

# Public Document Pack

## Licensing Committee

Tuesday, 24th January, 2023

6.00 pm

Conference Room 1, Blackburn Town Hall

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### AGENDA

1. Welcome & Apologies
2. Minutes of Previous Meeting  
Full Licensing 22 November 22 2 - 3
3. Declaration of Interest
4. Outcome of Consultation on Policy Revision  
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5. Update on the work of the Public Protection Service  
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### PART 2 - THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS

6. Minutes of Licensing Sub Committees  
GLSC - 15 Nov 89 - 92  
GLSC Minutes - 13th December 2022

Date Published: Monday, 16 January 2023  
Denise Park, Chief Executive

**PRESENT** – Councillors, Councillor Iftakhar Hussain (Chair), Imtiaz, Casey, Taylor, Fazal, Hardman, Raja and Patel.

**OFFICERS** – Julie Fisher (Legal/Solicitor), Denise Andrews (Business Compliance and Licensing Manager) and Tayyab Mulla (Governance Officer)

## **RESOLUTIONS**

### **6 Welcome & Apologies**

The Chair welcomed everyone to the meeting

Apologies were received from Councillors S Brookfield, J Floyd and D Gee.

### **7 Minutes of the Previous Meeting**

**RESOLVED** – The Minutes of the previous meeting held on Tuesday 18<sup>th</sup> October 2022 were approved as a correct record

### **8 Declaration of Interest**

The Chair asked all members if they needed to declare any interest. Following advise the Legal Representation Councillour Altaf Patel declared an intrest in Agenda Item Number 9 and did not partake in any discussions on the report.

### **9 Application for an increase in hackney carriage fares**

Denise Andrews presented a report to Members for an increase in Hackney Carriage Fares. The purpose of the report was for Members to consider a request from the hackney carriage trade for an increase in hackney carriage fares. The report provided a table which informed Members of the proposed fares in comparison to the existing fares.

The application for increase in hackney carriage fares was a policy matter that needed to be considered by the Executive Member.

The Licensing Committee needed to consider the fare increase, and if supported would need to recommend the request being advertised.

Members were advised that increases in fares were only triggered by requests made from the trade. The last increase was in 2019 and the trade had borne the increases in fuel prices and overheads during this period.

Currently Blackburn with Darwen fares ranked 243 out of 345 listed authorities. The fare for a 2 mile journey on Tariff 1 was currently £6.30.

Where authorities had changed fares in 2022, for a 2 mile journey on Tariff 1 the fares ranged from £4.90 to £13.20. The proposal for Blackburn with Darwen is £6.77 for the 2 mile journey, which would be 7.5% increase.

The proposal was to also remove the increase of fare to Tariff 2 for Sundays and Bank Holidays (with the exception of Christmas and New year).

Members were advised that there are no financial implications for the Council apart from the fee for the advert. Users of hackney carriages would incur an increase in the cost of each journey undertaken.

**RESOLVED** - That the report to be agreed and recommended to the Executive Member.

**10      Minutes of the Licensing Sub-Committees**

The Committee received the proceedings of the following Sub Committees:

General Licensing Sub Committee held on 11<sup>th</sup> October 2022

Licensing Act 2003 Sub-Committee held on 25<sup>th</sup> October 2022

**RESOLVED –** That the proceedings of the Sub Committees as outlined above were approved as a correct record and were duly signed by the Chair.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

## DEPARTMENT OF ENVIRONMENT AND OPERATIONS

**ORIGINATING SECTION:** Public Protection Unit

**REPORT TO:** Licensing Committee – 24 January 2023

**TITLE:** Revised Hackney Carriage and Private Hire Licensing Policy consultation responses

### 1. PURPOSE

The purpose of this report is to present the outcome of the recent consultation with the trade and other stakeholders on the proposed Hackney Carriage and Private Hire Licensing revised policy, for members to consider.

### 2. RECOMMENDATIONS

- 2.1 That members reconsider the contents of the draft policy in light of the consultation responses and decide if they wish to amend the draft policy (**Appendix 1**).
- 2.2 That members recommend the final revised policy be presented to the next available Council Forum for adoption

### 3. KEY ISSUES

- 3.1 The Department for Transport published its [Statutory Standards for Private Hire and Hackney Carriage Vehicles](#) in the summer of 2020. The Government emphasised its expectations throughout the document in bold.

- 3.2 The following paragraphs are particularly relevant.

1.3 “Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**”

2.6 The document sets out a framework of policies that, under section 177(4), of the Policing and Crime Act 2017, licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.

2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of**

**failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.

- 3.3 Blackburn with Darwen's current policy was last reviewed in 2016/17 with minor amendments in 2019.
- 3.4 Where the revised draft policy differs materially from the Council's existing policy and procedures, the proposed changes and any feedback from the trade are detailed in **Appendix 2**.

#### **4. POLICY IMPLICATIONS**

Once adopted, officers, members and the Courts must have regard to the revised policy when determining private hire and hackney carriage applications, reviews and appeals.

#### **5. FINANCIAL IMPLICATIONS**

The costs incurred as part of the consultation process are accounted for in the discretionary fees charged for driver licences.

#### **6. LEGAL IMPLICATIONS**

The Department for Transport published the Statutory Standards in 2020 with a requirement to review and revise policies and practices to implement the new standards, unless there is a compelling local reason not to. However, the revised policy is not immutable, and every case must be considered on its own merits.

The Functions and Responsibility's Regulations 2000 split the responsibility for taxi licensing between Council and the Executive.

Decisions relating to the power to inspect and test licensed vehicles (s.50 LGMPA '76), the power to create hackney carriage stands (s.63 LGMPA '76) and the power to fix hackney carriage fares (s.65 LGMPA '76) are all Executive functions.

The remaining powers to consider, grant, impose conditions and charge fees for drivers, vehicles and operators are all Council functions and the Council has delegated these powers to the Licensing Committee and officers.

In the absence of a delegation to Licensing Committee to create and adopt policies covering these elements, that function remains with Council Forum.

#### **7. RESOURCE IMPLICATIONS**

Existing staff in the Public Protection Service will implement the revised policy once it has been approved for adoption.

#### **8. CONSULTATIONS**

An eight week public consultation was undertaken with the trade and other stakeholders on the proposed changes.

The draft policy was published on the Council's website inviting feedback or comments throughout the consultation period.

The Licensing Service made direct contact by email or text with licensed drivers and licensed private hire operators, and the 3 trade associations that have active memberships in the Borough.

The proposals were discussed at the Taxi Forum on 4 November 2022 and further meetings were held between officers and representatives of the trade associations in December.

The Hackney Drivers Association Ltd presented copies of 3 responses they had received from their members to officers during the consultation meeting on the 8 December 2022 (**Appendix 3**).

On 14 December 2022 the Private Hire Drivers Association (PHDA) presented a 63 page document containing the signatures of 546 drivers with their formal response to the consultation, to the Executive Member for Environment & Operations. 22 drivers have also emailed Licensing service directly nominating the PHDA to act on their behalf. The Association's formal response can be found at **Appendix 4**.

On 31 December a response was submitted by one of the Private Hire Operators on behalf of 29 drivers which is included as **Appendix 5**.

Four other individual responses have been emailed directly to the Licensing Service which are reproduced in **Appendix 6**.

## **9. CONTACT OFFICER**

Niky Barrett, Principal Officer – Licensing



# **Hackney Carriage and Private Hire Licensing Policy**

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Appendix 2 – Dual Driver conditions

Appendix 3 – Supplementary Testing Manual

Appendix 4 – Hackney Carriage By-Laws

Appendix 5 – Hackney Carriage Vehicle conditions

Appendix 6 – Private Hire Vehicle conditions

Appendix 7 – Stretched Limousines

Appendix 8 – Private Hire Operators conditions

Appendix 9 – Penalty Points scheme

## Introduction

Hackney Carriages have been licensed since the Town Police Clauses Act of 1847 was enacted.

The Local Government (Miscellaneous Provisions) Act 1976, extended licensing requirements to include Private Hire Vehicles and placed a duty on Blackburn with Darwen Borough Council ("the Council") as the relevant Licensing Authority, to regulate Hackney Carriages, Private Hire Vehicles, their drivers and operators.

When carrying out its regulatory functions, the Council will have regard to this policy in order to provide assurance to the public that only those individuals it considers are fit and proper, are entrusted to transport passengers in licensed vehicles that are safe and suitable for use.

Each application or enforcement measure will be considered on its own merits however where it is deemed necessary to depart from the policy, clear and compelling reasons will be given.

New applicants and existing licence holders are encouraged to read the contents carefully.

This policy will come into effect on XX XXX 2023. and will be subject to periodic reviews at least every 5 years.

## 1. Objectives

- 1.1 The protection of the public is of paramount concern for the Licensing Authority when discharging its licensing functions and the Council will not hesitate to act, when it is made aware of issues that have the potential to undermine public safety.
- 1.2 Hackney carriages and private hire vehicles play a vital part in the transport network, providing an invaluable service to residents and visitors to the Borough alike.
- 1.3 Licensed drivers are entrusted to transport some of the most vulnerable members of our society, from the very young, to the elderly and infirm and those who may be incapacitated through alcohol or drug use, and our communities rely on licensed drivers and their vehicles to provide a safe and reliable service.
- 1.4 Licensed vehicles and their drivers enjoy an anonymity on our roads that is shared only by emergency vehicles. The appearance of a vehicle, whether regularly or otherwise, at any time of the day or night, does not raise any suspicion as to the reason for it being there, if it is displaying a hackney carriage or private hire vehicle licence plate.
- 1.5 The Council will, through the regulation of the trade seek to promote the following objectives:
  - The protection of the public, safeguarding children and the vulnerable
  - The prevention of crime and disorder
  - The safety and health of the public and drivers
  - Vehicle safety, comfort and access
  - Providing a quality service to the public
- 1.6 The Council will work with a wide range of partners when carrying out its duties in respect of hackney carriage and private hire licensing, including, but not limited to:
  - Licensed drivers, operators and vehicle proprietors
  - Local residents
  - Locally operating Hackney and Private Hire Trade Associations
  - Lancashire Constabulary

- National Anti-Fraud Network
- Driver and Vehicle Standards Agency (formally VOSA)
- HM Revenue and Customs
- UK Visas and Immigration Department
- Department of Work and Pensions
- Lancashire County Council
- The Disclosure and Barring Service
- The Office of the Police and Crime Commissioner
- Other Licensing Authorities

## **2. General Matters**

### **2.1 Delegations**

- 2.1.1 Under the Council's constitution, the General Licensing Sub-Committee has the authority to discharge non-executive regulatory functions with respect to hackney carriage and private hire licensing.
- 2.1.2 The Strategic Director of Environment and Operations has delegated powers to grant licences where there are no offences or other concerns that give rise to doubts about the suitability of the applicant to hold a licence.
- 2.1.3 The Strategic Director of Environment and Operations or other duly authorised officer, has delegated powers to suspend or revoke driver's licences with immediate effect.
- 2.1.4 Hackney carriage and private hire vehicle licences may be suspended by the Strategic Director of Environment and Operations or other duly authorised officer, where appropriate.

### **2.2 Sharing of Information**

- 2.2.1 The Licensing Authority will share with other departments or regulatory bodies, information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. Personal information will only be disclosed in accordance with data protection legislation.
- 2.2.2 Information sharing may include requests from the Police or other enforcement/regulatory agencies where this is necessary for the detection or prevention of crime, or required by law, or in connection with legal proceedings.

### **2.3 Licensing Profile**

- 2.3.1 Hackney carriage and private hire vehicles are vehicles licensed to carry no more than 8 passengers, but may be licensed to carry fewer persons.
- 2.3.2 Hackney carriage vehicles may be used to ply for hire in the street, at ranks or stands and may take bookings over the telephone. Private hire vehicles must be booked in advance, by the customer, through a private hire operator, and cannot be hailed in the street or stand at a rank.

### **3. Dual Licensed Drivers**

#### **3.1 Fit and Proper**

- 3.1.1 The Council will not issue a licence to any applicant, unless it is satisfied that they are fit and proper to hold such a licence. There is no statutory definition of what constitutes fit and proper but the Council has adopted the following test when determining applications or licence reviews - **“Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition or vulnerability, to travel alone in a vehicle driven by this person, at any time of the day or night?”**
- 3.1.2 Decisions in respect of driver licences will be made on the balance of probabilities and where there are concerns that tip that balance, individuals will not be permitted to hold a Blackburn with Darwen driver's licence.
- 3.1.3 The Council's policy on convictions and other relevant matters which it considers are likely to impact on an individual's suitability to hold a licence forms Appendix 1 to this policy.

#### **3.2 Duration of Driver's Licences**

- 3.2.1 The Council will normally issue driver licences for three years, unless the applicant specifically requests a 1 year licence. However, the Council will issue licences for a lesser period as it deems appropriate in the circumstances of the case.
- 3.2.2 Any driver who allows their licence to expire for a period of six months or more must complete the full application process again.

#### **3.3 Entitlement to Work in the UK**

- 3.3.1 All applicants must have the right to live and work in the UK and demonstrate this at the point of application.
- 3.3.2 Where a successful applicant is subject to a time limitation on their right to remain and work in the UK, a licence will not be granted beyond that date. Applicants who are disqualified from driving a hackney carriage or private hire vehicle by reason of their immigration status will not be considered for a licence.

#### **3.4 Entitlement to Drive in the UK**

- 3.4.1 All applicants must have held a valid, full UK driving licence for a minimum of twelve months immediately before making their application and authorise the Council to undertake periodic checks with the DVLA, to verify the existence of any motoring convictions or restrictions on their licence
- 3.4.2 Applicants who have an EC/EEA driver licence must exchange it for a British licence before a licence will be issued. For information on how to do so please visit [GOV.UK - Exchange a foreign driving licence](https://www.gov.uk/exchange-a-foreign-driving-licence).

#### **3.5 Disclosure and Barring Service checks**

- 3.5.1 All applicants for a Blackburn with Darwen driver's licence must provide an enhanced disclosure certificate issued by the Disclosure and Barring Service (DBS) which includes checks that the individual is not barred from working in regulated activity with children or adults. This must be applied for via the Council's nominated service provider.

- 3.5.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for driver licences, who are therefore required to disclose all convictions, cautions and motoring offences etc., including those that would ordinarily be regarded as spent.
- 3.5.3 Any applicant who has spent six continuous months or more overseas within the last 5 years, will also be required to produce a Certificate of Good Conduct from the relevant Embassy or High Commission, for each country where they resided. The certificate must have been produced no more than 3 months before it is presented to the Council. This document must be a certified translation, if the original Embassy Certificate is not in English.
- 3.5.4 Asylum seekers who hold a Home Office issued application registration documents together with a verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK, will be exempt from the requirement to submit a Certificate of Good Conduct.

### **3.6 DBS Update Service**

- 3.6.1 All licensed drivers must sign up to the DBS update service and maintain their registration throughout the licensed period, to enable the Council to undertake periodic checks at least every 6 months, in accordance with the Statutory Taxi and Private Hire Vehicle Standards.
- 3.6.2 Licensed drivers who fail to register with the update service, or who allow their registration to lapse, will be required to provide a new enhanced certificate every six months.
- 3.6.3 Where the Council is unable to check the driver's status due to failings on the part of the driver, it may suspend the drivers licence until such time as it is satisfied that there is no new information recorded against the driver.
- 3.6.4 Nothing in this section will negate the requirement for licensed drivers to inform the Council within 48 hours of any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- 3.6.5 If there has been a change to the information held by the DBS, the driver will be required to provide a new certificate to the Council and register that one with the update service.

### **3.7 National Anti-Fraud Network**

- 3.7.1 The Council subscribes to the National Register of Taxi Licence Refusals and Revocations (NR3), and shares details of individuals who have had a driver's licence suspended or revoked, or an application for one refused.
- 3.7.2 Where a driver's licence is suspended, revoked or refused, the Council will automatically record this decision on NR3.
- 3.7.3 All applicants for a new licence or a licence renewal will automatically be checked on NR3. If there is an entry on NR3 about an applicant, the Council will seek further information about the entry on the register from the relevant authority, before determining the application.

### **3.8 English proficiency**

- 3.8.1 The Statutory Taxi and Private Hire Vehicle Standards 2020 identify that a lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

- 3.8.2 It goes on to state in para 6.15, that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve these objectives.
- 3.8.3 The Council requires all applicants for new driver's licences to demonstrate their language proficiency, either by providing evidence of formal qualifications such as GCSE, GCE, Functional Skills Level 1 or 2 in English, or ESOL certificate at Level 1 or 2.
- 3.8.4 Applicants who do not hold any formal qualifications in English must undertake a free skills assessment provided by Blackburn Adult Learning service and provide evidence that they have passed the assessment.

### **3.9 Driver Training and Knowledge Test**

- 3.9.1 Applicants for a new driver's licence will be required to pass the Blackburn with Darwen Knowledge Test before being issued with a licence. A fee is required for the driver training sessions and tests and any applicant cancelling an appointment with less than 48 hours' notice, will not be eligible for a refund.
- 3.9.2 The Council publishes a comprehensive guidance pack and training for new drivers on its website, to help them prepare for the driver training and knowledge test.
- 3.9.3 If an applicant fails three successive tests, their application will be rejected and a period of 12 months must elapse, before they will be eligible to book onto the driver training session again.
- 3.9.4 Applicants must bring in their photo-card driving licence on the day of the test. This must be in date and have their current address on it.

### **3.10 Safeguarding and Child Sexual Exploitation (CSE) training**

- 3.10.1 Licensed drivers are an integral part of modern life and play an important role in providing a safe means of transport to all sections of the community. Drivers come into contact with some of the most vulnerable members of society and it is essential that they are aware of the real issues and signs of child sexual exploitation, county lines and other safeguarding concerns, to enable them to report suspicious behaviour appropriately.
- 3.10.2 In order for them to recognise the signs of CSE and other forms of exploitation such as County Lines, all applicants for Blackburn with Darwen driver licences must have successfully completed an eLearning Safeguarding Course provided by the Council's nominated provider.

### **3.11 Practical driving test**

The Council's approved suppliers for the required practical driving test is published on the Council's website. A licence will not be granted until the applicant can produce evidence that they have successfully passed the driving test.

### **3.12 Medical Fitness**

- 3.12.1 The Council recognises that licensed drivers should meet more stringent medical standards than those expected of people who drive a vehicle for social, domestic and pleasure purposes.
- 3.12.2 Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end the Council requires all licensed drivers to meet the Group 2 standard used by the DVLA when licensing public service vehicle drivers.
- 3.12.3 Medical certificates, completed by the driver's own GP practice, or by one of the Council's approved suppliers for medicals as published on the Council's website, are required on first

application and then every 5 years from age 45 until the age of 65 when they are required annually.

- 3.12.4 Where a driver develops a new medical condition whilst licensed, they should visit their GP who will assess their fitness to continue to drive the general public. If they are not be able to drive the public after visiting their GP, they must surrender their driver's licence to the Council.
- 3.12.5 Should there be any doubt as to the medical fitness of a licensed driver, including circumstances where a medical certificate has expired, the Council reserves the right to suspend the driver's licence until such time as it can be satisfied that the driver meets the group 2 standard.
- 3.12.6 All licensed drivers must inform the Licensing Authority, within 7 days, of any change to their health, which could impact on their ability to meet the group 2 standard, or continue to drive a licensed vehicle.
- 3.12.7 No applicant will be issued a licence until medical fitness has been established.

### **3.13 HMRC Obligations**

- 3.13.1 From 4 April 2022 all applicants who are renewing a Blackburn with Darwen driver's licence, (or who have held a driver's licence within the previous 12 months irrespective of which Local Authority granted it), must complete an online HMRC tax check and provide a valid tax check code to enable the Council to verify this has been done, before an application for a licence can be considered.
- 3.13.2 Applications for new driver's licences must sign a declaration confirming they are aware of their tax obligations, before their application can be considered.

### **3.14 Dual Driver Conditions**

All Blackburn with Darwen driver licences are issued subject to the Council's standard conditions (Appendix 2).

### **3.15 Applications**

Applications and supporting documentation for driver's licences must be submitted online through the Council's website.

## **4. Hackney Carriage and Private Hire vehicles**

### **4.1 General**

- 4.1.1 The Council will not issue a vehicle licence for any vehicle which is licensed as either a hackney carriage or private hire vehicle with any other Local Authority. If the Council becomes aware that other vehicle licences are running concurrently with this Council's licence, the Blackburn with Darwen vehicle licence will be immediately revoked.
- 4.1.2 New vehicles being presented for a licence must meet the following minimum emissions standards.

#### **Euro 4 emission limits (petrol)**

CO – 1.0 g/km  
HC – 0.10 g/km  
NOx – 0.08  
PM – no limit

#### **Euro 6 emission limits (diesel)**

CO – 0.50 g/km  
HC+ NOx – 0.17 g/km  
NOx – 0.08 g/km  
PM – 0.005 g/km  
PM –  $6.0 \times 10^{-11}$  g/km

- 4.1.3 All licensed vehicles must have an appropriate "type approval". Vehicles that were first registered in the N1 category (van/minibus) and which have been subsequently modified to carry passengers, must have Individual Vehicle Approval and the Council will require confirmation of such approval. Further information on how to obtain a certificate is available [here](#).
- 4.1.4 The Council will not licence vehicles with fewer than 4 road wheels
- 4.1.4 Licensed vehicles will be issued with a plate for life which must be securely fixed to the exterior of the rear of the vehicle at all times that the vehicle licence is in force.
- 4.1.5 Licensed vehicles must not have any fittings attached to, or carried on the inside or outside of the vehicle that have not been approved by the Council, or display any signs, notices or advertisements that are not legally required, or have been expressly authorised by the Council.

### **4.2 Duration of Licences**

Vehicle licences will normally be issued for 12 months for vehicles aged less than 3 years and for 6 months for vehicles aged 3 years or more.

### **4.3 Roadworthiness**

- 4.3.1 The Council will only issue a hackney carriage or private hire vehicle licence where it is satisfied that the vehicle is safe, suitable in terms of its size, type and design and provides a reasonable standard of comfort for passengers.
- 4.3.2 To achieve this, in addition to the standard MOT requirements, vehicles presented for licensing must also meet the standards set out in the Council's Supplementary Testing Manual (Appendix 3). Vehicle testing is carried out at the Council's Motor Vehicle Service Station, Davyfield Road, Blackburn.
- 4.3.3 The Council will not issue a vehicle licence for any vehicle that has been written off by insurers under category A, B or S.
- A relates to vehicles that must be scrapped
  - B relates to vehicles that may be broken and their parts reused
  - S relates to vehicles that have sustained structural damage that is repairable.

#### **4.4 Insurance**

Hackney carriage and private hire vehicle proprietors must ensure that appropriate insurance is in force throughout the licensed period. Any vehicle that is not adequately insured for public hire or private hire during the licence period, will have its licence immediately suspended.

#### **4.5 Passenger numbers**

Vehicle licences are normally issued for the carriage of between 4 and 8 passengers in reasonable comfort. They should have not less than 3 doors through which passengers may enter and leave the vehicle conveniently, safely and comfortably and provide reasonable accommodation for luggage. Approved passenger numbers must not be exceeded under any circumstances.

#### **4.6 Accident and Car Hire Procedure**

- 4.6.1 The proprietor of a hackney carriage or private hire vehicle that is involved in an accident must report full details of the accident to the Council within 72 hours. If the initial report is verbal, an accident report form must be completed and returned to the Council within 24 hours of the verbal notification. If a hire car is to be used, details of that car must also be entered onto the form.
- 4.6.2 On receipt of an accident report, the Council will arrange for an officer to inspect the vehicle and if it is found to be unfit to be used for hackney carriage or private hire purposes, the licence will be suspended until such time as the vehicle has been repaired and has been re-inspected at the Council's motor vehicle service station for a suspension lift.
- 4.6.3 The Council issued licence plate must be returned during any period of suspension.

#### **4.7 Taximeters**

- 4.7.1 All hackney carriages must be fitted with taximeter which is sealed and maintained so as to comply with the hackney carriage licence conditions.
- 4.7.2 A private hire vehicle may be fitted with a taximeter which should be constructed, attached and maintained so as to comply with the private hire vehicle conditions.

#### **4.8 Specific additional requirements for Hackney Carriages**

- 4.8.1 All hackney carriage vehicles must be black and wheelchair accessible
- 4.8.2 The only exception is for London Type cabs which may be a different colour.
- 4.8.3 All hackney carriage vehicle licences issued by the Council are subject the Hackney Carriage By-Laws (Appendix 4) and the Council's standard conditions (Appendix 5).

#### **4.9 Specific additional requirements for Private Hire Vehicles**

All private hire vehicle licences issued by the Council are subject the Council's standard conditions (Appendix 6).

#### **4.10 Restrictions on the issue of Hackney Carriage Licences**

The Council currently restricts the number of hackney carriages it licenses to 70 and periodically undertakes a survey to establish if there is any significant unmet demand for hackney carriages, which it would need to address either by increasing the limits, or delimiting hackney carriage numbers.

#### **4.11 Hackney Carriage Ranks**

4.11.1 The Council has provided a number of designated hackney carriage ranks throughout the Borough. Drivers **must never** leave a hackney carriage vehicle unattended on a rank at any time.

4.11.2 Drivers of private hire vehicles **must not** use, or wait on a hackney carriage rank at all.

#### **4.12 Hackney Carriage Tariff**

4.12.1 The Council is responsible for setting the hackney carriage tariff and each hackney carriage must have its taximeter calibrated to the current tariff and must display the table of fares provided by the Council, where it can easily be read by a passenger.

4.12.2 The Council has no ability to control the fares charged by the private hire trade and it is for the hirer to negotiate an appropriate fee or method of charging for each journey.

#### **4.13 Advertising on Hackney Carriage Vehicles**

4.13.1 Applications for approval of advertisements must be made in writing to the Licensing Service. An application must be accompanied by a copy of the proposed advertisement in full colour and include the actual dimensions of the proposed advertisement.

4.13.2 All advertisements must comply with the British Code of Advertising Practice issued by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but, any advertisements containing political, ethnic, religious, sexual or controversial texts, or advertising tobacco or alcohol products, or foods that are high in fat, salt or sugar will not be approved.

### **5. Stretched Limousines**

5.1 Licences for stretched limousines are issued subject to the Council's standard conditions (Appendix 7).

5.2 For the purposes of this policy and licence conditions, a stretch limousine is defined as:

- a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures and is capable of carrying up to, but not exceeding 8 passengers;
- that prior to the introduction of this policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

## **6. Private Hire Operators**

### **6.1 General**

- 6.1.1 The Council recognises that private hire operators and their dispatchers play an important role in providing access to a safe means of transport to all members of society. Their role, alongside that of the licensed drivers they dispatch, places them in daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable.
- 6.1.2 Private hire operators are responsible for ensuring that all the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys.
- 6.1.3 All private hire operator's licences are issued subject to the Council's standard conditions (Appendix 8).

### **6.2 Duration of Licence**

Private hire operator's licences can be issued for a period of one year or five years.

### **6.3 Disclosure and Barring Service Checks**

- 6.3.1 In accordance with the Statutory Guidance the Council requires applicants to provide a recent basic DBS certificate before a private hire operator's licence will be granted, and then annually throughout the duration of the licence, in respect of the person named on the licence, or for each director or partner where the licence is held by a company or partnership.
- 6.3.2 Where an applicant, director or partner also holds a valid Blackburn with Darwen driver's licence, the requirements in 6.3.1 are dis-applied in respect of that individual.
- 6.3.3 Any applicant who has spent six continuous months or more, overseas within the last 5 years, will also be required to produce a Certificate of Good Conduct from the relevant Embassy or High Commission, for each country where they resided. The certificate must have been produced no more than 3 months before it is presented to the Council. This document must be a certified translation, if the original Embassy Certificate is not in English
- 6.3.4 Operators are also expected to be able to demonstrate that all staff who have contact with the public or oversee the dispatching of vehicles do not pose a risk to the public and should evidence that they have had sight of a satisfactory Basic DBS check for each individual named on the register required by 6.6.4.
- 6.3.5 Applications for private hire operators licences must provide a copy of their policy on employing ex-offenders in roles that would be on the register required by 6.6.4.

### **6.4 Insurance**

Private hire operators are required to provide proof of employer's liability insurance and where the public have access to the premises to be licensed, they must also have adequate public liability insurance.

### **6.5 Premises**

- 6.5.1 Where a private hire operator provides premises for the public they shall at all times, be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided have adequate seating facilities.

- 6.5.2 If sanitary and washing facilities are provided for customers in addition to those provided for staff they should be clean, easily accessible and have a supply of hot and cold running water, soap and a suitable means to dry hands.
- 6.5.3 If separate male and female facilities are not provided, any WC made available to the public must be self-contained and in a room that is capable of being locked from the inside to prevent access by more than one person at a time.

## **6.6 Records**

- 6.6.1 Private hire operators are required to keep comprehensive records of all bookings. As a minimum, licensed operators must record details of:-
- the name of the passenger;
  - the time of the request;
  - the pick-up point;
  - the destination;
  - the name of the driver;
  - the driver's licence number;
  - the vehicle registration number of the vehicle;
  - the name of any individual that responded to the booking request;
  - the name of any individual that dispatched the vehicle.
- 6.6.2 Full details must be recorded separately, of any bookings that are sub-contracted to or from another private hire operator.
- 6.6.3 Booking records must be retained for a minimum of 12 months.
- 6.6.4 A register of dispatch staff, who are not also licensed drivers, which includes their full name, address, date of birth and National Insurance number, shall be maintained and made available to an authorised officer of the Council on request.
- 6.6.5 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking, is not permitted without the informed consent of the booker.

## **6.7 Application process**

- 6.7.1 Private hire operator licences clearly indicate the expiry date of the licence and it is the responsibility of the operator to ensure that a valid application is submitted to the Council before the licence expires.
- 6.7.2 Applications will not be determined until the applicant is able to produce:
- Evidence of appropriate planning permission
  - Sample door sign
  - Basic DBS certificates (where required by 6.3.1)
  - A copy of their policy on employing ex-offenders
  - Payment of the appropriate fee

## **6.8 Non Standard Operator Licences (Limousines, Chauffer or Executive hire)**

- 6.8.1 Business Plan – Applicants must provide details demonstrating how the business will operate, including details of the type of customers targeted by the business; details of any website or social media presence; customer methods of payment; method used by customers to book a vehicle.
- 6.8.2 Dress Policy - If the applicants business adheres to a dress code, this would support the case for a non-standard licence. Officers will take into account any requirements for drivers to wear a full chauffer uniform or other dress code when assessing the application.
- 6.8.3 Specialist skills – in addition to holding a Blackburn with Darwen driver's licence, the applicant business may require their drivers to have other specialist skills. These should be specified in the business plan. Officers will take into account any requirements for drivers to have additional skills or training e.g. defensive driving or advanced driving courses, or to be members of a professional body, when assessing the application.
- 6.8.4 If the Licensing Officer is satisfied that the (proposed) business is not involved in the provision of traditional private hire services, it would be eligible for a non-standard operator's licence. Non-standard private hire operator's licence holders will be exempt from the requirements to display council issued door stickers and plates on their vehicles. Window discs will be provided which must be displayed in the front windscreen.

## **7. Regulation & Enforcement**

- 7.1 The Council has a duty to ensure that the vehicles, drivers and operators that it licenses, carry out their functions in accordance with the legislation and licence conditions.
- 7.2 The Council operates a penalty point scheme (Appendix 9). Licensed drivers or vehicle proprietors will be issued with penalty points in accordance with scheme and where a licence holder accumulates 20 or more points in any 12 month period, they would be referred to the General Licensing Sub-Committee for a review of their fitness to hold a licence. The panel members have the authority to impose a range of sanctions dependant on the circumstances. Sanctions could include a simple warning, the requirement to pay for and attend driver training, or in some cases the suspension or revocation of the licence.
- 7.3 The Council invites complaints, concerns or compliments about individual drivers, vehicles or operators via the website. All complaints received will be recorded against the licence holder, but anonymous complaints would not normally be investigated further, unless there is independent evidence to corroborate the allegations.
- 7.4 Officers charged with the regulation of the hackney carriage and private hire trade will be appropriately trained and authorised within the Council's scheme of delegation.

## **8. Fees**

- 8.1 The Council sets and regularly reviews its fees for taxi and private hire licensing, in line with the Governments requirement that fees should only cover the costs involved in the administration and regulation of licensed operators, drivers and vehicles.
- 8.2 A list of the current licence fees can be found on the Council's website along with some miscellaneous charges for duplicate plates, badges and licences etc.
- 8.3 Licence holders who surrender a licence before its natural expiry, are not eligible for a refund.



# **Hackney Carriage and Private Hire Licensing**

## **Policy on Convictions and other Relevant Matters**

## 1. Introduction

- 1.1 This document aims to provide guidance to any person with an interest in public and private hire licensing, on the criteria that may be taken into account by Blackburn with Darwen Council, when determining if an applicant or existing licence holder, is a fit and proper person to hold a licence. This includes:
- Applicants for drivers' licences
  - Existing licensed drivers whose licences are being reviewed
  - Applicants for operators licences
  - Existing licensed operators whose licences are being reviewed
  - Licensing Officers
  - Members of the Licensing Committee / Panel (or other relevant decision making body)
  - Magistrates hearing appeals against local authority decisions
  - Lancashire Constabulary
- 1.2 The overriding aim of the Licensing Authority is to protect the public and it is ultimately concerned to ensure:
- That licence holders are fit and proper.
  - That the public are not exposed to persons with a history of dishonesty, indecency or violence.
  - The safeguarding of children and young persons and vulnerable adults.
- 1.3 The relevant sections of this policy will also be applied to applicants for, or holders of, Private Hire Operator's licences in so far as they relate to the fitness and propriety of the applicant.
- 1.4 The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined, but to assist decision makers, Blackburn with Darwen Council has adopted the following test in accordance with the Statutory Guidance issued by the Department for Transport in 2020 **"Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition or vulnerability, to travel alone in a vehicle driven by this person, at any time of the day or night?"**
- 1.5 All decisions will be made on the balance of probabilities and the Council will not give any applicant the benefit of doubt, or issue licences for a probationary period. If the committee/panel is only "50/50" as to whether the applicant is 'fit and proper', they will not be permitted to hold a Blackburn with Darwen licence.
- 1.6 Whilst criminal convictions, cautions and motoring offences rightly play a part in the Licensing Authority's consideration of the fitness of an individual, the Council will also take into account other relevant factors, including, but not limited to; the demeanour, medical fitness, integrity and general character of the applicant; their driving record; information registered on NR3; soft intelligence from the Police or other regulatory body and any relevant information from other Licensing Authorities or statutory bodies.
- 1.7 Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases, or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

- 1.8 In the case of existing licence holders, the Council will also take account of any history of compliance issues, complaints or allegations.
- 1.9 Where Licensing Officers have delegated powers to grant licences, they may do so in accordance with these guidelines. In all other cases, applicants for licences will be referred to the Licensing Committee/Panel. Nothing in this Policy prevents a Licensing Officer from referring any applicant or licence holder to the committee/panel, where they find it appropriate to do so, in the circumstances.
- 1.10 The Council recognises that it must not fetter its discretion and therefore it will consider and determine each case on its own merits, whilst having regard to this policy.
- 1.11 The Licensing Committee/Panel may, in exceptional circumstances, depart substantially from this policy, but it should be noted that, the otherwise good character or driving record of an applicant, would not ordinarily be considered to be exceptional circumstances.
- 1.12 Where the Authority does depart from this policy, it will give clear reasons for doing so.
- 1.13 Whilst existing licences will not be automatically revoked if the holders do not meet the standards in this policy, should the conduct, or offending activity of an existing licence holder be of concern to the Licensing Authority, following its adoption, the Council may consider such activity and re-evaluate any decision made in reliance on any previous policy.
- 1.14 Throughout this policy the term "conviction" includes criminal, civil or motoring convictions, cautions, warnings, reprimands, orders and endorsable Fixed Penalty Notices.
- 1.15 The term "applicant" includes new applicants and existing licence holders.
- 1.16 The term "from date sentence ended" relates to the actual sentence imposed and not to the time served, by the offender.

## **2. General Policy**

- 2.1 Whilst a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, it is normally expected that they:
  - i) Remain free of convictions for an appropriate period; and
  - ii) Demonstrate adequate evidence that they are a fit and proper person to hold a licence
- 2.2 The onus is on the applicant to produce such evidence and simply remaining free of convictions, will not normally be regarded as adequate evidence of fitness and propriety.
- 2.3 The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced, or if there is reason to question or doubt the evidence provided, that in itself, could satisfy the Council that it should refuse or revoke a licence.
- 2.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

## **3. Powers**

- 3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew a licence, if the licence holder has been convicted of an offence involving dishonesty, indecency, violence; failed to comply with the provisions of the Town Police Clauses Act 1847; failed to comply with the provisions of Part II of

the Local Government (Miscellaneous Provisions) Act 1976; been convicted of an immigration offence or required to pay an immigration penalty; or for any other reasonable cause.

- 3.2 Section 62 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew an Operator's Licence if the licence holder has failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; if their conduct appears to the Licensing Authority to render them unfit to hold an Operator's Licence; other than those circumstances where the conviction is spent within the meaning Rehabilitation of Offenders Act 1974, has been convicted of an immigration offence or required to pay an immigration penalty; or any other reasonable cause.
- 3.3 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant for a driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending, or a recent pattern of repeat offending.

#### **4. Consideration of Offending History**

- 4.1 The Licensing Authority is required to ensure that an applicant for the grant or renewal of a licence is a 'fit and proper' person to hold such a licence.

In considering evidence of an individual's good character and fitness to hold a licence, where previous offences or other information relating to the applicants conduct is disclosed, the Council will consider among other things:

1. How serious the offence(s) are
  2. The intent or harm which was, or could have been caused
  3. When the offence(s) were committed
  4. Any sentence imposed by the court
  5. The circumstances of the individual at the time of the offence
  6. Whether this forms part of a pattern of offending
  7. Any other factors that are considered relevant
- 4.2 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) off any applicant for a Blackburn with Darwen driver's licence and it follows the relevant Code of Practice on the secure storage, handling, use, retention and disposal of disclosure information.
- 4.3 Blackburn with Darwen Council requires licence holders to be registered with the DBS update service to enable the Licensing Authority to carry out periodic checks using the online service.
- 4.4 Conditions on drivers' licences require holders to notify the Licensing Authority within 48 hours of any arrest, charge or conviction for any sexual offence, any offence involving dishonesty or violence, or any motoring offence. This should trigger an initial review by the licensing authority to consider what, if any, action in terms of the licence, should be taken based on the balance of probabilities at that time.
- 4.5 The Council has a wide discretion on what information it may have regard to when making a determination and is entitled to rely on other records and information that may be available to it, when determining applications or licence reviews. This could include information held by this Council, other licensing authorities, information disclosed by the police under the Common Law Disclosure Scheme, or any other credible source.

- 4.6 Applicants who have a serious criminal history of offending may pose a significant risk to the public and are likely to be refused a licence even after the stated period expressed as being “free from offending” has expired. A serious criminal history of offending would include applicants who have multiple relevant offences, or who have been sentenced to a cumulative term of imprisonment of 6 months or more.
- 4.7 Where an applicant is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.8 References produced by drivers attesting to their good character must be provided at least 3 working days in advance of the hearing date. They must be current and have been produced by the referee in the full knowledge of the specific reason they are being presented to the Sub-Committee.

## **5. Crimes resulting in death**

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

## **6. Exploitation**

Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed.

This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

## **7. Offences involving violence**

- 7.1 Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 7.2 A licence will not normally be granted where an applicant has convictions for the following offences unless at least 5 years have passed since the conviction or completion of any sentence:- Common assault; Harassment, S.4 Public Order Act 1986 (fear or provocation of violence); S.5 Public Order Act 1986 (harassment alarm or distress)
- 7.3 A licence will not normally be granted where the applicant has a conviction for criminal damage unless at least 3 years has passed since the conviction or completion of any sentence.

## **8. Possession of a weapon**

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

## **9. Sexual and indecency offences**

- 9.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 9.2 The licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any ‘barred’ list.

## **10. Dishonesty**

- 10.1 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 10.2 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be granted a licence, or be permitted to keep their licence.

## **11. Drugs**

- 11.1 Where an applicant has a conviction for, or related to, the supply of drugs, or possession with intent to supply, or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 11.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.
- 11.3 Applicants with 2 or more convictions for drug related offences will not normally be granted a licence.

## **12. Discrimination**

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

## **13. Motoring convictions**

- 13.1 Licensed drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence.
- 13.2 However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally
- 13.3 A minor traffic or vehicle related offence is considered to be one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property, including vehicles.  
  
An applicant with 7 or more points on their DVLA licence for minor traffic or vehicle related offences, will not be granted a licence until at least 5 years have elapsed since the completion of any sentence imposed.
- 13.4 A major traffic or vehicle related offence is one which is not covered in 13.3 and includes any offence which resulted in injury to any person or damage to any property, including vehicles. It also includes driving without insurance or any offence connected with motor insurance.

Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

- 13.5 The committee/panel will have regard to the circumstances of each offence and where offences involve the use of a licensed vehicle in the course of hackney carriage or private hire work, this will be considered to be an aggravating factor.

**14. Drink/Drug driving**

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

**15. Using a hand held device whilst driving**

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

**16. Licensing offences**

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**17. Non-conviction information**

- 17.1 The Council will also take into account situations or circumstances that have not led to a conviction for whatever reason, including situations where the person has been arrested and bailed, but not yet charged, acquittals, circumstances in which convictions were quashed on technicalities, circumstances where a decision was taken not to prosecute and complaints from the public.
- 17.2 When considering the most appropriate action to take in respect of non-conviction information, the Council recognises that it is not bound by the criminal burden of proof and must merely be satisfied, on the balance of probability that the mischief under consideration had occurred.
- 17.3 The Licensing Authority will take into account the credibility of; the complainant; any witnesses; and the licence holder, along with any other evidence produced, when reaching a decision.
- 17.4 If an applicant has been arrested or charged, but not convicted for an offence which suggests they could be a danger to the public, serious consideration will be given to refusing the application or revoking the licence in the first instance, subject to the requirements of section 18.3.
- 17.5 Where an applicant has previously been refused a licence or had a licence revoked, a new licence will not normally be considered until at least 2 years have elapsed since the Council's original decision.
- 17.6 Where compelling new evidence becomes available, and is such that if it had been available at the time of the original decision, it would probably not have resulted in a refusal or revocation, para 17.5 may be dis-applied.
- 17.7 In assessing the appropriate course of action to take, the safety of the travelling public will always be the paramount concern.

## **18. Once a licence has been granted**

- 18.1 Once a licence has been granted, there is a continuing requirement for the licensee to remain fit and proper to hold the licence. Where the licensing authority is considering a licence review, any conduct or convictions which would have resulted in a refusal to grant a licence in accordance with this policy, will result in an existing licence being revoked.
- 18.2 Suspension or revocation of a driver's licence ordinarily takes effect at the end of the period of 21 days beginning with the day on which the decision notice setting out the reasons for the suspension or revocation is given to the driver.
- 18.3 If the Licensing Authority deem it necessary for the suspension or revocation to have immediate effect in the interests of public safety, the notice given to the driver must also include a statement issued under Section 61 (2B) Local Government (Miscellaneous Provision) Act 1976, that the suspension or revocation is effective immediately and the reasons why.
- 18.4 Any suspension or revocation of an Operator's Licence takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

## **19. Licences issued by other licensing authorities**

Applicants who hold a driver or operator licence issued by another licensing authority, must not assume that their application will automatically be granted. Only applicants who are considered to be fit and proper by Blackburn with Darwen Council, having regard to the criteria laid out in this policy, will be granted licences.

## **20. Hearings**

- 20.1 Hearing with notice – Where a committee/panel is to be convened to consider whether or not a person is “fit and proper”, notice of the time and date for the committee/panel will be given ahead of the date listed, in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.
- 20.2 Ex-parte hearing – Where a committee/panel is convened as a result of sensitive information being received by the Council, an assessment will be undertaken in balancing a person's right to a fair hearing, against whether or not it is in the public interest to hold the hearing ex-parte.

## **21. Appeals**

- 21.1 Any applicant refused a licence has the right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 21.2 Anyone aggrieved by the Council's decision to suspend or revoke their licence, or to impose additional conditions on their licence, has a right of appeal to the Magistrates' Court within 21 days of the decision notice.

**CONDITIONS ATTACHED TO DRIVERS LICENCES**

1. Licensed drivers must inform the council within 48 hours of any of the following:
  - (a) arrest and release or charge for any sexual offence, any offence involving dishonesty or violence or any motoring offence
  - (b) cautions administered to him by the police,
  - (c) convictions for criminal offences,
  - (d) convictions for motoring offences,
  - (e) penalty points recorded on his statutory driving licence
2. Licensed drivers must maintain a subscription to the online DBS update service throughout the licensed period. If they do not subscribe or allow their subscription to lapse, they must produce a new enhanced DBS every six months.
3. If there is a change to the information recorded on the registered DBS certificate, they must produce a new enhanced certificate and register that one with the update service.
4. Licensed drivers must:
  - (a) behave in a civil and orderly manner, be appropriately dressed and take reasonable precautions to ensure the safety of persons conveyed in the vehicle;
  - (b) not play music except with the consent of the hirer;
  - (c) when they have agreed or have been hired to be in attendance with the vehicle at an appointed time and place, shall, unless delayed or prevented by sufficient cause, punctually attend with such vehicle at that time and place;
  - (d) never carry more than the number of passengers stated on the vehicle licence;
  - (e) not carry any other passengers in the vehicle without the consent of the hirer;
  - (f) Never conceal any licence plate from public view whilst the vehicle licensed;
  - (g) notify the Council, in writing, of any change of home address within 14 days;
  - (h) notify the Council, in writing within 72 hrs of any change of operator
  - (i) Any property left in the vehicle must be recorded and handed to the Private Hire Operator or Hackney Carriage proprietor for safe keeping.
6. Licensed drivers must inform the council, within 7 days of any change to their health which could impact on their ability to meet the group 2 standard i.e. giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, angina, coronaries, high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking, the loss of the use of a limb or the permanent loss of a limb.  
**The above list does not include all of the conditions that must be reported and are only included as examples. Drivers who are in doubt about whether or not their health condition is one that should be reported must consult their doctor.**  
 Temporary conditions, other than recurrent ones, not expected to last longer than three months, such as a sprained ankle or broken arm, need not be reported.
7. If the licensed vehicle is constructed so as to carry luggage, when requested by any person hiring or seeking to hire the vehicle, the driver shall:
  - (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 to any building, station or place at which he may take up or set down such a person.
8. The driver of a private hire or hackney carriage vehicle provided with a taximeter shall:

- (a) as soon as the vehicle is hired by distance, and before beginning the journey, ensure that the word 'HIRED' is visible on the face of the taximeter until the end of the hiring;
  - (b) Ensure that taximeter is properly illuminated throughout any part of the hiring during the hours of darkness and also at any other time at the request of the hirer
9. Licensed drivers must produce a group 2 medical certificate completed by a registered medical practitioner on first application, at age 45, then every five years until age 65 and thereafter annually, unless the driver is also the holder of a valid PSV or HGV.

For information

### **Smoking in private hire vehicles**

It is an offence under Section 7 (2) of the Health Act 2006 to smoke inside a hackney or private hire vehicle. The penalty for this offence is **£200**. The person who has control of the smoke free vehicle, would commit a further offence under Section 8 (4) - allowing smoking to take place in a smoke free place. The maximum penalty for this offence is **£2,500**.

### **Carriage of guide, hearing and assistance dogs**

Licensed drivers are required to carry guide, hearing and assistance dogs accompanying disabled people and to do so without any additional charge. If you fail to comply with this duty without holding the required medical exemption certificate, you will be guilty of an offence and liable for a fine of up to £1000.

# The Licensing of Hackney Carriages & Private Hire Vehicles

## Supplement Testing Manual 4th Amendment

### Elements of the vehicle Test in addition to M.O.T standards

First approved at a meeting of the Licensing Sub Committee held on 11<sup>th</sup> April 1991

1<sup>st</sup> amendment approved at a meeting of the Licensing Sub Committee held on 30<sup>th</sup> September 1993

2<sup>nd</sup> amendment approved at a meeting of the Licensing Sub Committee held on 24<sup>th</sup> March 1997

3<sup>rd</sup> amendment / revision approved by Executive Member on 10<sup>th</sup> April 2007 (revised 1/4/10 re door signage)

4<sup>th</sup> amendment / revisions approved by Executive Member on 8<sup>th</sup> April 2011

Sayyed Osman

Director of Environment,



*Where the tester is of the opinion that the overall standard of the vehicle is inadequate they should in the first instance contact the Council's Licensing Section, where a joint inspection will take place*

1. <u>EXTERIOR OF THE VEHICLE</u>			
	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
1.1	The exterior of the bodywork, the underside of the vehicle and the engine compartment must be in a suitable clean condition to allow for proper inspection of these areas (see Notes).	1. Contamination preventing proper inspection.	If the vehicle is presented for inspection in such a condition to prevent a full examination of items for inspection, the test will not be carried out.
1.2	Check all door check straps to ensure that doors are held in place when fully opened.	2. Door check straps which fail to hold the doors in place when fully opened.	
1.3	SEE APPENDIX A FOR BODYWORK STANDARD		
1.4	Examine the external paintwork for damage which adversely affects the appearance of the vehicle.		

## 1. EXTERIOR OF THE VEHICLE (Contd.)

METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
1.5 Ensure that the front and rear bumpers are in good order and are securely fixed to the vehicle.	5a inadequately secured front or rear bumpers	<b>2<sup>nd</sup> opinion will be obtained from Licensing</b>
	5b cracked or parts missing	
1.6 Examine the rubber seals to every door for serious damage, looseness or absence.	6 A door seal which is damaged or worn to the extent that air/water penetration may occur, constitutes a fail.	
1.7 Check that every reversing light fitted by the manufacturer of the vehicle:	Any sharp edges arising from door seal defects constitutes a fail:	
a) operates when reverse gear is selected	7 A reversing light which:	Some vehicles have reversing lights fitted as an extra. If this is so then check that the switch provided for its use is fitted in such a position capable of indicating to the driver of the vehicle that the reverse light(s) have been activated or deactivated. All other light checks still apply.
b) is complete, in good working order and in clear condition	7a does not operate when reverse gear is selected	
c) emits a steady white light	7b is incomplete, not in good working order or in clean condition, i.e. so damaged or deteriorated that its function is impaired	
d) is securely fitted and provides adequate illumination to the rear of the vehicle	7c emits other than a steady white light when reverse gear is selected remains on when reverse gear is deselected	
	7d insecure or does not provide adequate illumination to the rear of the vehicle	

## EXTERIOR OF THE VEHICLE (Contd.)

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
1.8	Operate the washers and the wipers and note the swept area of the rear window	8a a wiper or washer control missing or inaccessible to the driver 8b a wiper does not automatically operate when switched on 8c a wiper installed for the use of the driver does not operate over an area of the rear window enough to give the driver an adequate view	This inspection only applies to a vehicle that is manufactured with a windscreen wiper and washer(s) fitted to the rear window of the vehicle.  Removal of the rear washer unit will not be permitted.
1.9	Examine the condition, security and effectiveness of the wiper blade and its contact with the rear window	9 A wiper blade unsecure, missing, deteriorated or which does not clear the rear window effectively to give the driver an adequate view to the rear from the drivers seat.	
1.10	Check the function of the rear window washer	10 The window washer does not provide enough liquid to clear the rear window in conjunction with the wiper	
1.11	Check the driver and front passenger window	11 Obscured view	The driver and passenger must be visible through the windows

**THIS SECTION DOES NOT APPLY TO VEHICLES PRESENTED FOR INSPECTION WHERE AN INITIAL APPLICATION FOR A**

**PRIVATE HIRE VEHICLE LICENCE IS TO BE MADE**

<b>2      <u>SIGNS – PRIVATE HIRE VEHICLE SIGNS</u></b>	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
2.1	Examine the signs displayed on the front doors of the vehicle to ensure that they comply with those approved by the Council.	Failure to display the name of the Private Hire Company and/or its telephone number in the manner prescribed (i.e. position of sign, size of lettering etc.)	The Borough Councils conditions require that
2.2	A vinyl notice (which shall have the text "Licensed Private Hire Vehicle" and the text "Advanced Booking Only") approved by the Council, identifying the vehicle as a private hire vehicle, and also the plate number, shall be displayed on the upper panels of the rear doors.	Failure to display signs	"The proprietor shall display a sign on the front doors of the vehicle to the Councils uniform design and specification, the sign to incorporate the business name of the operator, but such name is not to include the word "taxi" Hackney or Cab in any form".
2.3	On MPVs (Multi Passenger Vehicle) licensed as private hire vehicles the signs must be displayed on the rear near side passenger door and on the opposite panel on the offside of the vehicle.	Failure to display signs	
2.4	No Smoking signs compliant with the Health Act 2006 on rear passenger windows	Failure to display signs	

### 3 LICENCE PLATES

METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
3.1 Inspect the vehicle licence plate fixed to the rear of the vehicle for signs of damage or excessive wear, and ensure that the licence detail is clearly legible.	1. A damaged plate or a plate with licence number not clearly legible.	The vehicle licence plate and holder issued by the council identifying the vehicle as a private hire vehicle/hackney carriage vehicle shall be securely fixed to the exterior of the vehicle in a position to be clearly visible and should be capable of being easily removed by an authorised officer.
3.2 Examine the plate that is fitted to the vehicle to ensure that it is securely fixed. Ensure that the plate is fixed in a prominent position. (See Notes)	2. A plate which is not adequately secured to the vehicle or is not fitted in a prominent position.	

**THIS SECTION DOES NOT APPLY TO VEHICLES PRESENTED FOR INSPECTION WHERE AN INTIAL APPLICATION FOR A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE IS TO BE MADE**

#### 4 TYRES AND SPARE WHEEL

##### METHOD OF INSPECTION

- 4.1 Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels (see Notes). Space saver – refer to condition
- 4.2 Examine the tyre which is fitted to the spare wheel for signs of damage or excessive wear and ensure that it complies with all legal requirements for tyres when fixed to the vehicle.
- 4.3 Check that the tyre is not seriously over inflated or under inflated.
- 4.4 Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order.
- 4.5 Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.
- 4.6 Check the rim of the spare wheel for any signs of distortion or damage.

##### NOTES

REASON FOR REJECTION		NOTES
1	A spare wheel not provided with the vehicle. A tyre which is of a different size or construction.	If a vehicle has tyres in a combination which conforms to current legal requirements (e.g. radial and cross ply), the carrying of one spare wheel/tyre cannot be accepted, since it can only be used in limited circumstances. The vehicle must therefore fail the test, even if the spare tyre is in good condition and matches one pair of the tyres fitted to the vehicle. A mix of steel and cord radials on one axle will not be accepted.
2	Damaged, worn, sub standard or otherwise illegal tyres.	
3	Excessively under or over inflated spare tyre.	Exemption = Minibuses where there is no provision to store safely.
4	Failure to provide a suitable jack and/or wheel brace with the vehicle.	A remould will only be accepted if it carries a clearly legible manufacturer's mark that the tyre conforms to the current British Standard.
5	Failure to satisfactory secure the spare wheel.	
6	A damaged or distorted spare wheel rim to such extent that it renders it unserviceable.	

## 5 BOOT

METHOD OF INSPECTION		REASON FOR REJECTION		NOTES
5.1	Examine the boot interior for evidence of corrosion or water penetration.	1	Corrosion to the floor of the boot, inner wing panels or lid.	For Hackney Carriage Vehicles exemption where boot is not used for passenger goods.
5.2	Ensure that there is adequate boot floor covering and that it is in good condition and offers adequate protection to luggage stored in the boot.	2	Inadequate floor covering.	
5.3	Examine the interior of the boot for accumulations of dirt, dust, grease, litter, etc. Or staining of any surface which luggage may come into contact.	3	Accumulations of dirt, grease, rubbish etc. In the boot which could soil or damage luggage stored therein.	The materials could contaminate passengers luggage, taint food etc.
5.4	Check the boot for the presence of containers of any flammable or corrosive materials (e.g. oil, petrol).	4	Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	
5.5	Check boot for loose tools and other items.	5	Any tools or other items not adequately secured, or would hinder the storage of luggage.	This section only applies to Hackney Carriages.
5.6	Check that the vehicle boot supports and opening mechanism adequately support the lid when it is in the 'lifted' position.	6a	Defective opening mechanism	
		6b	Defective boot supports which prevent the lid from being properly secured in the 'lift' position.	
5.7	Check that the vehicle is equipped with suitable wheelchair ramps and they are permanently legibly marked with the registration mark of the vehicle that they are carried in.	7a	Vehicle not equipped with suitable wheel chair ramps.	
		7b	Ramps not marked with the registration mark of the vehicle they are being	

<b>6</b>	<b><u>ENGINE COMPARTMENT</u></b>	<b><u>REASON FOR REJECTION</u></b>	<b><u>NOTES</u></b>
	<b>METHOD OF INSPECTION</b>		
6.1	Carry out a visual inspection of the engine compartment for signs of oil leaks.	1. Excessive oil leaks.	
6.2	Ensure that the battery is properly secured in position.	2. A battery which is not adequately secured.	
6.3	Check the fan belt for signs of incorrect adjustment and/or deterioration.	3. An incorrectly adjusted or deteriorated fan belt.	
6.4	Examine the engine mountings for signs of deterioration.	4. Insecure or excessively deteriorated engine mountings.	
6.5	Ensure that the radiator is properly secured to the vehicle and check the cooling system for signs of any leaks.	5. An inadequately radiator or leaks from the cooling system.	
6.6	Check the clutch mechanisms for correct operation.	6. Fluid leakage or mechanical components wear in the clutch mechanism.	

7	<u>INTERIOR OF VEHICLE</u>	REASON FOR REJECTION	NOTES
	<b>METHOD OF INSPECTION</b>		
7.1	Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.	1 A vehicle which is in a dirty condition with an excessive accumulation of dust, litter, debris etc. Or staining to the carpets or upholstery.	
7.2	Examine the upholstery provided to ensure that they are not worn, holed or torn.	2 Upholstery which is excessively worn, holed or torn.	
7.3	Examine each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in good condition and offer proper support to passengers.	3 Seat cushions or back rests which are in a poor condition and/or offer support to passengers.	
7.4	Examine the rear seats to ensure that the seat base is secure.	4 Inadequately secured rear seat bases.	
7.5	Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches if fitted by the manufacturer.	5a Faulty interior light fitting. 5b Faulty interior light switch. 5c Faulty interior light door switches.	b) and c) are only applicable where they are fitted by the manufacturer.
7.6	Check the operation of the heater/windscreen de-mister to ensure that it is in satisfactory working order.	6 Defective heater/windscreen de-mister.	
7.7	The anti slip face on the clutch pedal.	7 The anti slip provision on the clutch pedal is missing, loose or worn smooth.	

<b>INTERIOR OF VEHICLE (Contd.)</b>		<b>NOTES</b>	
<b>METHOD OF INSPECTION</b>		<b>REASON FOR REJECTION</b>	
7.8	Check the operation of the rear screen heater to ensure that it is functioning properly.	8 A defective rear screen heater.	
7.9	Check the operation of all window winder mechanisms ensuring that they allow all windows to be fully lowered or raised.	9 Window winder mechanisms that do not allow windows to be easily lowered or raised.	Vehicles fitted with electric windows must comply to this standard of operation.
7.10	Check the operation of all rear doors from the interior of the vehicle.	10a A rear passenger door that cannot be opened from the inside using the interior handles.	If child locks are released for the purpose of the test, ensure they are reapplied.
		10b Missing or damaged handles which prevent the opening of the rear doors from the interior.	
7.11	Check that a mirror is fitted to the interior and near side of the vehicle.	11 Missing, insecure or defective mirrors which do not give a clear view to the rear from the driver's seat.	
7.12	Check that there are no excessive unpleasant odours noticeable inside the vehicle.	12 Unacceptable smells including vomit, waste food or other similar contaminants.	

### **INTERIOR OF VEHICLE (Contd.)**

<b>METHOD OF INSPECTION</b>		<b>REASON FOR REJECTION</b>	<b>NOTES</b>
7.14	Ensure that all emergency exits provided on the vehicle are clearly marked, in letters not less than 25mm high, on both the inside and outside, the words "EMERGENCY DOOR" or "FOR EMERGENCY USE ONLY" adjacent to that exit.	14a Less than 25mm high. 14b The words "EMERGENCY DOOR" or "FOR EMERGENCY USE ONLY" are not displayed on either the inside or outside.	Sections 7.14 and 7.15 are only applicable to vehicles which are licensed or intended to be licensed for the carriage of eight passengers not including the driver.
		14c They are not adjacent to the exits.	
7.15	Check that the means of operation for the emergency exits are clearly indicated on or near the door.	15 The means of operation are not clearly indicated.	
7.16	Check that the vehicle is equipped with the apparatus for securing a wheelchair in the vehicle.	16 Vehicle not equipped with the apparatus.	This section only applies to Hackney Carriage Vehicles. (see <b>additional specification at rear of this booklet for detailed specification for hackney carriage vehicles</b> )

**THIS SECTION DOES NOT APPLY TO VEHICLES PRESENTED FOR INSPECTION WHERE AN INITIAL APPLICATION FOR A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE IS TO BE MADE**

8

**FIRST AID KIT**

<b>METHOD OF INSPECTION</b>		<b>REASON FOR REJECTION</b>	<b>NOTES</b>
8.1	Check that there is a first aid kit provided in the vehicle.	1 Failure to provide a first aid kit.	First aid kit to contain at least the following:-
8.2	Check that there is a sign clearly displayed in the interior of the vehicle indicating to any other person than the driver of that vehicle the location of the first aid kit in the vehicle.	2 No sign clearly displayed indicating the position of the first aid kit in the vehicle.	a) 6 individually wrapped sterile adhesive dressings;
8.3	Check that the first aid kit is permanently and legibly marked with the registration mark of the vehicle that it is being carried in.	3 First aid kit not marked with the registration mark of the vehicle it is being carried in.	b) One medium sized sterile unmedicated dressing (approx. 10cm x 8cm; examples of suitable dressings currently available are the Standard Dressings No.8 and No.13 B.P.C);
8.4	Check the first aid kit to ensure that the contents conform to the requirements laid down in the Councils specification (see notes)	4 Contents do not conform to the Councils specification.	c) One triangular bandage (this should, if possible, be sterile; if not a sterile covering appropriate for serious wounds should also be included);
			d) 6 Safety pins.
			N.B. The First Aid Kit must not be opened by the Vehicle Examiner. This function will be performed by Enforcement Officers on spot checks.

**FIRE EXTINGUISHERS**

<b>METHOD OF INSPECTION</b>		<b>REASON FOR REJECTION</b>		<b>NOTES</b>
9.1	The carriage of a fire extinguisher is optional.	1	A fire extinguisher which does not conform, to the Councils standard.	Extinguishers of the dry powder type will require regular shaking to remain effective.
9.2	If a fire extinguisher is carried it must be of the 2.2kg a dry powder type.	2	A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.	Ensure that the position of the fire extinguisher is clearly displayed on the dashboard.
9.3	Examine the fire extinguisher to ensure that it is not empty or has been damaged as to prevent it functioning properly.	3	A leaking, empty or damaged extinguisher.	
9.4	Check whether the fire extinguisher is permanently legibly marked with the Registration number of the vehicle.	4	A fire extinguisher which is not permanently, and legibly marked with the registration of the vehicle.	N.B. Fire Extinguishers became optional following a Licensing Sub Committee decision of 1.10.92 (Minute 1162 refers).

## HACKNEY CARRIAGE SPECIFICATION

The Hackney Carriages Vehicles that this authority will licence must comply with the following specifications in addition to having a positive disability impact assessment.

- 1) Every Taxi Cab submitted for approval as a hackney carriage must be designed and developed exclusively for use as a wheelchair accessible vehicle ( therefore incorporating a built-in taxi light as an integral part of the structure) have M1 classification and comply in all respects to **EC Whole Vehicle Type Approval (ECWVTA)** and be unaltered since type approval.

- 2) If a vehicle has been registered with DVLA and issued with an appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out to the vehicle unless such change shall been subsequently granted **M1 Whole Vehicle Type Approval**.

- 3) The exterior colour of all authorised hackney carriages must be black, unless the vehicle is a London Type cab, in which case it may be any colour.

### 4) Wheelchair Access Equipment -

Ramp: A purpose – designed wheelchair single plate access ramp which must be permanently installed in the vehicle and be lightweight and easy to deploy. An add-on removable section would be deemed to meet this requirement. The installed ramp must have a minimum safe working load of 300 kgs. Ramps and fittings must comply with British Standards 6109.

### 5) General Entry and Exit

**Requirements** The vehicle shall have a minimum of 2 means of exit from the passenger compartment behind the driver for emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be a minimum of 400mm through an adult can pass freely in a normal manner without any undue difficulty.

### 6) Floor Height, Steps and Handrails -

At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:

Where the internal floor height of the vehicle exceeds 300mm an intermediate step shall be fitted every 250mm from the road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg

Handrails must be fitted in appropriate positions in all passenger access doors so as to assist (intending) passengers and facilitate the use of steps where provided. All handrails shall be highlighted in a contrasting high-visibility colour to match handrails and seat markings.

**Prior to purchasing any alternative vehicle that, please consult firstly with Licensing and the vehicle supplier to ensure that the vehicle can comply with the specifications.**

### **APPEALS PROCEDURE**

- 1 If a vehicle proprietor is dissatisfied with the decision of a vehicle examiner to refuse to issue a test certificate in respect of a vehicle and the item(s), which are found to be defective, has/have been inspected in accordance with the Ministry of Transport Inspection Manual for Far and Light Commercial Vehicle Testing, then the appeal shall be in accordance with Regulation 18(1) of the Motor Vehicles (Test) Regulations 1981 which states:

*A person to whom a notice of the refusal of a test certificate has been issued may appeal to the Secretary of State and, save as may be otherwise permitted by the Secretary of State, any such appeal shall –*

- (a) be on a form approved by the Secretary of State and contain the particulars required by that form;*
- (b) be sent to the office of any traffic area within 14 days from the date of the said notice.*

# APPENDIX A

## Condition of Bodywork and Paintwork

### 6.1 Topside Body Condition/ Glass Section

Information	Method of Inspection	Reason for Refusal
<b>Significant means:</b> One or more body panels having sustained disproportionate amount of damage and / or poses a potential risk to the passengers, driver or other road users. Visual inspection of all body panels.	<b>Inspection</b> Inspection conducted with the vehicle standing on a level surface <b>Examination</b> Topside body examination Check that:- 1. There is no evidence of significant damage to the external body panels. 2. Ensure that where there is only one passenger door that door is on the nearside (kerbside) of the vehicle. 3. There is no evidence of crudely repaired or, insecure body panels. (visual examination). 4. That there is no evidence of significant rusting or corrosion resulting in sharp protruding edges	1. a. there is evidence of significant damage to the external body panels. 2. a. single passenger door is not on the nearside of the vehicle. 3. a. there is evidence of crudely repaired or insecure body panels. 4. a. there is evidence of significant rusting or corrosion with sharp protruding edges
<b>Satisfactory appearance means:</b> No panel should show the base primer, should not show signs of body filler Do not attempt to make holes in the body work or enlarge any hole that already exists.		
<b>Door handles and locks:</b> Panel damage around the immediate area of door handles and locks should be given further consideration to ensure the locking/latching mechanisms operate correctly cont'd		

## APPENDIX B

### SPARE TYRE

- B1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations. The vehicle must also be provided with a spare wheel.
- B2 Space-saver spare wheels, unless fitted as standard equipment to the vehicle, will not be accepted. In all other cases, provision shall be made for a standard road wheel to be secured in the vehicle for use as a spare. A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test.
- B3 Any spare wheel shall conform to construction and use regulations and be of the same standard and size as the existing road wheels unless exempted by paragraph B2 above. Any spare wheel not to the same style as the existing road wheels must only be used as an intermediate measure whilst the original road wheel is repaired.
- B4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried except where paragraph B5 applies.
- B5 If a vehicle is fitted with 'run flat' tyres by the manufacturer, the vehicle shall also be fitted with a tyre pressure sensor / warning device. Where the vehicle has been manufactured without a spare wheel well, the requirement to carry a spare wheel will not apply. If the vehicle is manufactured with a spare wheel well, a spare wheel (as detailed above) must be provided.

**BLACKBURN WITH DARWEN BOROUGH COUNCIL****BYE-LAWS**

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the BOROUGH OF BLACKBURN WITH DARWEN COUNCIL with respect to Hackney Carriages in the BOROUGH OF BLACKBURN WITH DARWEN.

**Interpretation**

1. Throughout these Bye-laws "the Council" means the BOROUGH COUNCIL OF BLACKBURN WITH DARWEN and "the District" means the BOROUGH OF BLACKBURN WITH DARWEN.

**Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its Licence, shall be displayed**

2. A proprietor or driver of a Hackney Carriage shall:

- (i) not wilfully or negligently cause or suffer any Licence Plate issued by the Council to be concealed from public view while the carriage is standing or plying for hire;
- (ii) not cause or permit the carriage to stand or ply for hire with any such Plate so defaced that any figure or material particular is illegible.

**Provisions regulating how Hackney Carriages are to be furnished or provided**

3. The proprietor of a Hackney Carriage shall:

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:

- (a) the taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter or some other indication to show that the taximeter is no longer registering 'FOR HIRE';
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate 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 tariff fixed by the Council in that behalf;
- (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

- (e) the taximeter shall be so placed that all letters and figures on the face thereof are 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;
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

5. The driver of a Hackney Carriage shall:
- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the Bye-law in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:
- a) proceed with reasonable speed to one of the stands fixed by the Bye-law in that behalf;
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and
  - d) so as to face in the same direction;
  - e) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at 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.
11. (a) A proprietor or driver of a Hackney Carriage, shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the Plate affixed to the outside of the carriage provided however, that for this purpose, two children below the age of ten years may be counted as one person in so far as the rear seating only is concerned;
- (b) the driver shall not allow there to be conveyed in the front of a Hackney Carriage:
- (i) any child below the age of ten years, or
  - (ii) more than one person above that age.

12. The drivers badge provided by the Council shall be worn by the driver of a Hackney Carriage in such position and manner as to be plainly visible at all times when standing or plying for hire and when hired.

13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:

- a) convey a reasonable quantity of luggage;
- b) afford reasonable assistance in loading and unloading;
- c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

**Provisions fixing the rates or fares to be paid for Hackney Carriages within the district, and securing the due publication of such fares**

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage, the rate or fare prescribed by the Council the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15.(a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

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

**Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof**

16. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

17. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him.

- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police Station in the district and either leave it in the custody of the Officer in Charge of the Station on his giving a receipt for it, or at the option of the Police, give to the Officer in Charge his
- b) name and an address where the property may be reclaimed by the owner.
- c) 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 Police Station, whichever be the greater) but not more than five pounds.

**Penalties**

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

**CONDITIONS ATTACHED TO HACKNEY CARRIAGE LICENCES**

1. The vehicle may not be fitted with roof signs other than a radio aerial which is fitted in such a position as to satisfy the Council.
2. No signs or advertisements other than approved door signs shall be displayed on hackney carriage vehicles unless:
  - (a) the advertisement may be extended across both front and rear doors; and
  - (b) the advertisement is no greater than 180cm x 60cm; and
  - (c) the advertisement is subject to the approval of Officers, acting under delegated powers.
3. Any radio equipment installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.
4. The vehicle shall be provided with a taximeter which must be so constructed, attached and maintained so as to comply with the following requirements:
  - (a) the taximeter so fitted with a flag, key or other device, the turning of which will bring the taximeter into operation and cause the word 'HIRED' to appear on its face.
  - (b) such flag, key or other device shall be capable of being locked in such a position that the taximeter will not operate and that no fare is recorded on the face of the taximeter.
  - (c) when the taximeter is in operation there shall be recorded on the face of the taximeter in clearly legible figures 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.
  - (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded on it
  - (e) the taximeter shall be so placed that all letters and figures on the face of it are 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 illuminated during any period of hiring
  - (f) the taximeter and associated fittings shall be fixed in such a way 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. The carriage shall contain a statement of fares, to be fitted and maintained in such a position so as to be clearly show the following:
  - (a) the minimum charge of hiring, if any
  - (b) the fare tariff
  - (c) the retention charge per minute or portion thereof
  - (d) any additional charges, such as a soiling charge

6. The vehicle shall at all times for the duration of the licence comply with the requirements of the supplementary testing manual
7. Without prejudice to the obligations imposed by the general conditions of the licence, and without prejudice to any other inspections of the vehicle which may be required to comply with such regulations, the proprietor of the vehicle shall ensure that the:
  - (a) the vehicle is inspected every week for such matters as may be prescribed by the Council;
  - (b) a written record of such inspections, and any additional inspections or service(s) undertaken on the vehicle (in respect of such matters), is made at the time in the form prescribed by the council; and
  - (c) such written records are retained safely and are made available for production to an authorised officer of the council, or any police officer, within 72 hours of the request
8. The vehicle licence plate and holder issued by the council identifying the vehicle as a hackney carriage vehicle shall be securely fixed to the exterior of the rear of the vehicle in a position to be clearly visible and should be capable of being easily removed by an authorised officer of the council or a police officer.
9. A plate indicating the number of passengers allowed to be carried shall be securely fixed in the interior of the vehicle so that the information on the plate is facing the rear of the vehicle and is clearly visible to all passengers.
10. The vehicle shall be submitted for inspection to the council's motor vehicle service station at the required frequency for the age of the vehicle, and at any other time at the discretion of the council.
11. The vehicle shall be kept in good order and condition at all times.
12. Hackney carriage vehicle licences shall be granted for a period of 12 months or until the renewal date specified by the Council, whichever is the shorter period.
13. Where the proprietor of a licensed hackney carriage has been requested by an authorised officer of the council, he shall produce for inspection the vehicle licence and/or certificate of insurance within 7 days.
14. The vehicle shall be equipped at all times with suitable wheelchair ramps clearly marked with the registration number of the vehicle.
15. The proprietor shall ensure that the vehicle is equipped with apparatus for the securing of a wheelchair in the vehicle.

## CONDITIONS ATTACHED TO PRIVATE HIRE VEHICLE LICENCES

1. (a) **Only fittings & signs agreed by the council can be used on the vehicle**

Unless required by statute, order, or as mentioned in paragraphs (b) and (c), no signs, lights, advertisements or other fittings shall be displayed on or from the vehicle except a radio aerial which is to be fitted in such a manner as to satisfy the council.

(b) **Only agreed door signs showing the name of the operator may be displayed on the vehicle**

The proprietor shall display suitable signage on the vehicle to the satisfaction of the Council, the sign to include the business name of the operator, but not to include the word 'taxi' in any form.

(c) **Only the licensed private hire sticker issued with the plate must be displayed**

The proprietor of a private hire vehicle shall display within the upper half panel on each of the rear side passenger doors of a private hire vehicle the **permanent self-adhesive vinyl** notice, (which shall have the text "Licensed Private Hire Vehicle" and the text "Advance Booking Only") provided by the Council, identifying the vehicle as a private hire vehicle, and also the plate number. No other letter, numbers or any other type of livery may be displayed on the signage of these doors.

\*On MPV's (Multi passenger vehicle) licensed as private hire vehicles, the signs must be displayed on the rear near side passenger door and on the opposite panel on the offside of the vehicle.

2. **A price list must be displayed where the customer can see it and it must show**

- (a) the minimum charge of each hiring if applicable
- (b) the fare tariff
- (c) the retention charge per minute or portion thereof
- (d) any additional charges

## 3. The vehicle shall at all times for the duration of the licence comply with the requirements of the supplemental test manual.

4. The vehicle licence plate issued by the council identifying the vehicle as a private hire vehicle shall be **securely fixed to the exterior** of the rear of the vehicle in a position to be clearly visible and should be capable of being easily removed by an authorised officer of the council or a police officer.

## 5. The vehicle shall be submitted for inspection at the council's motor vehicle service station at the required frequency for the age of the vehicle, and at any other time at the discretion of the council.

## 6. Where the proprietor of a licensed private hire vehicle has been requested by an authorised officer of the council, he shall produce for inspection the vehicle licence and/or certificate of insurance within 7 days.

7. If the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained as to comply with the following requirements:
- (a) the taximeter shall be fitted with a key, flag, or other device, the turning of which will operate the taximeter and cause the word 'HIRED' to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the taximeter does not operate and that no fare is recorded on the face of the taximeter;
  - (c) when the taximeter is in operation, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare with the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance;
  - (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply the fares recorded on it;
  - (e) the taximeter shall be so placed that all letters and figures on the face of it are at all times plainly visible to all passengers and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - (f) the taximeter and all its fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances

**1. FOREWORD**

This document sets out the Council's framework and requirements for the licensing of stretched limousines.

Ordinarily Private Hire Vehicles are licensed under the Local Government (Miscellaneous Provisions) Act 1976 which in general terms allows Councils to licence vehicles which are suitable to be used for private hire and which have less than 9 passenger seats.

**2. DEFINITION**

For the purposes of this document a stretch limousine is defined as follows:

A motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures

- that is capable of carrying up to but not exceeding 8 passengers;
- that prior to the introduction of this policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

**3. DRIVER AND OPERATOR LICENSING REQUIREMENTS**

The limousine operator must hold a private hire operators' licence issued by Blackburn with Darwen Borough Council and once licenced, the limousine may only be driven by a licensed Blackburn with Darwen driver.

All bookings for the licensed stretched limousine must be booked through the licensed private hire operator.

**4. STANDARD CONDITIONS FOR STRETCHED LIMOUSINES**

1. Licensed limousines must comply at all times with the requirements of Road Traffic legislation and have a valid Single Vehicle Approval (SVA) Certificate.
2. Stretched limousines must comply with the existing conditions of a Private Hire Vehicle Licence insofar as they are not superseded by these conditions and the local private hire licence fee shall be the same.
3. The vehicle shall not be used for every day Private Hire use
4. The Proprietor of a stretched limousine must:-
  - (i) Ensure that a suitable fire extinguisher should be mounted on brackets, in a convenient position in the driver's compartment;
  - (ii) Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reason for non-compliance is rectified;

- (iii) Ensure that loose luggage is not carried within the passenger compartment of the vehicle;
  - (iv) Ensure that any CCTV cameras installed in the vehicle are registered with the Information Commissioner's office and operated in accordance with current UK legislation.
5. The proprietor of the vehicle must:-
- (i) Ensure that the vehicle is at all times only driven by a person who holds a current driver's licence issued by Blackburn with Darwen Council;
  - (ii) Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
  - (iii) Not convey any passengers in the front compartment of the vehicle;
  - (iv) Ensure that seatbelts are fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no requirement for seatbelts on sideways facing seats.
  - (v) Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence permitting the sale or supply of the same.
  - (vi) Not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.
6. The passenger compartment of the vehicle may be fitted with darkened or blackened glass
7. The vehicle will not be required to display an external private hire vehicle licence plate. The Council will issue the vehicle proprietor with an internal licence which identifies the vehicle as a private hire vehicle, and includes the registration number of the vehicle and the number of passengers permitted to be carried.
8. In the event that the vehicle is to be no longer used for private hire (special event) purposes, the proprietor must surrender the vehicle licence to the Council within seven days.
9. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle, other than those specifically approved by the Council.
10. There must be in force a valid policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policy holder.
11. These documents must be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

## STANDARD CONDITIONS ATTACHED TO A PRIVATE HIRE VEHICLE OPERATOR'S LICENCE

### 1. NOTICES

You must display these notices on your premises:

- a. a copy of your Operator's Licence (Personal address of licensee will not be shown)
- b. a chart showing fares and charges
- c. a certificate of employer's liability insurance.

**You must display all these notices in an area where the public will see them e.g. a waiting room.**

### 2. NOTIFICATIONS

- a. You must inform the Council in writing **within 48 hours**
  - if you are due to appear in court for a motoring offence or a criminal offence
  - if the Police have given you a caution
  - if you are convicted of a criminal offence or a motoring offence.
- b. You must write to the Council and give them an address and telephone number where they can contact you at all reasonable times. If any of these details change you must tell the Council in writing **within 7 days**.
- c. If you change your home address you must tell the Council in writing **within 7 days**.
- d. If someone makes a serious complaint about anyone who has a licence from the Council you must tell the licensing section immediately. You must give them the name of the person involved and tell them what the complaint is.

**A serious complaint includes dishonesty, violence, indecency, racism or any complaint which involves drugs or gives rise to safeguarding concerns.**

- e. This Private Hire Vehicle Operators Licence is non-transferable.

**If the owner of the business changes:**

- you must tell the Council, in writing, **within 7 days**. (You must include a letter from the previous owner or some other written proof that the owner of the business has changed.)
- the new owner must make a new application for a Private Hire Vehicle Operator's licence.

**If the firm still has a licence, the Council will only grant a new one if they are sure that the interests of the original licence holder have been respected. The Council will need written proof of this from the original licence holder.**

### 3. DISCLOSURE AND BARRING SERVICE CHECKS

- a. A recent basic disclosure certificate must be produced to the Council each year, for the private hire operator or any of the directors or partners in that company or partnership who are not also licensed drivers.
- b. Operators must confirm that they have had sight of a Basic DBS check for each dispatcher who is not also a licensed driver and to ensure that Basic DBS checks are conducted on any individuals added to the dispatch staff register and that this is compatible with the operator's policy on employing ex-offenders.

#### **4. COMPLAINTS**

- a. Your company must keep a record of complaints that is available for authorised officers to view upon request. All your staff must be made aware of the existence of these records, in particular desk operators. You must record details of all complaints you receive. You must also record what you are going to do about the complaint or what you have already done about it.
- b. If anyone makes a complaint, you must give them the telephone number for the Council's Licensing Section and the webpage where they can complete an online reporting form <https://blackburn.gov.uk/licences-and-permits/taxi-driver-licences/complaints-about-taxi-licensing>.
- c. You must keep a record of complaints for at least 12 months. You might have to keep it for longer if an authorised officer of the Council or a Police Officer tells you to.

#### **5. ILLEGAL PLYING FOR HIRE**

- a. Any private hire vehicle owned by yourself or working from your premises, must not try to pick up or offer the vehicle as available for fare paying passengers to any person in a road or public place other than if that person has pre booked.
- b. You must not ask anyone else to pick up passengers in a road or public place that has not pre booked a vehicle

**NOTE: Section 167 of the Criminal Justice and Public Order Act 1994 makes touting a criminal offence. ('Touting' in this section means offering a vehicle as available to persons who have not pre booked a journey.)**

**'Public place' means any road or other property which at the time the touting occurs members of the public are allowed to be whether they have paid to be there or not.**

#### **6. NAMES OF OPERATORS AND DOOR SIGNS**

All company names and company door signs are subject to approval by the Council.  
No door sign shall display the word "taxi" in any form.

#### **7. INSPECTIONS**

If an authorised officer of the Council or a Police Officer wants to enter your business premises at a reasonable time, you must allow them in. 'A reasonable time' means when you are open for business.

#### **8. RECORDS**

You must keep well organised and up to date records, of all your vehicles and drivers. You must be able to prove your record system is working if asked by a police officer or an authorised officer of the Council.

**The following records must be kept on your business premises:**

##### **Vehicle Records**

You must keep a written record of all vehicles, including Hackney Carriage Vehicles acting as private hire. These details must include the following:

- a. The name and address of the owner of the vehicle
- b. The make and model of the vehicle
- c. The registration number
- d. The plate number of the vehicle
- e. The expiry date of the licence

- f. The date the vehicle started working from your premises
- g. The date any vehicle finished working from your premises
- h. The insurance details of the vehicle

You must show these records to an authorised officer of the Council or a Police Officer if they ask to see them.

### **Driver Records**

You must keep a written record of all drivers working for your private hire company. This must include all drivers, including Hackney Carriage drivers acting as private hire. These details must include the following:

- a. The name and address of every private hire vehicle and hackney carriage driver
- b. A record of which Council issued the licence
- c. The issue and expiry date of the licence
- d. The drivers' call sign.

You must show these records to an authorised officer of the Council or a Police Officer if they ask to see them.

### **Dispatch Staff Records**

Any dispatch staff who are not also licensed drivers must be recorded in a staff register. This register must include:

- a. Their full name
- b. Home address
- c. Date of birth
- d. National Insurance number
- e. The date you saw their basic DBS

## **9. PREMISES**

### **Facilities for passengers - Waiting rooms**

If you have a waiting room for passengers, it should be separate from the drivers' rest area and the operator's room and it must be kept clean, tidy, well maintained and well lit. It should also have clean toilets with washing facilities

NOTE - You must not have any gaming machines on your premises that need a permit under the Gaming Act 2005.

## **10. CONDITION OF PRIVATE HIRE VEHICLES**

- a. You must make ensure the vehicles are always kept clean, inside and outside
- b. All the vehicles must carry all the correct notices and identification. Full details of requirements can be found on the private hire vehicle licence.
- c. All the vehicles must be well maintained both mechanically and structurally, so that they meet the standards of the Council's testing procedures.

## **11. CONDUCT**

- a. You must make sure that all your drivers are fit to drive and that they are not too tired for any reason.
- b. You must make sure that all your drivers are polite towards customers, the general public and other road users.

## 12. HIRINGS

### Standards of service

You must provide a prompt, efficient and reliable service for members of the public. You must provide the service you have advertised.

- When someone hires a vehicle, the driver must arrive at the correct time unless he/she has been delayed for a good reason.
- If you send out any vehicle to a hiring, it must be licensed for use as a private hire vehicle or hackney carriage,
- The person who is driving the vehicle must hold a current Dual driver, Private Hire Vehicle Driver or Hackney Carriage Vehicle Driver's Licence.

## 13. ACCEPTING HIRINGS

- a. When someone makes a booking, they may ask you about your charges and how much the charge for the journey will be. If they do, you must give them this information before you accept their booking or arrange a journey for them.
- b. Only people who are employed to take bookings at the premises are allowed to give information on charges.

## 14. RECORDS OF HIRINGS

Whenever someone makes a booking for a private hire vehicle, you must record the details either in a written or computerised format. Written records must be in a book with pages numbered consecutively. **Do not use a loose-leaf book.**

The details you must record include:

- a. The date and time of the booking
- b. How the booking was made (by telephone or in person or via subcontract from another operator)
- c. The time of the pick-up
- d. The place of the pick-up
- e. The destination
- f. The name of the person making the booking.
- g. The name of the passenger (if different from [f])
- h. Where the journey is subcontracted from another operator the name of that operator.
- i. The name of the driver, their call sign and licence number
- j. The vehicle registration that was dispatched
- k. The fare (if this has been agreed before the journey)
- l. The name of the operator where the journey has been subcontracted
- m. Any other remarks

You must keep these records for at least 12 months. You must keep them longer if a Council Officer or a Police Officer asks you to.

## 15. PUBLIC SERVICE VEHICLES

Operators must not dispatch drivers who hold only a passenger carrying vehicle licence in a public service vehicle, such as a minibus, to fulfil a private hire booking, without the informed consent of the booker.

## **DEFINITIONS**

"The Act of 1976" is the Local Government (Miscellaneous Provisions) Act 1976.

"Authorised Officer" means the same as in Section 80 of the Act of 1976 and Section 19 of the 'Health and Safety at work Act 1974.'

The Council means the Borough of Blackburn with Darwen.

"The Operator" means a person who holds a licence to operate private hire vehicles issued under Section 55 of the 'Local Government (Miscellaneous Provisions) Act 1976.'

"Private Hire Vehicle" means the same as it does in Section 80 of the Act of 1976.

"Employ" means to use the services of somebody, for any reason.

## **IMPORTANT**

**You must make sure:**

- **All your vehicles are properly maintained**
- **All your vehicles are insured and licensed**
- **All your drivers follow the Council's policy and licence conditions**

### **Planning consent**

You must have planning permission for your Private Hire business premises. If there are any conditions or restrictions with the planning permission, you must abide by them.



## **Private Hire and Hackney Carriage Penalty Points Scheme**

Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws, the council's policy or conditions of their licence.

The maximum number of points that can be imposed in respect of any particular matter is 10, but it is possible for one incident or inspection to result in more than one set of points being issued.

If a licence holder accumulates 20 points or more, within a rolling 12 month period, their licence will be referred to the General Licensing Sub-Committee for review.

Any licence holder aggrieved by the imposition of penalty points on their licence may appeal to the Service Lead for Environmental Health & Public Protection, who will consider their explanation as to why the points should not have been imposed.

Notice of the appeal must be submitted in writing to the Authority within 14 days of receiving the penalty points notice.

The following tables list the breaches of legislation that attract penalty points

## PRIVATE HIRE

<b>A. Offences under the Local Government (Misc. Prov.) Act 1976</b>		<b>Points</b>
1. Vehicle not displaying plates. (Sec.48(6)(a))		10
2. Failure to notify vehicle transfer within 14 days. (Sec.49(1))		10
3. Failure to present vehicle for inspection. (Sec.50(1))		5
4. Failure to inform Authority where the vehicle is stored. (Sec.50(2))		5
5. Failure to report an accident within 72 hours.(Sec.50(3))		10
6. Failure to produce a vehicle licence and insurance certificate.(Sec50(4))		5
7. Failure to produce Private Hire driver licence.(Sec.53(3))		5
8. Failure to wear driver badge (Sec.54(2))		10
9. Failure by Operator to keep records of bookings (Sec.56(2))		10
10. Failure by Operator to keep records of vehicles (Sec.56(3))		10
11. Failure to produce a Private Hire Operators licence (Sec56(4))		5
12. Making false statement or withholding information to obtain a licence (Sec.57(2))		10
13. Failure to return vehicle plate within 7 days after notice given (Sec.58(2))		5
14. Failure to surrender driver licence after suspension (Sec.61(2))		5
15. Charging more than the meter fare when HV used as a PV (Sec.67)		10
16. Unnecessarily prolonging a journey (Sec.69)		10
17. Obstruction of an authorised officer or constable (Sec.73(1)(a))		10
18. Failure to comply with requirement of an authorised officer or constable (Sec73(1)(b))		10
19. Failure to give information or assistance to an authorised officer or constable (Sec.73(1)(c))		10
<b>B. Offences under the Transport Act 1980</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
64 (2)(a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64 (2)(b)	Causes or permits a vehicle to have a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word.	10
<b>C. Policy and Conditions of Licence</b>		
Each individual non-compliance with the policy or breach of licence conditions		10

## HACKNEY CARRIAGE

<b>A. Offences under the Local Government (Miscellaneous Provisions) Act 1976</b>		<b>Points</b>
1.	Failure to notify vehicle transfer (Sec.49(1))	10
2.	Failure to present vehicle for inspection (Sec.50(1))	5
3.	Failure to inform Authority where the vehicle is stored (Sec.50(2))	5
4.	Failure to report an accident (Sec.50(3))	10
5.	Failure to produce a vehicle licence and insurance certificate (Sec.50(4))	5
6.	Failure to produce HD driver licence (Sec.53(3))	5
7.	Making false statement or withholding information to obtain a licence (Sec.57(2))	10
8.	Failure to return vehicle plate within 7 days after notice given (Sec.58(2))	5
9.	Failure to surrender driver licence after suspension (Sec.61(2))	5
10.	Charging more than the fare shown on the meter for a journey ending outside the district without prior agreement (Sec.66)	10
11.	Charging more than the meter fare when HV used as a PH (Sec.67)	10
12.	Unnecessarily prolonging a journey (Sec.69)	10
13.	Obstruction of an authorised officer or constable (Sec.73(1)(a))	10
14.	Failure to comply with requirement of an authorised officer or constable (Sec.73(1)(b))	10
15.	Failure to give information or assistance to an authorised officer or constable (Sec.73(1)(c))	10
<b>B. Offences under the Town Police Clauses Act 1847</b>		
<b>Section</b>	<b>Offence</b>	<b>Penalty</b>
48	Failure by HC proprietor to hold a copy of HC driver licences of persons who use the vehicle	10
59	Carrying other person than the hirer without consent	10
<b>C. Offences under the Byelaws</b>		
Each individual breach of hackney carriage byelaws		10
<b>D. Policy and Conditions of Licence</b>		
Each individual non-compliance with the policy or breach of licence conditions		10

### Summary of material changes and consultation responses

#### 3.6 DBS Update Service

- 3.6.1 All licensed drivers must sign up to the DBS update service and maintain their registration throughout the licensed period, to enable the Council to undertake periodic checks at least every 6 months, in accordance with the Statutory Taxi and Private Hire Vehicle Standards.
- 3.6.2 Licensed drivers who fail to register with the update service, or who allow their registration to lapse, will be required to provide a new enhanced certificate every six months.
- 3.6.3 Where the Council is unable to check the driver's status due to failings on the part of the driver, it may suspend the drivers licence until such time as it is satisfied that there is no new information recorded against the driver.
- 3.6.4 Nothing in this section will negate the requirement for licensed drivers to inform the Council within 48 hours of any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- 3.6.5 If there has been a change to the information held by the DBS, the driver will be required to provide a new certificate to the Council and register that one with the update service.

#### Rationale

The Statutory Standards para 6.2 states **“All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.”**

Since 2018 the Council has encouraged drivers to sign up to the update service to allow the Licensing service to verify that the driver has not committed any further offences or had any other relevant information recorded against them since their last DBS was issued. Such checks have only been carried out at the point of renewal which is every 1 or 3 years depending on the length of licence held.

It has become apparent over the last 4 years that whilst the majority of driver's will initially register with the update service, they then allow their registration to lapse, leaving the authority unable to check their offending records online.

Blackburn with Darwen currently has almost 1,200 licensed drivers. To carry out the bi-annual checks required by the Statutory Standards, the Council will need to automate this process through the third party supplier that already deals with the Council's DBS checks, as the licensing service does not have the resources to undertake these checks manually. Drivers must maintain their subscription to allow this to happen, or stand the cost and inconvenience of having to produce a new certificate every 6 months.

#### Consultation Response

There was some resistance at the Taxi Forum to any automatic suspension of driver licences if licensed drivers were not on the update service. It was explained that the power to suspend was discretionary and would only be used where drivers fail to respond promptly to requests for new certificates, if they had not maintained their registration with the update service.

### **3.8 English proficiency**

- 3.8.1 The Statutory Taxi and Private Hire Vehicle Standards 2020 identify that a lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.
- 3.8.2 It goes on to state in para 6.15, that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve these objectives.
- 3.8.3 The Council requires all applicants for new driver's licences to demonstrate their language proficiency, either by providing evidence of formal qualifications such as GCSE, GCE, Functional Skills Level 1 or 2 in English, or ESOL certificate at Level 1 or 2.
- 3.8.4 Applicants who do not hold any formal qualifications in English must undertake a free skills assessment provided by Blackburn Adult Learning service and provide evidence that they have passed the assessment.

#### **Rationale**

This is a new requirement introduced by the Statutory Standards with the relevant wording reflected in the draft. The skills assessment is free and the ESOL courses are also free for people with low or no income.

#### **Consultation Response**

At the Taxi Forum a Private Hire Operator who is licensed to operate 1 vehicle and a second operator licensed to operate up to 10 vehicles, voiced concerns that this would make recruiting new drivers difficult, but the proposal was supported by a third operator. The PHDA have indicated they had no problem with this proposal

### **3.9 Driver Training and Knowledge Test**

- 3.9.1 Applicants for a new driver's licence will be required to pass the Blackburn with Darwen Knowledge Test before being issued with a licence. A fee is required for the driver training sessions and tests and any applicant cancelling an appointment with less than 48 hours' notice, will not be eligible for a refund.
- 3.9.2 The Council publishes a comprehensive guidance pack and training for new drivers on its website, to help them prepare for the driver training and knowledge test.
- 3.9.3 If an applicant fails three successive tests, their application will be rejected and a period of 12 months must elapse, before they will be eligible to book onto the driver training session again.
- 3.9.4 Applicants must bring in their photo-card driving licence on the day of the test. This must be in date and have their current address on it.

#### **Rationale**

The council has moved the booking facility online as part of a wider project to move to a fully online application service for applicants for driver licences. Candidates now pay online and this amendment simplifies the cancellation process and removes the need for candidates to pay an additional cancellation fee. The introduction of a cap on the number of attempts available to candidates would not have a negative impact on the majority of new applicants who prepare for the training using the published materials and are able to pass on their first, second or third attempt.

## **Consultation Response**

At the Taxi Forum, the operator who submitted the written response (Appendix 5) spoke out against the proposed cap on attempts. They also suggested that the local routes element of the test be scrapped altogether.

Another operator supported the proposal

The PHDA have indicated they had no problem with this.

### **3.10 Safeguarding and Child Sexual Exploitation (CSE) training**

3.10.2 In order for them to recognise the signs of CSE and other forms of exploitation such as County Lines, all applicants for Blackburn with Darwen driver licences must have successfully completed an eLearning Safeguarding Course provided by the Council's nominated provider.

#### **Rationale**

The current driver training provided for new applicants by the licensing services includes an overview of safeguarding and CSE.

Paragraphs 6.5 – 6.13 of the Statutory Standards place a much greater emphasis on the need for licensed drivers to be aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm, or is in immediate danger. It also acknowledges the National Crime Agencies 2018 county lines threat assessment which highlighted the road network as key to the transportation of county lines victims, drugs and cash.

There are a number of accredited training providers who have developed specialist online training for the taxi trade that covers all of these elements and who regularly review and update their training programmes to include emerging threats and national trends.

By moving that element of the driver training to a specialist provider, we can ensure that new drivers have received the most up to date training in this very important area and it will allow the Council provided driver training to concentrate on the local rules and national legislation that driver's need to be aware of.

## **Consultation Response**

No negative responses

### **3.12 Medical Fitness**

3.12.3 Medical certificates, completed by the driver's own GP practice, or by one of the Council's approved suppliers for medicals as published on the Council's website, are required on first application and then every 5 years from age 45 until the age of 65 when they are required annually

#### **Rationale**

The Council requires drivers to meet the group 2 standard of fitness that is applied to other professional drivers and uses the D4 form to collect this information. The current policy specifies that the medical should be completed by the drivers own GP, but does not currently require medicals at the same frequency the DVLA.

The DVLA are responsible for issuing PSV and HGV driver licences and require a group 2 medical assessment recorded on the D4 form, on first application and then again at 45 years of age, then every 5 years until the driver turns 65 and then every year. The proposal is to adopt the same frequency of medical assessment used by the DVLA.

Despite the wording in the current policy, the Council has for a number of years accepted medical certificates from 2 other approved providers, to ease the pressure on drivers who were unable to get appointments from their own GP's for these medicals. This established practice is now reflected in the revised wording.

### Consultation Response

The PHDA's formal response is that this is 'Not Agreed'.

## 4. Hackney Carriage and Private Hire vehicles

- 4.1.1 The Council will not issue a vehicle licence for any vehicle which is licensed as either a hackney carriage or private hire vehicle with any other Local Authority. If the Council becomes aware that other vehicle licences are running concurrently with this Council's licence, the Blackburn with Darwen vehicle licence will be immediately revoked.

### Rationale

This requirement is explicit in most licensing authority policies or vehicle conditions including Transport for London, but the Council's policy is currently silent in this respect. It is felt necessary to make the provision explicit, to remove any doubt in the trade's mind that it is possible to operate a vehicle licensed by more than one authority.

All Licensing authority's issue vehicle licences subject to conditions which specify the plate and signage that the vehicle must display - Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA).

If a licensed vehicle displays any signs that are not approved by this Council, or does not display the plates and signs that are required by this Council, at all times that the vehicle licence is valid, it would be operating in breach of the licence conditions. Section 60(3) LGMPA, provides for a vehicle licence to be suspended or revoked for any reasonable cause, which includes operating in breach of conditions.

### Consultation Response

At the Taxi Forum a Private Hire Operator who is licensed to operate 1 vehicle spoke out against this proposal and another raised concerns about the impact of this on accident management companies.

- 4.1.2 New vehicles being presented for a licence must meet the following minimum emissions standards.

#### Euro 4 emission limits (petrol)

CO – 1.0 g/km  
HC – 0.10 g/km  
NOx – 0.08  
PM – no limit

#### Euro 6 emission limits (diesel)

CO – 0.50 g/km  
HC+ NOx – 0.17 g/km  
NOx – 0.08 g/km  
PM – 0.005 g/km  
PM – 6.0x10<sup>-11</sup>/km

### Rationale

The Department for Transport consulted earlier this year on an update to their best practice guidance which confirms in para 8.29 that Licensing authorities should not impose age limits for the licensing of vehicles, but should consider more targeted requirements to meet its policy objectives on emissions etc.

The suggested emission standards for new vehicles will contribute to the Council's Climate

Emergency Action Plan and commitment to improve air quality. They are the same standards as those referenced in the Department for Transport's 2020 Clean Air Zone Framework - Annex A, Clean Air Zone minimum classes and standards.

### **Consultation Response**

There was a general opposition to this proposal at the Taxi Forum.

The PHDA's formal response is that this is 'Not Agreed'.

The 3 individual responses passed on by the Hackney Carriage Association all oppose this proposal.

Objections have been sent by an operator on behalf of 30 drivers against the introduction of the Euro 6 policy

2 of the individual responses directly to the Licensing service specifically oppose this proposal and the Executive Member has agreed not to recommend this proposal.

4.3.3 The Council will not issue a vehicle licence for any vehicle that has been written off by insurers under category A, B or S.

- A relates to vehicles that must be scrapped
- B relates to vehicles that may be broken and their parts reused
- S relates to vehicles that have sustained structural damage that is repairable.

### **Rationale**

The council's policy is currently silent in respect of licensing vehicles which have been written off for insurance purposes, but which may be presented for licensing. Category N vehicles are those that have sustained non-structural damage that is repairable and so would be eligible for a licence if they can pass the council's vehicle testing requirements.

### **Consultation Response**

There was a general opposition to this proposal at the Taxi Forum.

The PHDA's formal response is that this is 'Not Agreed'.

1 of the individual responses directly to the Licensing service specifically opposed this proposal and the Executive Member has agreed not to recommend this proposal.

## **6. Private Hire Operators**

### **6.3 Disclosure and Barring Service Checks**

- 6.3.1 In accordance with the Statutory Guidance the Council requires applicants to provide a recent basic DBS certificate before a private hire operator's licence will be granted, and then annually throughout the duration of the licence, in respect of the person named on the licence, or for each director or partner where the licence is held by a company or partnership.
- 6.3.2 Where an applicant, director or partner also holds a valid Blackburn with Darwen driver's licence, the requirements in 6.3.1 are dis-applied in respect of that individual.
- 6.3.3 Any applicant who has spent six continuous months or more, overseas within the last 5 years, will also be required to produce a Certificate of Good Conduct from the relevant Embassy or High Commission, for each country where they resided. The certificate must have been produced no more than 3 months before it is presented to the Council. This document must be a certified translation, if the original Embassy Certificate is not in English
- 6.3.4 Operators are also expected to be able to demonstrate that all staff who have contact with the public or oversee the dispatching of vehicles do not pose a risk to the public and should evidence that they have had sight of a satisfactory Basic DBS check for each individual named on the register required by 6.6.4.

6.3.5 Applications for private hire operators licences must provide a copy of their policy on employing ex-offenders in roles that would be on the register required by 6.6.4.

## **6.6 Records**

6.6.4 A register of dispatch staff, who are not also licensed drivers, which includes their full name, address, date of birth and National Insurance number, shall be maintained and made available to an authorised officer of the Council on request.

**Rationale** – These are new requirements introduced by the Statutory Standards.

### **Consultation Response**

At the Taxi Forum a Private Hire Operator who is licensed to operate 1 vehicle and a second operator licensed for up to 10 vehicles spoke out against 6.3.1.

One operator also asked how 6.3.4 could be applied to overseas call centres.

Another operator asked if the Council would be providing guidance on the policy for ex-offenders and it was suggested that a sub-group could be established to look at producing a template for all operators to use.

6.6.5 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking, is not permitted without the informed consent of the booker.

**Rationale** - This is a new requirement introduced by the Statutory Standards.

### **Consultation Response**

At the Taxi Forum a Private Hire Operator who is licensed to operate 1 vehicle said this would be impractical as drivers are diverted whilst going to jobs

## **Revised Convictions Policy**

13.3 A minor traffic or vehicle related offence is considered to be one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property, including vehicles.

An applicant with 7 or more points on their DVLA licence for minor traffic or vehicle related offences, will not be granted a licence until at least 5 years have elapsed since the completion of any sentence imposed.

**Rationale** – The statutory standards address motoring convictions in the following 2 paragraphs from the Annex – Assessment of Previous Convictions

“Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.”

The remainder of the offences referred to in the Annex are directly lifted from the Institute of Licensing's (IOL) 2018 guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

That guidance was produced by the IOL in partnership with the Local Government Association, Lawyers in Local Government and the National Association of Licensing and Enforcement Officers, following widespread consultation, to assist Licensing authorities assess the fitness of individuals to hold licences.

Para 4.42 of the IOL guidance on the assessment of minor traffic or vehicle offences is replicated in para 13.3 of the draft policy.

### **Consultation Response**

There was a general opposition to this proposal at the Taxi Forum.

The PHDA's formal response is that this is 'Not Agreed' and the Executive Member has agreed not to recommend this proposal.

1 of the individual responses directly to the Licensing service specifically supported this proposal.

If Committee remove this clause, minor traffic offences as defined in para 13.3 will continue to be considered under the existing convictions policy and the relevant sections will be incorporated into the revised draft.

It is worth noting that there have been no objections raised to para 13.4 which deals with major traffic offences that result in injury to any person, damage to property including vehicles, driving without insurance or other insurance related offences.

---

The PHDA has also 'Not Agreed' 3 other elements from the draft policy which have not been amended as part of this review.

#### **1) Conditions attached to drivers licences - Appendix 2 – Smoking in private hire vehicle fines**

This is not a condition on a licence, but the Licensing Service do include reference to the Health Act 2006 on all driver licences, to remind the holder of the offences and penalties that have been in place since the Smoke Free legislation came into effect on 2006.

#### **2) Appendix 9 – Private Hire and Hackney Carriage Penalty Points Scheme**

This scheme was introduced before the last policy revision in 2016 and remains unchanged.

#### **3) 3.5 Disclosure and Barring Service checks - para 3.5.3 relating to Certificate of good conduct requirements**

This requirement was introduced in Blackburn in the 2016 Policy review

The Statutory Standards also address Overseas convictions in 4.34 and 4.35 below.

'The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been

periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more.

Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision making process. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office guidance.'

Me

Appendix 3



If Blackburn Council dont realise bringing the new emmision rule in for taxi mot's in Blackburn wont have a big impact on the number of current taxi drivers and how they operate ...

They should do

Drivers having spend £5k – £10k when replacing their car and £15k – £25k when replacing a hackney cab will affect the number of current Blackburn taxi drivers .

By affect ...

It could reduce the number of drivers by a few hundred who cant afford to spend that amount on a taxi

Increase the price in taxi fares

Force drivers paying for cars they cant really afford to work 60 / 70 / 80 hours a week

By reducing the number of taxi drivers it will make it harder to book a taxi in Blackburn

Reduce the profit blackburn council make from taxi mot's and retest's at davyfield testing station

If you earnt as little as £5 – £6 – £7 an hour before tax and national insurance , and you dont qualify for holiday or sick pay .

Would you pay several thousands of pounds for a car to earn such a low amount after costs ..?

I dont think so .

£3k – £5k can easily buy u a decent car to pass the current taxi mot test and drive the public around in and £10k – £15k on a decent hackney cab to pass the current mot .

Taxi drivers need Help from Blackburn council not Hike



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Me

13:37, 4 Dec



(No subject)

If Blackburn Council insist the new ruling for euro 6 and euro 4 mot tests for newly plated vehicles needs to come in an it isnt negotiable , only giving current drivers a few months notice If they need to change their vehicles is too short of period . Giving taxi drivers 2 years notice may give them more time to save money for a newer vehicle or find alternative employment . Phasing out vehicles plated now that aren't euro 4 or euro 6 vehicles would need to be considerably longer than when the newly plated vehicle deadline comes in . A 5 year notice period should give drivers who've recently bought vehicles time to get their moneys worth out of their cars and also save up for a new vehicle that will pass the new proposed emission test on the taxi mot



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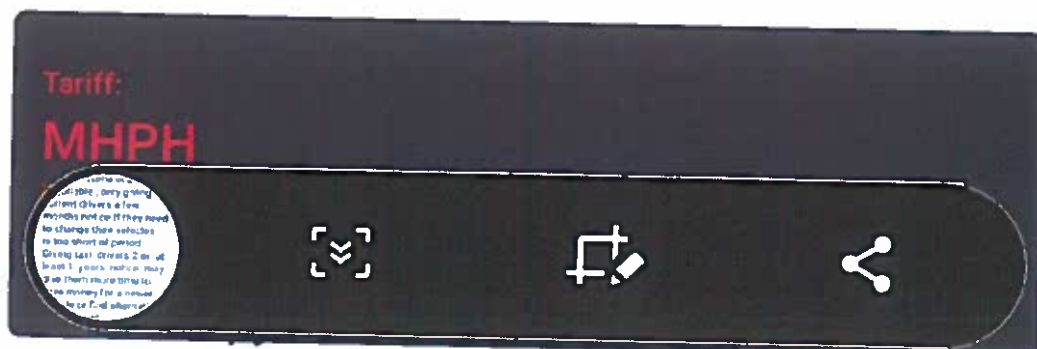


Me

13:58, 2 Dec



If Blackburn Council insist the new ruling for euro 6 and euro 4 mot tests needs to come in an it isnt negotiable , only giving current drivers a few months notice If they need to change their vehicles is too short of period . Giving taxi drivers 2 or at least 1 years notice may give them more time to save money for a newer vehicle or find alternative employment .





By Hand  
Councillor Jim smith  
And

LICENSING TEAM Blackburn With Darwen Borough Council

**Subject: Draft private and hackney policy:**

We the undersigned private hire and hackney drivers authorize the private hire drivers association and hackney drivers association to act on our behalf and represent us in regards to any taxi trade issues with Blackburn with Darwen borough council and the licensing team at Blackburn with Darwen borough council.

We hereby also notify Blackburn with Darwen borough council that for now and in future anything regarding taxi trade; Private hire drivers association and Hackney drivers association will represent us in the council.

With regards to the current draft policy sent to us via text message, we have our concerns, we have listed and discussed our concerns with the Private hire drivers association and Hackney drivers association, there are clauses which are problematic which we have discussed with the associations and asked them to represent us at the council.

These clause or points that we do not agree on the draft policy are as listed below:

- 1: Page 1 Of 28 clause 4.3.3 (LIQ403)
- 2: Page 8 clause 3.5.3
- 3: Page 9 clause 3.12.3
- 4: Page 11 clause 4.1.2
- 5: Page 12 clause 13.3 (LIQ403)
- 6: Page 16 Of 28 (LIQ403) Smoking in private hire vehicles fines
- 7: Page 62 ( Appendix 9) The maximum points that can be imposed in respect to any particular matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.

We also do not accept the council's decision to keep the MOT station in-house since the decision has been taken undemocratically without consulting the trade including all the private hire and hackney drivers.

Thanking you.

Yours Sincerely,

PHDA (Private hire drivers association)

#### 4. Hackney Carriage and Private Hire vehicles

LIQ 403 Page 1 of 28

##### 4.3 Road worthiness

4.3.3 The Council will not issue a vehicle licence for any vehicle that has been written off by insurers under category A, B or S. • A relates to vehicles that must be scrapped • B relates to vehicles that may be broken and their parts reused • S relates to vehicles that have sustained structural damage that is repairable. (Not Agreed)

LIQ 403 Page 12 of 28

##### 13. Motoring convictions

13.3 A minor traffic or vehicle related offence is considered to be one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property, including vehicles. An applicant with 7 or more points on their DVLA licence for minor traffic or vehicle related offences, will not be granted a licence until at least 5 years have elapsed since the completion of any sentence imposed. (Not Agreed)

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##### 3.12 Medical Fitness

3.12.3 Licensed drivers must produce a group 2 medical certificate completed by a registered medical practitioner on first application, at age 45, then every five years until age 65 and thereafter annually, unless the driver is also the holder of a valid PSV or HGV.

For information (Not Agreed)

#### CONDITIONS ATTACHED TO DRIVERS LICENCES APPENDIX 2

Page 16 of 28 Smoking in private hire vehicles

It is an offence under Section 7 (2) of the Health Act 2006 to smoke inside a hackney or private hire vehicle. The penalty for this offence is £200. The person who has control of the smoke free vehicle, would commit a further offence under Section 8 (4) - allowing smoking to take place in a smoke free place. The maximum penalty for this offence is £2,500. (Not Agreed)

#### Appendix 9

##### Private Hire and Hackney Carriage Penalty Points Scheme

The maximum number of points that can be imposed in respect of any particular matter is 10, but it is possible for one incident or inspection to result in more than one set of points being issued. (Not Agreed)

##### 3.5 Disclosure and Barring Service checks

3.5.3 Any applicant who has spent six continuous months or more overseas within the last 5 years, will also be required to produce a Certificate of Good Conduct from the relevant Embassy or High Commission, for each country where they resided. The certificate must have been produced no more than 3 months before it is presented to the Council. This document must be a certified translation, if the original Embassy Certificate is not in English. (Not Agreed)

##### 3.12 Medical Fitness

3.12.3 Medical certificates, completed by the driver's own GP practice, or by one of the Council's

approved suppliers for medicals as published on the Council’s website, are required on first application and then every 5 years from age 45 until the age of 65 when they are required annually. (Not Agreed)

4. Hackney Carriage and Private Hire vehicles  
Page 11 of 28

4.1 General

4.1.2 New vehicles being presented for a licence must meet the following minimum emissions standards. (Not Agreed)

Euro 4 emission limits (petrol)	Euro 6 emission limits (diesel)
(Not Agreed)	(Not Agreed)

4. Hackney Carriage and Private Hire vehicles

4.1.2 New vehicles being presented for a licence must meet the following minimum emissions standards. Euro 4 emission limