all times display a unique Private Hire Operator rear door sign bearing the name, and optionally the telephone number and/or 'App' of the associated Operator on each side of the vehicle, which has been approved by the Licensing Authority. The Private Hire Operator name must have a set lettering/image height of up to 150 mm.

The words "Private Only" or "Pre-Booked Only" or "Advance Booking Only" must be incorporated below the Private Hire Operator name. The minimum height for the Private Only, Pre-Booked Only or Advance Booking Only lettering is 100 mm.

B.7.1.C The name and number of the private hire operator from which the vehicle receives bookings may also be shown on the roof, rear doors, rear wings, bonnet and boot area of the vehicle (of two-dimensional insignia type) approved by the Licensing Authority. "Contravision" style advertising of the associated operator will also be allowed to the glass of the rear window.

B.7.1.D Prior to affixing any such details to the vehicle, its design and quality must be approved in writing by the Licensing Authority. A copy of the operator's proposed artwork shall be retained by the Licensing Authority for reference purposes for future conformity. Changes to any feature of the approved design or material must be notified in writing to the Licensing Authority and approved by an Authorised Officer before being taken into use.

B.7.1.E A vehicle must not be used to carry out any booking for a private hire operator when displaying livery of differing private hire operator.

B.7.1.F Removal of any applied private hire operator identifying livery other than when effecting bodywork repair, is not permitted without prior notification to the Licensing Authority.

B.7.2 A sign must be affixed to the inside of the vehicle indicating that smoking is prohibited in the vehicle

B.8 Colour of Private Hire Vehicle

B.8.1 Private hire vehicles can be any colour other than black.

B.9 Maintenance of Vehicle

B.9.1 The licensee must ensure that the licensed private hire vehicle is maintained in a clean, safe, watertight and mechanically sound vehicle both inside and out to ensure the safety of passengers conveyed therein.

B.9.2 Any accident or occurrence materially affecting the safety, performance or appearance of the vehicle must be reported to the Licensing Authority within 72 hours of such occurrence.

B.10 Licensee's Address

B.10.1 The licensee of a private hire vehicle shall on application for grant or renewal of the vehicle licence state the address of the place where the vehicle is kept when not in use and shall allow access for any necessary inspection or testing by an Authorised Officer of the Licensing Authority.

B.10.2 The licensee shall notify the Licensing Authority in writing within 7 days of any change in address during the period of the licence.

B.11 Meter/Fare Calculating Device & Table of Fares

B.11.1 The licensee of a vehicle in which a meter is installed shall not cause or permit the vehicle to be used unless:

- the table of fares has been deposited with the Licensing Authority; and
- the table of fares is exhibited in the vehicle in a position approved when the vehicle is submitted for examination by the Council's vehicle test centre.

B.11.2 The licensee shall not tamper with or permit anyone to tamper with any meter with which a vehicle is provided, with the fittings thereof or the seals affixed thereto.

B.11.3 The licensee shall use their best endeavours to ensure that:

- if hiring the vehicle to a second party the display face of the fare calculating device or meter is not concealed in any manner or by any means and that such display is distinctly and plainly visible to any person hiring or being conveyed in the vehicle.
- any failure of the meter is immediately reported to the Licensing Authority.
- if fitted with a meter, such meter is fitted with seals so that it is not practicable for any person to tamper with it.

B.11.4 The licensee shall ensure that fare calculating device, or the meter and table of fares specified are not used on any hiring if the meter has failed or does not comply with the conditions set out above. In such circumstances the private hire operator shall inform the passenger of the expected fare prior to commencement of the journey.

B.12 Lost Property

B.12.1 After a hiring, the private hire vehicle must be checked for any misplaced or lost property. The licensee shall, if any property is accidentally left in their licensed private hire vehicle by any person who may have been conveyed in that vehicle, take it forthwith or within 24 hours to the Lost Property Office Northumbria Police, Newcastle upon Tyne.

- B.12.2 Northumbria Police shall not accept any lost property unless it is:
- Any item that is illegal to possess such as drugs or firearms;
 - An identifiable item such as passports or driving licences;
 - Items of high value or significant sentimental value;
 - Items which store electronic data such as mobile phones, laptops etc;
 - Large quantities of cash.
- B.12.3 All other items of lost property should be returned to the Newcastle City Council licensed private hire operator registered office responsible for dispatching the fare to the driver.

B.13 Conduct of Licensee of Private Hire Vehicle

- B.13.1 The licensee or the driver of the vehicle shall not carry or permit to be conveyed in such vehicle any greater number of persons than that which the vehicle is licensed to carry.
- B.13.2 The licensee of the vehicle, or the driver of the vehicle if he is not the licensee, shall before commencing employment, deposit a copy of the vehicle licence with the licensed private hire operator for retention by him until such time as the vehicle ceases to be operated by them.
- B.13.3 If the licensee of the vehicle permits or employs any other person to drive the vehicle as a private hire vehicle, the licensee shall retain a copy of the person's private hire drivers' licence until such time as the driver ceases to be permitted or employed to drive the vehicle. A copy of this record shall be held for a period of at least 12 months after the driver ceases to drive the vehicle.
- B.13.4 The licensee of the vehicle shall ensure that every licensed driver employed by him is acquainted with, understands and observes the conditions attached to his or her private hire driver's licence and the conditions of the proprietor's private hire vehicle licence.
- B.13.5 The licensee or the driver of the vehicle shall not importune any person to hire such vehicle and shall not make use of the services of any other person for the purposes of importuning.

B.14 Insurance

- B.14.1 All vehicles must always have a current valid policy of insurance appropriate to the vehicle.
- B.14.2 If a vehicle is off the road and uninsured the licensee of the vehicle must advise the Licensing Authority in writing or in any event within 72 hours.
- B.14.3 When licensing or re-licensing a vehicle, the insurance cover produced must cover the vehicle for private hire use and must include the names of all the persons who will be driving for private hire purposes where appropriate.

- B.14.4 The licensee of the vehicle shall produce his Certificate of Vehicle Insurance:
- when presenting the vehicle for test at the Council's vehicle testing centre.
 - when making an application for or to renew the proprietor's licence with the Licensing Authority; and
 - at the request of an Authorised Officer of the Authority or Police Officer.

If the document(s) is (/are) not produced on the above occasions the vehicle examination will not be carried out nor the licence granted.

B.15 Vehicle Inspection by Authorised Officer of Licensing Authority or Police

- B.15.1 The licensee of the vehicle shall at all times permit an Authorised Officer or Police Officer to inspect the vehicle or any fare calculating device/meter affixed to it for the purpose of ascertaining its fitness.
- B.15.2 Should the Authorised Officer or Police Officer not be satisfied as to the fitness of the vehicle or its fare calculating device/taximeter the licensee of the vehicle shall comply with any request to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified by notice in writing given by the Authorised Officer or Police Officer.
- B.15.3 The licensee of the vehicle shall comply with any notice given by an Authorised Officer or Police Officer suspending the vehicle licence until such time as they are satisfied as to the vehicle's fitness or the fitness of any fare calculating device/taximeter affixed to it.

B.16 Testing of Vehicles and Renewal of Licences

- B.16.1 Licences are granted subject to the vehicle passing the Council's vehicle compliance testing requirements. The cost of such test shall be borne by the licensee of the vehicle.
- B.16.2 All licensed private hire vehicles shall be submitted for test in accordance with instructions issued by the Director of Operations and Regulatory Services and their delegated officers.
- B.16.3 All licensed private hire vehicles up to 36 months old from the first date of registration, including the date of test shall be submitted for test at 12-month intervals in accordance with instructions issued by the Director of Operations and Regulatory Services and their delegated officers.
- B.16.4 All licensed private hire vehicles over the age of 36 months on the day of test shall be submitted for test at 6 monthly intervals in accordance with instructions issued by the Director of Operations and Regulatory Services and their delegated officers.

- B.16.5 In the event that the licensee of the vehicle fails to submit a vehicle for testing at the pre-arranged appointment time without sufficient cause, the private hire vehicle licence shall be suspended.
- B.16.6. In the event of any licensed vehicle failing the Council's test, the vehicle licence shall be suspended. The removal of the suspension will be conditional upon the subsequent re-testing of the vehicle in accordance with instructions issued by the Director of Operations and Regulatory Services and their delegate officers.
- B.16.7 The cost of all tests and re-tests required shall be borne by the licensee of the vehicle.
- B.16.8 A licensee of a vehicle who wishes to make application for the renewal of their licence shall submit application and the appropriate fee to the Council on or before the date of its expiry.

B.17 Transfer of Interest

- B.17.1 The licensee shall notify the Licensing Authority in writing, giving the name and address of the new licensee of the vehicle within 14 days of the date he transfers his interest in the vehicle to another person.

B.18 Replacement Vehicles

- B.18.1 Licensees are reminded that it is an offence to use any unlicensed vehicle for private hire purposes and that the licence is granted in respect of the vehicle itself. Replacement vehicles, therefore, cannot be used for private hire purposes unless they have passed the Council's private hire vehicle test and the licence has been issued.

B.19 Additional Charges

- B.19.1 The licensee of the vehicle shall pay the Council any reasonable additional charges to be determined by the Council for:
- a) the replacement of any lost, stolen or damaged plate, decal or sign provided by the Licensing Authority (and which is required to be attached or displayed on or in the vehicle as a condition of this licence);
 - b) any vehicle test appointment for which the licensee of the vehicle fails to present the vehicle for testing, or which is cancelled by the proprietor without giving at least 72 hours - notice to the Licensing Authority.
 - c) transfer of interest of a vehicle.
 - d) reinspection of the vehicle following failed test/licence suspension.

B.20 Refunds

B.20.1 Where a licensee surrenders his private hire vehicle licence and plate to the Licensing Authority a refund will be made equivalent to 1/12th of the licence fee for each unexpired month of the surrendered licence, subject to a maximum refund equivalent to half of the licence fee.

B.21 CCTV Installation

B.21.1 If a CCTV system or dashcam is installed in this vehicle, the holder of this licence must comply with the Council's 'Taxi and Private Hire Vehicle CCTV Policy'.



APPENDIX C **CONDITIONS ATTACHED TO A HACKNEY CARRIAGE PROPRIETORS LICENCE**
[LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976]

C.1 **Emission Standards**

C.1.1 The following emission standards will be implemented as below:

- From 1st November 2023 no new or replacement vehicle will be granted a licence, unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone.
- From 1st November 2028 no vehicle will be licensed unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone, save for.
- From 1st November 2033 no wheelchair accessible vehicles will be licensed unless compliant with the stipulations of the Newcastle upon Tyne Clean Air Zone.

C.1.2 All “Full Electric” and zero emission at source vehicles will be exempted from this standard.

C.2 **Supplemental Documents**

C.2.A In addition to the application and associated fee, a proprietor’s licence will only be issued where the vehicle has evidence of:

- valid vehicle insurance certificate specifically stating that the vehicle is to be used for private hire / hire or reward.
- Certificate of Mechanical Compliance Test from the Council’s vehicle test centre.
- V5 vehicle registration document. In the case of a new vehicle the sales invoice which must show engine and chassis numbers, shall be produced at the time of application. The registration document shall be produced when it is received from the DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.
- a current MOT certificate (if applicable) for the vehicle.

C.3 Maintenance of Vehicle

- C.3.1 The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.
- C.3.2 No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Licensing Authority.

C.4 Exterior Identification Plate

- C.4.1 The red licence plate supplied by the Licensing Authority shall be securely fixed externally on or about the rear bodywork or bumper of the vehicle in a conspicuous position and in such a manner as to be easily removed if necessary, by an Authorised Officer of the Licensing Authority or a Police Officer. The plate must be maintained in a satisfactory condition.
- C.4.2 “Securely fix” using the approved bracket provided by the Licensing Authority, but does not include fixing by magnets, ties or straps.
- C.4.3 The proprietor shall not wilfully or negligently cause or suffer the said plate or disc attached in pursuance of this condition to be concealed from public view or to be so defaced that any figure or material particular is illegible.
- C.4.4 The licence plate always remains the property of the Licensing Authority.
- C.4.5 The licensee shall report the loss of any plate or the licence to the Licensing Authority as soon as the loss becomes known and arrange for a replacement to be issued within three working days. In the event of ceasing to use his vehicle for private hire purposes, shall return the licence plate to the Licensing Authority within 7 days.
- C.4.6 In the event of a licence plate being stolen, lost, damaged or destroyed, the full cost of the replacement of the plate shall be payable by the proprietor.

C.5 Interior Identification Markings

- C.5.1 The two red markings referred to as decals supplied by the Licensing Authority showing the number of the licence and the number of passengers prescribed in the licence, shall be displayed inside the vehicle on the upper nearside proportion of the windscreen and rear nearside quarter light area, in a prominent position so as to be clearly visible to all passengers. The decal must be maintained in a satisfactory condition and be legible.
- C.5.2 The numbered decals always remain the property of the Authority.

C.5.3 The proprietor shall report the loss of any numbered decal to the Licensing Authority as soon as the loss becomes known and arrange for a replacement to be issued within three working days. In the event of ceasing to use his vehicle for private hire purposes, shall return the numbered decal to the Licensing Authority within 7 days.

C.6 Hackney Carriage Minimum Vehicle Specifications

C.6.1 Every hackney carriage vehicle must meet the following dimensions:

Bench seat width (i.e. rear seat of a saloon vehicle) – 124.5cm

Width between rear doors – 132cm

Seat squab height measured from vehicle floor – 30cm

Seat squab depth – 41cm

Headroom measured from centre of seat to underside of roof – 86cm

Minimum boot space capacity – 0.303cm Metres

C6.2 The Director of Operations & Regulatory Services and their delegated Officers are able to exercise their discretion as to the suitability of a vehicle where the measurements are below the above dimensions.

C.7. Wheelchair Facilities

C.7.1 The licensee shall ensure that:

- the equipment for securing a wheelchair complies with the hackney carriage and private hire vehicle specification and is always in a safe working order.
- the ramp for use in loading a wheelchair user is in a safe working order and is safely stored and secured when not in use.
- any drivers engaged in driving the licensed hackney carriage have been instructed in the correct usage of the wheelchair equipment, its maintenance and storage.

C.8 Signage, Livery & Advertising

C.8.1 No signs, advertisements, video or audio display or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

C.8.1.A Any sign, notice or other marking required to be displayed by legislation or any other condition attached to this licence.

C.8.1.B The bonnet of the vehicle must be wrapped white in colour.

C.8.1.C The Proprietor shall always securely fix and display the red city crests supplied by the Authority and incorporating the hackney carriage proprietor's licence number centrally on the two front doors of the vehicle.

- C.8.1.D “Securely fix” does not include fixing the door crests by magnets.
- C.8.1.E Advertising on the rear (side) passenger doors of the vehicle, of two-dimensional insignia type, of a maximum size of 1000mm x 400mm may be approved by the Licensing Authority. All adverts must be approved by the Licensing Authority in writing, prior to the advert being appended to the vehicle.
- C.8.1.F Advertising to the rear most doors of wheelchair accessible hackney carriage vehicles will also be permitted as per the above dimensions. “Contravision” style advertising will be allowed to the glass of the rear most door(s) windows of wheelchair accessible vehicles.
- C.8.1.G Signs, notices or advertisements must not be of a content that the Authority deems to be offensive or abusive. No approval shall be given for any advert to be displayed on a licensed vehicle for products containing tobacco or nicotine-based products.
- C.8.1.H The Proprietor shall cause to be displayed on the vehicle, if not already incorporated into the vehicles design, a WHITE roof sign on the vehicle in a specification set in the Authority’s Policy and affixed in a manner approved at the time the vehicle is submitted for examination by the Authority.
- C.8.1.I The top sign must display the words “CITY OF NEWCASTLE UPON TYNE” and “TAXI” (minimum size 35cm wide and 10cm high) and must be capable of being illuminated when available for hire. The rear of the sign, when illuminated, must be illuminated red to comply with the Road Vehicle Lighting Regulations 1989.
- C.8.1.J A “FOR HIRE” sign must also be displayed in a conspicuous position on the vehicle. This sign must be illuminated when the vehicle is available for hire and must show orange or green light only.
- C.8.1.K The “TAXI” and “FOR HIRE” signs must switch off automatically when the taximeter is operating.
- C.8.1.L A sign must be affixed to the inside of the vehicle indicating that smoking is prohibited in the vehicle.
- C.9 Colour of Hackney Carriage**
- C.9.1 The base colour of all Hackney Carriage vehicles must be black. No colour other than black is permitted by these conditions.
- C.10 Maintenance of Vehicle**
- C.10.1 The proprietor must ensure that the licensed hackney carriage is maintained in a clean, safe, watertight and mechanically sound vehicle both inside and out to ensure the safety of passengers conveyed therein.

C.10.2 Any accident or occurrence materially affecting the safety, performance or appearance of the vehicle must be reported to the Licensing Authority within 72 hours of such occurrence.

C.11 Proprietor's Address

C.11.1 The proprietor shall on application for grant or renewal of the vehicle licence state the address of the place where the vehicle is kept when not in use and shall allow access for any necessary inspection or testing by an Authorised Officer of the Licensing Authority.

C.11.2 The proprietor shall notify the Licensing Authority in writing within 7 days of any change in address during the period of the licence.

C.12 Taxi Meter & Table of Fares

C.12.1 The proprietor must provide a meter in the hackney carriage which shall be clock/calendar control type, programmed to change to any premium tariff rate specified by the Licensing Authority automatically at the relevant date and time.

C.12.2 The meter must comply with the Licensing Authority's hackney carriage fares scale and shown on the meter as tariff 1 and 2.

C.12.3 Any tariff other than the Licensing Authority's Hackney Carriage fares scale, shall be known and displayed on the taximeter as tariff 3, 4, 5 etc as appropriate to the number of additional tariffs programmed. Any additional tariffs must not be greater than the Authority's tariff. There must be no additional charge for "extras" such as number of person or quantities of luggage.

C.12.4 When the meter is working, the fare must be clearly legible. This fare must be unambiguous and must not exceed the rate as given in the Licensing Authority's Hackney Carriage Fares Scale.

C.12.5 The Proprietor shall not tamper with or permit anyone to tamper with, any taximeter with which a vehicle is provided, with the fittings thereof or the seals affixed thereto.

- C.12.6 The Proprietor shall use his best endeavours to ensure that:
- during the continuance of such hiring the display face of the taximeter is not concealed in any manner or by any means and that such display is distinctly and plainly visible to any person hiring or being conveyed in the vehicle.
 - the display face of the taximeter is kept properly illuminated throughout the hiring.
 - any failure of the taximeter is immediately reported to the Licensing Authority.
 - the meter is fitted with seals so that it is not practicable for any person to tamper with it.
- C.12.7 The proprietor of a hackney carriage vehicle shall, at the request of an Authorised Officer or a Police Officer, produce the official Taximeter Certificate of Compliance supplied to the agent by the Licensing Authority and duly signed by the agent.
- C.12.8 A table of fares must be prominently displayed within the vehicle for passengers to clearly view.
- C.13 Hackney Carriage Byelaws**
- C.13.1 A set of hackney carriage bylaws must be held in the hackney carriage and must be available for inspection on request.
- C.14 Lost Property**
- C.14.1 After a hiring, the hackney carriage must be checked for any misplaced or lost property. The licensee shall, if any property is accidentally left in their licensed hackney carriage by any person who may have been conveyed in that vehicle, take it forthwith or within 24 hours to the Lost Property Office Northumbria Police, Newcastle upon Tyne.
- C.14.2 Northumbria Police shall not accept any lost property unless it is:
- Any item that is illegal to possess such as drugs or firearms;
 - An identifiable item such as passports or driving licences;
 - Items of high value or significant sentimental value;
 - Items which store electronic data such as mobile phones, laptops etc;
 - Large quantities of cash.
- C.14.3 All other items of lost property should be held by the proprietor for a period no less than 3 months. At the end of a period of 3 months, the item may be deemed to be unwanted and a waste. If a decision is made to discard it, it should dispose of appropriately and in doing so, the waste hierarchy and waste duty of care code of practice should be applied. Details can be found at www.gov.uk.

C.15 Vehicle Use/Letting to Hackney Carriage Drivers

C.15.1 If the Proprietor permits or employs any other person to drive the vehicle as a hackney carriage vehicle, the proprietor shall retain a copy of the person's hackney carriage driver's licence until such time as the driver ceases to be permitted or employed to drive the vehicle.

Note - No person may drive a hackney carriage vehicle unless they hold a valid hackney carriage driver's licence issued by Newcastle City Council.

C.15.2 The proprietor shall ensure that every licensed driver employed by him is acquainted with, understands and observes the conditions attached to his or her hackney carriage driver's licence and the conditions of the hackney carriage proprietor's licence.

C.16 Insurance

C.16.1 All vehicles must always have a current valid policy of insurance appropriate to the vehicle.

C.16.2 If a vehicle is off the road and uninsured the licensee of the vehicle must advise the Licensing Authority in writing or in any event within 72 hours.

C.16.3 When licensing or re-licensing a vehicle, the insurance cover produced must cover the vehicle for public hire use and must include the names of all the persons who will be driving for public hire purposes.

C.16.4 The proprietor shall produce his Certificate of Vehicle Insurance:

- when presenting the vehicle for test at the Council's vehicle testing centre.
- when making an application for or to renew the vehicle licence with the Licensing Authority; and
- at the request of an Authorised Officer of the Authority or Police Officer.

If the document(s) is (/are) not produced on the above occasions the vehicle examination will not be carried out nor the licence granted.

C.17 Vehicle Inspection by Authorised Officer of Licensing Authority or Police

C.17.1 The proprietor of the vehicle shall at all times permit an Authorised Officer or Police Officer to inspect the vehicle or any taximeter affixed to it for the purpose of ascertaining its fitness.

C.17.2 Should the Authorised Officer or Police Officer not be satisfied as to the fitness of the vehicle or its taximeter the proprietor of the vehicle shall comply with any request to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified by notice in writing given by the Authorised Officer or Police Officer.

C.17.3 The proprietor of the vehicle shall comply with any notice given by an Authorised Officer or Police Officer suspending the vehicle licence until such time as they are satisfied as to the vehicle's fitness, or the fitness of the taximeter affixed to it.

C.18 Testing of Vehicles and Renewal of Licences

C.18.1 Licences are granted subject to the vehicle passing the Council's vehicle compliance testing requirements. The cost of such test shall be borne by the proprietor of the vehicle.

C.18.2 All licensed hackney carriages shall be submitted for test in accordance with instructions issued by the Director of Operations and Regulatory Services and their delegated officers.

C.18.3 All licensed hackney carriages up to 36 months old from the first date of registration, including the date of test shall be submitted for test at 12-month intervals in accordance with instructions issued by the Director of Operations and Regulatory Services and their delegated officers.

C.18.4 All licensed hackney carriages over the age of 36 months on the day of test shall be submitted for test at 6 monthly intervals in accordance with instructions issued by the Director of Operations and Regulatory Services and their delegated officers.

C.18.5 In the event that the proprietor of the vehicle fails to submit a vehicle for testing at the pre-arranged appointment time without sufficient cause, the hackney carriage proprietor's licence shall be suspended.

C.18.6. In the event of any licensed vehicle failing the Council's test, the vehicle licence shall be suspended. The removal of the suspension will be conditional upon the subsequent re-testing of the vehicle in accordance with instructions issued by the Director of Operations and Regulatory Services and their delegate officers.

C.18.7 The cost of all tests and re-tests required shall be borne by the proprietor of the vehicle.

C.18.8 A proprietor who wishes to make application for the renewal of their licence shall submit application and the appropriate fee to the Council on or before the date of its expiry.

C.19 Transfer of Interest

C.19.1 The proprietor shall notify the Licensing Authority in writing, giving the name and address of the new proprietor of the vehicle within 14 days of the date he transfers his interest in the vehicle to another person.

C.20 Replacement Vehicles

C.20.1 Proprietors are reminded that it is an offence to use any unlicensed vehicle for hackney carriage purposes and that the licence is granted in respect of the vehicle itself. Replacement vehicles, therefore, cannot be used for hackney carriage purposes unless they have passed the Council's hackney carriage vehicle test and the licence has been issued.

C.21 Additional Charges

C.21.1 The proprietor shall pay the Council any reasonable additional charges to be determined by the Council for:

- a) the replacement of any lost, stolen or damaged plate, decal or sign provided by the Licensing Authority (and which is required to be attached or displayed on or in the vehicle as a condition of this licence);
- b) any vehicle test appointment for which the licensee of the vehicle fails to present the vehicle for testing, or which is cancelled by the proprietor without giving at least 72 hours - notice to the Licensing Authority.
- c) transfer of interest of a vehicle.
- d) reinspection of the vehicle following failed test/licence suspension.

C.22 Refunds

C.22.1 Where a proprietor surrenders his hackney carriage proprietors' licence and plate to the Licensing Authority a refund will be made equivalent to 1/12th of the licence fee for each unexpired month of the surrendered licence, subject to a maximum refund equivalent to half of the licence fee.

C.23 CCTV Installation

C.23.1 If a CCTV system or dashcam is installed in this vehicle, the holder of this licence must comply with the Council's 'Taxi and Private Hire Vehicle CCTV Policy'

APPENDIX D STANDARD “EXEMPTION NOTICE” CONDITIONS FOR EXECUTIVE HIRE VEHICLES

Note – An exempted private hire vehicle shall only be used by an Executive Private Hire Operator

- D.1 The standard private hire driver’s and vehicle licensee conditions which, are not compromised by these terms remain valid at all times. Failure to comply with these terms will result in the withdrawal of the exemption notice.
- D.2 The licensee of the exempted vehicle shall notify the Licensing Authority immediately in writing if there is any material change in the nature of the use of the vehicle.
- D.3 The gold identification decal issued by the Licensing Authority shall be displayed within the nearside of the front windscreen at all times.
- D.4 The Licensing Authority’s external private hire licence plate and internal decal will not be issued to vehicles subject to this exemption.
- D.5 The Exemption Notice, issued by the Licensing Authority shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
- D.6 Other than the Licensing Authority issued gold identification decal affixed to the front windscreen, the proprietor shall not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or promoting the vehicles status as a licensed private hire vehicle.
- D.7 No (taxi)meter or fare calculating device shall be displayed within the vehicle at any time.
- D.8 No tables of fares/tariff card shall be displayed within the vehicle at any time.
- D.9 Whilst the driver of the licensed “executive” vehicle shall not wear the identity badge issued to them, the private hire driver’s identity badge issued by the City Council shall be conveyed within the vehicle at all times and produced for inspection, upon the request of an Authorised Officer of the Council, a Police Constable or the hirer.
- D.10 The driver of the vehicle shall be appropriately dressed in either a chauffeur’s uniform, business suit, or blazer, shirt and tie when the vehicle is hired.
- D.11 The vehicle proprietor shall provide the facility to settle accounts and/or tender direct payment by credit card, debit card, cheque, bank transfer or other electronic means.
- D.12 The vehicle must only be operated through an operator’s licence, under which only vehicles that benefit from a notice of exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, are operated.

APPENDIX E CONDITIONS ATTACHED TO A PRIVATE HIRE DRIVERS LICENCE

E.1 Conduct of Driver

The licensed driver shall:

- E.1.1 At all times when a vehicle is being driven for hire, be clean and respectable in his dress and person and conduct himself/herself in an orderly manner with civility and propriety towards every person seeking to hire or hiring or being conveyed in such vehicle and to any authorised officer of the Authority.
- E.1.2 Comply with every reasonable requirement of any person hiring or being conveyed in such vehicle.
- E.1.3 Convey a reasonable quantity of luggage.
- E.1.4 Afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he may take up or set down.
- E.1.5 Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- E.1.6 Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment he/she is driving and not to allow the same to be a source of nuisance or annoyance to any person, whether inside or outside of the vehicle.
- E.1.7 Not importune any person to hire such vehicle and shall not make use of the services of any other person for the purposes of such importuning.

E.2 Passengers

- E.2.1 The licensed private hire driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- E.2.1 The licensed private hire driver shall not convey any additional passenger(s) in the vehicle without the express consent of the hirer.

E.3 Private Hire Vehicle Licence Identification Plate & Markings

- E.3.1 The licensed private hire driver shall not wilfully or negligently cause or suffer the private hire vehicle licence plate or internal markings (decals) from public view or to be defaced that any figure or material particular is illegible.

E.4 Meter/Fare Calculating Device

E.4.1 If a licensed private hire vehicle is fitted with a meter or other fare calculating or recording device, the driver shall not cause the fare recorded or displayed thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and payment of fare is satisfactorily concluded.

E.4.2 The driver of a licensed private hire vehicle shall not require for such hiring a fare greater than that previously agreed. If the vehicle is fitted with a meter or other fare calculating or recording device and there has been no previous agreement as to the fare, that which is shown on the meter/fare calculating device shall be charged.

E.4.3 A driver should ensure during the continuance of such hiring

- the display face of the fare calculating device or meter is not concealed in any manner or by any means, and that such display is distinctly and plainly visible to any person hiring or being conveyed in the vehicle.
- Any failure of the meter is immediately reported to the Licensing Authority
- If fitted with a meter, such meter is fitted with seals so that it is not practicable for any person to tamper with it..

E.5 Punctual Attendance

E.5.1 The licensed driver of a private hire vehicle who has agreed to be or has been hired to be in attendance with a vehicle at an appointed time and place, shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place

E.6 Lost Property

E.6.1 After a hiring, the licensed private hire vehicle must be checked for any misplaced or lost property. If any identifiable property is left in a private hire vehicle by any person who is conveyed therein is found by or handed to the licensed driver, he/she shall take it forthwith or within 24 hours to the Lost Property Office Northumbria Police, Newcastle upon Tyne.

E.6.2 Northumbria Police shall not accept any lost property unless it is:

- Any item that is illegal to possess such as drugs or firearms;
- An identifiable item such as passports or driving licences;
- Items of high value or significant sentimental value;
- Items which store electronic data such as mobile phones, laptops etc;
- Large quantities of cash.

E.6.3 All other items of lost property should be returned to the Newcastle City Council licensed private hire operator registered office responsible for dispatching the fare to the driver.

E.7 Written Receipts

E.7.1 The driver shall, if required by the hirer of a private hire vehicle, provide him with a written receipt for the fare paid.

E.8 Private Hire Driver Identity Badge and Licence

E.8.1 All licensed private hire drivers shall wear the private hire identity badge supplied by the Licensing Authority when on duty. The identity badge must be worn in such a manner as to be clearly visible.

E.8.2 The private hire identity badge and licence always remain the property of the Council.

E.8.3 The licensed private hire driver shall upon the expiry, revocation or suspension of this licence forthwith return to the Licensing Authority the identification badge and licence issued. The driver will not be required to return the identification badge and licence if they have the right to appeal or have appealed against the revocation or suspension of their licence.

E.8.4 The driver shall, before commencing employment, deposit a copy of his/her private hire driver's licence with the private hire operator for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle for that operator.

E.9 Change of Address

E.9.1 The licensed private hire driver shall notify the Licensing Authority in writing of any change of his address during the period of the licence within seven days of such change taking place.

E.10 Medical Fitness

E.10.1 The licensed private hire driver must inform the Licensing Authority immediately if he/she has any change in medical condition or disability that may adversely affect his/her ability to drive a private hire vehicle.

E.10.2 A licensed private hire driver or prospective licensed driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are fit to undertake the duties of a private hire driver. Where any medical attendant specifies that a licensed private driver or prospective licensed driver should not drive for a determinate or indeterminate period, he/she shall notify the Licensing Authority in writing of such medical provision. Notification must be sent to ncclicensing@newcastle.gov.uk Council's email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.

E.11 Convictions, Cautions, Fixed Penalties, Community Resolutions or On-Going Investigations

E.11.1 The licensed private hire driver shall within seven days disclose to the Licensing Authority in writing details of any conviction (including all motoring offences), caution, fixed penalty or community resolution received during the period of the licence. The licensed driver shall notify the Licensing Authority in writing within seven days if he/she has been charged with an offence or has been released by the police on bail or under investigation.

E.12 Licensees who have spent time overseas

E.12.1 Existing licensed private hire drivers must notify the Licensing Authority in writing when they intend to leave the country for an extended period of 3 months or more. He/she must also notify on their return and complete a statutory declaration provided by the Licensing Authority.

E.12.2 Those who confirm that they have lived in a country other than the UK for one or more periods of three months or more, within the last three years, will be required to produce a Certificate of Good Conduct issued by the relevant non-UK country.

E.12.3 A 'Certificate of Good Conduct' is an extract from the judicial record, or an equivalent document issued by a competent judicial or administrative authority in the relevant country.

E.12.4 In order to obtain a Certificate of Good Conduct and for up-to-date information on any costs involved, you should contact the Embassy or High Commission of the country in question.

E.13 Guide Dogs

E.13.1 At the request of the hirer, the driver shall convey any hearing, guide or assistance dog(s) accompanying a disabled person. The charge for such journey shall be in accordance with the Private Hire Operator's table of fares, as deposited with the Licensing Authority.

E.13.2 The Licensing Authority may exempt a licensed private hire driver from the requirement to carry hearing, guide and assistance dogs accompanying disabled people, if that driver has a severe medical condition which is aggravated by contact with dogs, an allergic reaction to dogs, or an acute phobia of dogs. The licensed private hire driver must hold a certificate of exemption on medical grounds issued under the Equality Act 2010.

E.14 Wheelchair Accessible Private Hire Vehicles

E.14.1 All licensed private hire drivers of private hire vehicles must:

- i. be fully conversant with the correct method of operation of all ramps, lifts, wheelchair and person restraints fitted to the vehicle;
- ii. before any movement of the vehicle takes place ensure that all wheelchairs are secured to the vehicle using the approved restraining system and the brakes of the wheelchair have been applied.
- iii. Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with The Road Vehicles (Construction and Use) Regulations 1986.

E.15 Disclosure & Barring Service (DBS)

E.15.1 A driver upon receipt of the DBS certificate, shall subscribe to the DBS update service and further provide the update service certificate code and DBS certificate to the Council within 30 days of receipt.



APPENDIX F LICENSED DRIVER CODE OF CONDUCT

F.1 In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Licensing Authority has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

F.2 Responsibility to the Licensing Authority

F.2.1 Licensees shall endeavour to promote the image of the Hackney Carriage and Private hire trade by:

F.2.1.A Complying with this Code of Conduct;

F.2.1.B Complying with all the Conditions of their Licence and the Authority's Hackney Carriage and Private Hire Licensing Policy; Byelaws.

F.2.1.C Behaving in a professional manner at all times.

F.2.1.D Notifying the Licensing Authority in writing of any change of their address and contact details during the period of the licence within 7 days of such change taking place.

F.2.1.E Notifying the Licensing Authority in writing within 7 days of commencing work with a private hire operator.

F.2.1.F Notifying the Licensing Authority upon any subsequent change of private hire operator.

F.2.1.G Ensuring that relevant documentation (including DBS certificate/status, Medical Certificate, and right to work documentation) required by the Council to assess their fit and proper status, is kept up to date and remains 'valid' in line with the Council's policies.

F.2.1.H Attending (as required) and pay the reasonable administration charge or fee attached to any requirement for training or to produce a relevant certificate (i.e., new medical certificate), assessment, validation check or other administration process.

F.2.1.I Registering and remain registered with the DBS Update Service to enable the Local Authority to undertake regular checks of the DBS certificate status as necessary. If the driver does not subscribe to the DBS update service, allows their subscription to lapse or the information changes, they will be required to obtain a further DBS check after 6 months, in accordance with DFT statutory Standards.

F.2.1.J Notifying the Licensing Authority immediately in writing (or in any case within 7 days) if they are subject to any of the following:

- arrest or criminal investigation;
- summons;
- charge;
- conviction;
- formal/simple caution;
- fixed penalty or speed awareness course;
- criminal court order;
- criminal behaviour order or anti-social behaviour injunction;
- domestic violence related order;
- warning or bind over;
- any matter of restorative justice and shall provide such further information about the circumstances as the Council may require.

F.2.1.K Notifying the Licensing Authority of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver's licence requiring a DVSA Group 2 medical standard (the same standard as applied by the DVSA to the licensing of lorry and bus drivers). Notification must be sent to ncclicensing@newcastle.gov.uk email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.

F.2.2 Responsibility to Customers/Clients

F.2.2.1 Licensees shall:

F.2.2.1.A Maintain their vehicles in a safe and satisfactory condition at all times;

F.2.2.1.B Keep their vehicles clean and suitable for hire to the public at all times;

F.2.2.1.C Attend punctually when undertaking a pre-booked hiring;

F.2.2.1.D Assist, where necessary, passengers into and out of vehicles;

F.2.2.1.E Offer passengers reasonable assistance with luggage;

F.2.2.1.F When hired shall, (subject to any directions given by the passenger), take the shortest route bearing in mind likely traffic problems and known diversions and explain to the passenger any diversion from the most direct route. Alternative routes must be discussed with the passengers before being taken;

F.2.2.1.G Ensure that a daily vehicle check has been completed at the beginning of each shift. This check should include as a minimum; tyre tread depth, pressure and overall condition; all operational lights; water levels; washer fluid levels; internal and external cleanliness; condition of bodywork; required vehicle markings and identification plate. This check list is not exhaustive;

- F.2.2.1.H Ensure they are aware of all the workings and mechanics of the vehicles before undertaking bookings;
- F.2.2.1.I Not display any moving images or have any form of visual display screen fitted to the licensed vehicle other than satellite navigation;
- F.2.2.1.J Not conduct any telephone conversation whilst driving passengers.

F.2.3 Responsibility to Public (inc. Residents)

- F.2.3.1 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:
 - F.2.3.1.A Not use the vehicle's audible warning device (horn) to attract customer attention. The horn must only be used in an emergency;
 - F.2.3.1.B Keep the volume of the vehicle sound system and any internal audio to a minimum so as to avoid noise nuisance and disturbance;
 - F.2.3.1.C Turn off the engine if required to wait.
 - F.2.3.1.D Take whatever additional action may be necessary to avoid disturbance to residents in conducting licensed work.

F.2.3.2 At hackney carriage stands and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- F.2.3.2.A Stand and proceed in an orderly manner;
- F.2.3.2.B Remain in the vehicle;
- F.2.3.2.C Be available for immediate hire;
- F.2.3.2.D Not tout or solicit or importune any person to hire such carriage and shall not make use of the services of any other person for such purpose.
- F.2.3.2.E Not locate their hackney carriage, with the intention of immediate hire, in a location other than an authorised rank.

F.2.3.3 Private Hire Requirements:

- F.2.3.3.A The licensee shall ensure that the passenger(s) entering the vehicle is/are the correct person(s) for whom the vehicle has been pre-booked;

F.2.3.3.B The licensee must take precautions against behaviour that may be deemed to be standing or plying for hire, by not parking or waiting without a booking:

- in high footfall /high visible locations
- outside busy venues/businesses or in close proximity to events
- at the front or back of designated hackney ranks
- in groups or lines that present as a 'rank'

F.2.3.3.C The licensee shall not while driving or in charge of a private hire vehicle:

- Tout or solicit any person to hire or be carried for hire in any private hire vehicle
- Cause or allow any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- Offer any Private Hire vehicle for immediate public hire (whether the journey was undertaken or not)
- Accept, or consider accepting, an offer for the immediate hire of that vehicle, including any such hire that is then communicated to the Operator to be recorded on the Operator's booking system. For the avoidance of doubt, bookings can only be undertaken when first communicated to the licensee by the operator.

F.2.3.3.D The licensee must take precautions against behaviour that may be deemed to be standing or plying for hire

F.2.4 General Requirements

F.2.4.1 All licensed drivers shall:

F.2.4.1.A Pay attention to personal hygiene and dress in accordance with the Dress Code (Ref. F.3);

F.2.4.1.B Be polite, helpful and respectful to passengers;

F.2.4.1.C Drive with care and consideration for other road users and pedestrians and in particular shall not use a handheld mobile phone whilst driving;

F.2.4.1.D Obey all Traffic Regulation Orders and directions at all times;

F.2.4.1.E Not smoke in the vehicle at any time (this includes e-cigarettes, vaping);

F.2.4.1.F Not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle or when still under the influence of alcohol;

F.2.4.1.G Not drive while having misused legal or illegal drugs or when driving may be impaired by legal drugs;

F.3 Licensed Driver Dress Code

F.3.1 The purpose of a driver's dress code is to seek a standard of dress that promotes a positive image of the hackney carriage and private hire trade in Newcastle upon Tyne, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

F.3.2 The dress code is not a condition of licence; however, the Licensing Authority encourages and would expect all drivers to comply with the requirements.

F.3.3 Acceptable Standards of Dress

F.3.3.1 All clothing worn by those working as a private hire or hackney carriage drivers must be in good condition and the driver must keep good standards of personal hygiene

F.3.3.2 As a minimum standard whilst working a licensed driver, should wear trousers / or a knee length skirt or dress and a shirt/blouse which has a full body and short/long sleeves. Knee length tailored shorts are acceptable. Exceptions related to faith or disability are accepted.

F.3.4 Footwear

F.3.4.1 Footwear for all drivers shall fit around the heel of the foot.

F.3.5 Unacceptable Standard of Dress

F.3.5.1 The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature, or which might offend.
- Sportswear (e.g., football/rugby kits, track suits, beach wear etc).
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed.
- The wearing of any hood or other type of clothing that may obscure the driver's vision or their identity.

F.3.6 Uniforms

- F.3.6.1 The Council recognises the positive image that uniforms can create. This dress code does not require a licensed driver to wear a distinct uniform. The Council acknowledges that many private hire and hackney carriage companies do require licensed drivers to wear appropriate corporate branded uniform, and this is a practice that the Council would encourage licensed drivers to support.



APPENDIX G CONDITIONS ATTACHED TO PRIVATE HIRE OPERATOR'S LICENCE

G.1 In these conditions "Operator" means the holder of an Operator's Licence granted by the Council, "the Council" means the Council of the City of Newcastle upon Tyne, "the Proprietor" means the holder of a Private Hire Vehicle Licence, "the Act" means the Local Government (Miscellaneous Provisions) Act 1976.

G.2 Licensing Conditions

G.2.1 The Operator shall ensure that for each private hire vehicle operated by him within the area of the City of Newcastle upon Tyne, there is in force a private hire vehicle licence granted by the Council and that every driver of such vehicle has a private hire driver's licence granted by the Council.

G.2.2 The Operator shall return his licence to the Council for endorsement when changing his home and/or operating premises address within 7 days of such change.

G.3 Private Hire Vehicle Livery

G.3.1 No signs, advertisements, video or audio display or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

G.3.2 Any sign, notice or other marking required to be displayed by legislation or any other condition attached to this licence.

G.3.3 Private Hire Vehicles shall at all times display a unique Private Hire Operator rear door sign bearing the name, telephone number and/or 'App' of the associated Operator on each side of the vehicle, which has been approved by the Licensing Authority. The Private Hire Operator name; telephone number and or app must have a set lettering/image height of up to 150 mm.

The words "Private Only" or "Pre-Booked Only" or "Advance Booking Only" must be incorporated below the Private Hire Operator name. The minimum height for the Private Only lettering is 100 mm.

G.3.4 The name and number of the private hire operator from which the vehicle receives bookings may also be shown on the roof, rear doors, rear wings, bonnet and boot area of the vehicle (of two-dimensional insignia type) approved by the Licensing Authority.

- G.3.5 Prior to affixing any such details to the vehicle, its design and quality must be approved in writing by the Licensing Authority. A copy of the operator’s proposed artwork shall be retained by the Licensing Authority for reference purposes to future conformity. Changes to any feature of the approved design or material must be notified in writing to the Licensing Authority and approved by an Authorised Officer before being taken into use.
- G.3.6 A vehicle must not knowingly be used to carry out any booking for a private hire operator when displaying livery of differing private hire operator.
- G.3.7 Removal of any applied private hire operator identifying livery other than when effecting bodywork repair, is not permitted without prior notification to the Licensing Authority.

G.4 Bookings

- G.4.1 The Operator shall not carry or permit to be conveyed in any vehicle operated by him any greater number of persons than that which the vehicle is licensed to carry.
- G.4.2 When the Operator accepts a booking for a vehicle to be in attendance at an appointed time and place, he shall take all reasonable steps to ensure that a suitable vehicle punctually attends.

G.5 Records

- G.5.1 The Operator shall at the time of booking for which any vehicle is accepted, cause to be entered into a record in the form specified in this condition the name in which the booking is made, the date, time and place at which the booking is to commence, the destination and licence number or registration number of the vehicle sent to fulfil that booking. The Operator shall keep as part of this record or as a separate record such information a will enable any Authorised Officer inspecting the records to identify the driver of each vehicle on each hiring.

Time Car Required	Name of Client	Pick Up Point	Destination	Car No.	Driver No. (if not kept as separate record)	Agreed Contract

G.5.2 The Operator shall also keep records in the form specified in this condition of the particulars of all Private Hire Vehicles operated by him including in each case the name and address of the Proprietor(s), the registration numbers, vehicle licence numbers, the name and driver's licence number of the driver(s) of the vehicle and the dates the operator commenced and ceased to operate the vehicle

Name and Address of Vehicle Owner(s)	Reg. No.	Private Hire Vehicle Licence No.	Date of Commencement of Employment	Date of Termination of Employment	Name and No. of Private Hire Driver(s)

G.5.3 All records kept under the above conditions (Ref. G.5.1 and G.5.2) must be retained by the Operator for one year from the date upon which he ceases to operate that vehicle and shall be available at the operating premises for examination by any Authorised Officer of the Council at any reasonable time.

G.5.4 The Operator shall submit to the Director of Regulatory Services and Public Protection in writing, on or before the 7th day of each month, either: -

G.5.4.1 The names, addresses and vehicle licence numbers of all Proprietors, and the names, addresses and drivers licence numbers of all drivers employed by him during the previous month together with the dates that they commenced or ceased such employment if this occurred during the said month;

G.5.4.2 The names, addresses and vehicle licence numbers of any proprietors and the names, addresses and drivers licence numbers of any drivers who commenced or ceased employment during the said month, together with the dates such employment commenced or ceased.

G.6 Conduct

G.6.1 The Operator shall at all times conduct himself in an orderly manner and with civility to every person seeking to hire or hiring, or otherwise concerned with any contract or enquiry in respect thereof and shall take all reasonable steps to ensure that this condition is complied with by any servant or agent involved in carrying out the Operator's business.

G.6.2 The Operator shall not importune any person to hire a vehicle and shall not make use of the services of any other person for the purpose of such importuning.

G.7 Premises

- G.7.1 Upon grant of an operator's licence the Licensing Authority will specify the address or addresses from which the operator may operate. The premises must be in the controlled district of the city. The operator may only operate from the address stated on their licence.
- G.7.2 The Operator shall keep clean, adequately heated, ventilated and lit any premises which he provides and to which the public have access, whether for the purpose of booking or waiting and shall ensure that the waiting area has adequate seating facilities.

G.8 Table of Fares/Operator Tariff

- G.8.1 On the grant and renewal of the Private Hire Operator's Licence, the Operator shall deposit with the Council a table of fares and charges applicable to all vehicles operated by him. Any change or variation to these fares and charges applicable to all vehicles operated by him shall immediately be notified to the Council.

G.9 Operator Trading Name and Logo/Graphic

- G.9.1 The Operator shall not use for the purposes of and in connection with this licence and any activities authorised thereby any trading name or logo or graphic other than shown on the licence or otherwise approved in writing by the Council.
- G.9.2 The Operator shall maintain an independent operation in Newcastle by the installation of dedicated telephone line(s) or alternative electronic means to the Newcastle office with their own unique telephone number(s) and or server.

APPENDIX H NEWCASTLE CITY COUNCIL HACKNEY CARRIAGE BYELAWS

Byelaws made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Council of the City of Newcastle upon Tyne, with respect to hackney carriages in the City of Newcastle upon Tyne.

Interpretation

1. *Throughout these byelaws "the Council" means the Council of the City of Newcastle upon Tyne, "the district" means the City of Newcastle upon Tyne and "the 1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.*

Licence Plate

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

2. *(a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked*
 - (i) inside of the carriage; and*
 - (ii) on a plate affixed to the outside of the carriage in a position approved by the Council.*
- (b) A proprietor or driver of a hackney carriage shall: -*
 - (i) not wilfully or negligently cause or suffer any such number to be not available to, or 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 such painting, marking or plate so defaced or unclean that any figure or material particular is illegible.*

Furnishings of Hackney Carriage

Provisions regulating how hackney carriages are to be furnished or provided.

3. *Every proprietor of a hackney carriage shall: -*
- a) *provide sufficient means by which any person in the carriage may communicate with the driver;*
 - b) *cause the roof covering to be kept water-tight;*
 - c) *provide any necessary windows and a means of opening and closing not less than one window on each side;*
 - d) *cause the seats to be properly cushioned or covered;*
 - e) *cause the floor to be provided with a proper carpet, mat or other suitable covering;*
 - f) *cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;*
 - g) *provide means for securing luggage if the carriage is so constructed as to carry luggage;*
 - h) *provide an efficient fire extinguisher of a type approved by the Council which shall be carried in such a position approved by the Council as to be readily available for use;*
 - i) *provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;*
 - j) *ensure that no advertisement is displayed in on or from the carriage unless such advertisement has as regards the product or service advertised and the size, design and position of the advertisement been approved by the Council.*

Taximeter

4. (i) *If the taxi meter is fitted with a flag or other device bearing the words "FOR HIRE": -*
- (a) *the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;*
 - (b) *when the flag or other device is so locked the machinery of the taxi meter shall not be in action and the means of bringing it in to action shall be by moving the flag or other device so that the words are not conveniently legible;*
 - (c) *when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.*
- (ii) *If the taximeter is not fitted with a flag or other device bearing words "FOR HIRE";*
- (a) *the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" or other indication that the vehicle has been hired to appear on the face of the taximeter;*
 - (b) *such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;*
 - (iii) *When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the rate or fare prescribed for the time being by the Council under Section 65 of the 1976 Act;*
 - (iv) *The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;*
 - (v) *The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;*
 - (vi) *The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them, except by breaking, damaging or permanently displacing the seals or other appliances.*

5. *Every proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say: -*

- (a) the sign shall bear the words "FOR HIRE" in plain letters;*
- (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.*

Conduct of Driver

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.

Use of "FOR HIRE" Sign and of Taximeter

6. *Every driver of a hackney carriage shall:*

- (i) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE": -*
 - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;*
 - (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible, and keep the machinery of the taximeter in action until the termination of the hiring;*
- (ii) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE": -*
 - (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of byelaw 5 so that the words "FOR HIRE" are clearly and conveniently legible to persons outside the carriage;*
 - (b) as soon as the carriage is hired whether by distance or by time or at any time when the carriage is not available, operate the said sign so that the words "FOR HIRE" are not conveniently legible to persons outside the carriage;*

- (c) *as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so the word "HIRED" or other indication that the vehicle has been hired is legible on the face of the taximeter, and keep the machinery of the taximeter in action until the termination of the hiring;*
- (iii) *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 purpose of the Road Traffic Act 1972 and also at any other time at the request of the hirer.*

Improper use of Taximeter

- 7. *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.*

Conduct on Ranks

- 8. *The driver of a hackney carriage shall, when plying for hire in any street or public place, and not actually hired: -*
 - (a) *proceed with reasonable speed to one of the stands appointed by the Council under section 63 of the 1976 Act;*
 - (b) *if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;*
 - (c) *on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, (i) station the carriage in the direction indicated by markings upon the stand and in one of the vacant spaces indicated by such white lines; and, except where the lay-out of the stand prevents, station the carriage immediately behind the carriage or carriages already on the stand and so on as to face in the same direction; (ii) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward; (iii) if such carriage occupies the first or second position on the stand, the driver to remain with the carriage ready to be hired at once;*

Punctual Attendance

- 9. *The proprietor or driver of a hackney carriage who shall have agreed or shall have been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.*

Wearing of Badge

10. *If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying for hire, and when hired wear that badge in such a position and manner as to be plainly and distinctly visible.*

Assistance with Luggage

11. *Every driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage: -*
- (a) convey a reasonable quantity of luggage;*
 - (b) afford reasonable assistance in loading and unloading;*
 - (c) afford reasonable assistance in removing it to or from the entrance of any house, station or place, at which he may take up or set down such person.*

Proper Conduct of Driver or Proprietor

12. *The proprietor or driver of a hackney carriage shall at all times, when standing, plying for hire and when hired, be of a clean and respectable dress and appearance and conduct himself in an orderly manner, and with civility and propriety towards every person seeking to hire, or hiring or being conveyed in such carriage; and shall comply with every reasonable requirement of any person hiring or being conveyed in such carriage.*

Deceased Person

13. *Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter notify the fact to the Council's Director of Environmental Health.*

Driver or Proprietor not to Canvass for Employment

14. *A driver or proprietor 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.*

Number of Passengers

15. *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 has been specified by the Council which number shall be legibly marked or painted on the plates required by Byelaw 2(a). For the purpose of this byelaw two children each under the age of 12 years shall be treated as one person, provided that no more than four such children shall be so treated for the purpose of one journey.*

16. *Every driver of a hackney carriage shall at all times when standing, plying or driving for hire when required by any police constable, any authorised officer of the Council or any person hiring such carriage produce a copy of these bylaws for the perusal and inspection of such constable or person.*

Rate of Fare

Provisions relating to the rates of fares, for time as well as for distance, to be paid for hackney carriages within the district, and securing the due publication of such fares.

17. *The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed for the time being by the Council under Section 65 of the 1976 Act, the rate of fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time, when the rate of fare shall be calculated by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter which shall include all applicable extra charges authorised by the Council under Section 65 of the 1976 Act.*

18. 1) *The proprietor of a hackney carriage shall: -*
- (a) *cause a statement of the fares prescribed for the time being by the Council under Section 65 of the 1976 Act to be painted or marked on the side of the interior of the carriage or on a plate affixed thereto, in clearly distinguishable letters and figures in a position where such statement shall be visible to all passengers in the carriage;*
 - (b) *cause such statement to be in clearly distinguishable letters and figures and to renew such letters and figures as often as is necessary to keep them clearly visible;*
- 2) *The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letter or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.*
- 3) *The proprietor or driver shall not cause or permit any tariff card or scale of charges other than that referred to in Byelaw 18(1) to be displayed in or on the hackney carriage.*

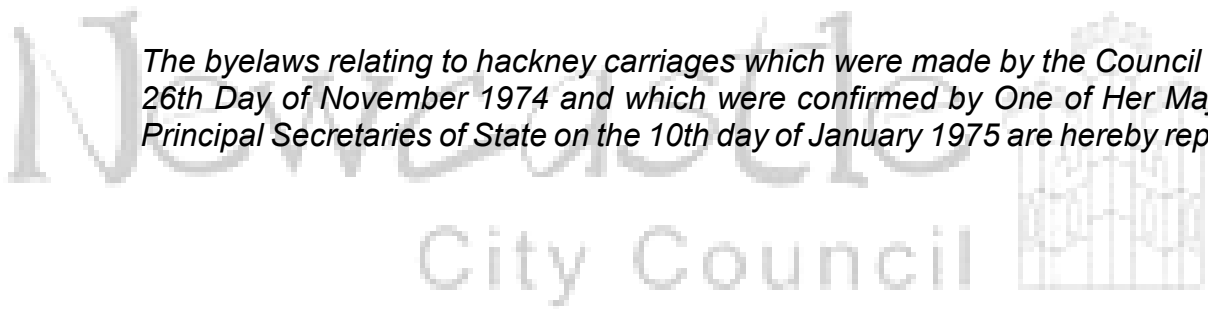
Property Left in Carriage

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.

19. *The Proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter and before the next hiring carefully search the carriage for any property which may have been accidentally left therein.*
20. *The proprietor or driver of a hackney carriage shall, if any property accidentally left herein by any person who may have been conveyed in the carriage be found by or handed to him:*
- (i) carry it within twenty-four hours, if not sooner claimed by or on behalf of its owner, to the Lost Property Office, Police headquarters, Newcastle upon Tyne and either leave it in the custody of the officer in charge of the office on his giving a receipt for it or comply with such other reasonable directions as to the property given by such officer;*
 - (ii) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Lost Property Office, whichever be the greater) but not more than five pounds.*

Penalties

21. *The byelaws relating to hackney carriages which were made by the Council on the 26th Day of November 1974 and which were confirmed by One of Her Majesty's Principal Secretaries of State on the 10th day of January 1975 are hereby repealed.*



APPENDIX NEWCASTLE CITY COUNCIL HACKNEY CARRIAGE TARIFF/FARES SCALE
I

MINIMUM HIRE CHARGE	£4.00
<u>TARIFF 1</u> APPLIES BETWEEN THE HOURS OF 07.00 AND 23.00 FOR EVERY 160.4 YARDS (146.67 METRES) OR PART THEREOF:	20p
WAITING TIME – FOR EVERY 40 SECONDS OR PART THEREOF:	20p
<u>TARIFF 2</u> APPLIES BETWEEN THE HOURS OF 23.00 AND 07.00 AND ALL DAY ON SATURDAY AND SUNDAY (00.00 TO 24.00), AND APPLIES ALL DAY ON PUBLIC HOLIDAYS (00.00 TO 24.00), AND AT CHRISTMAS AND NEW YEAR DURING THE FOLLOWING TIMES 18.00 ON 24 th DECEMBER UNTIL 07.00 ON 27 th DECEMBER 18.00 ON 31 st DECEMBER UNTIL 07.00 ON 2 nd JANUARY FOR EVERY 138.3 YARDS (126.46 METRES) OR PART THEREOF:	20p
WAITING TIME – FOR EVERY 31 SECONDS OR PART THEREOF:	20p
<u>ATTENTION</u> Should any action on the part of the hirer soil this carriage rendering it unfit for continued use, then the hirer shall be liable to an additional charge up to a maximum of £120 in excess of the metered fare. This charge is to compensate the driver for any cleaning and/or loss of earnings costs that may be incurred.	
<u>ADDITIONAL CHARGES</u> FOR <u>EACH</u> ADDITIONAL PASSENGER IN EXCESS OF 4 £2.00 COST OF ANY TUNNEL, BRIDGE OR ROAD TOLL USED DURING HIRING IT IS A BYELAW THAT THIS VEHICLE’S HACKNEY CARRIAGE METER IS ENGAGED AT THE START OF ALL JOURNEYS	
FARES FOR WHEELCHAIR ACCESSIBLE VEHICLES ARE THE SAME AS FOR SALOON VEHICLES	
ANY COMMENT REGARDING THIS CARRIAGE OR DRIVER PLEASE CONTACT: LICENSING AUTHORITY, UNIT 2 WINCOMBLEE ROAD, NEWCASTLE UPON TYNE, NE6 3PF TEL. 0191 2783864 or E-MAIL ncclicensing@newcastle.gov.uk QUOTING THE LICENCE NUMBER DISPLAYED ON THE REAR PLATE AND DOOR CRESTS.	

APPENDIX J NEWCASTLE CITY COUNCIL LICENSING AUTHORITY POLICY IN RESPECT OF REQUESTS FOR INFORMATION, DISCLOSURE OF INFORMATION, AND USE OF INFORMATION – NR3S

J.1 Overarching principles

- J.1.1 This policy covers the use that Newcastle City Council, Licensing Authority (the Authority) will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations, Refusals and Suspensions (NR3S). The NR3S contains information relating to any refusal to grant, revoke or suspend, a taxi drivers/private hire driver licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused, revoked or suspended in the past.
- J.1.2 The Authority has signed up to the NR3S. This means that when an application for a taxi/private hire drivers' licence is refused, or when an existing taxi driver/private hire driver licence is revoked or suspended, that information will be placed upon the register.
- J.1.3 When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, the Authority will make a search of the NR3S. The search will only be made by an officer who has been trained in the use of the NR3S and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.
- J.1.4 Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.
- J.1.5 For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

J.1.6 Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined unless an appeal is made to court.

J.1.6 The data will be held securely in accordance with the Licensing Authority's general policy on the secure retention of personal data www.newcastle.gov.uk. At the end of the retention period, the data will be erased and/or destroyed in accordance with the Authority's general policy on the erasure and destruction of personal data www.newcastle.gov.uk

J.2 Making a request for further information regarding an entry on NR3S

J.2.1 When an application is made to the Licensing Authority for the grant of a new, or renewal of, a taxi/private hire driver's licence, the Licensing Authority will check the NR3S.

J.2.2 The Licensing Authority will make and then retain a clear written record of every search that is made of the register. This will detail:

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

J.2.3 This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 11 years.

J.2.4 If the Licensing Authority discovers any match (i.e., there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of the Licensing Authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

J.2.5 This request will be made in writing in accordance with the form at appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

J.3 Responding to a request made for further information regarding an entry on NR3S

- J.3.1 When the Authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 11 years.
- J.3.2 This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.
- J.3.3 The Authority will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process. If the Authority is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.
- J.3.4 Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi/private hire driver. Data is held on the NR3S register for a period of 11 years, but the Authority (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.
- J.3.5 The Authority will disclose information relating to a revocation or refusal to grant a drivers' licence or a suspension of a licence, in accordance with the timescales contained within the Newcastle City Council Hackney Carriage and Private Licensing Policy. Where the reason for refusal to grant or the revocation or refusal relates to a conviction which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.
- J.3.6 Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

J.3.7 The officer will record what action was taken and why. The Authority will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

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

J.3.8 This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 11 years.

J.4 Using any information obtained as a result of a request to another authority

J.4.1 When the Authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi/private hire drivers' licence. This will be in accordance with the usual process for determining applications contained within Newcastle City Council Hackney Carriage and Private Licensing Policy.

J.4.2 This authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

J.4.3 Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.

J.5

Appendix 1 - Information disclosure form

This form is submitted following a search of the National Register of Revocations, Refusals and Suspensions (NR3S).

(For completion by requestor authority)

Name of licensing authority requesting information:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

*Decision in respect of which the request is made revocation / refusal / suspension
Other details for this record:*

Address:

Driving licence #:

NI #:

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request is attached to this document/can be accessed at www.newcastle.gov.uk

Signed:

Name:

Position:

Date:

(For completion by providing authority)

Further information to support the decision recorded on NR3S in respect of the above named Individual:

Declaration by providing authority

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Revocations, Refusals and Suspensions was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above-named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above-named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements.

Signed:

Name:

Position:

Date:

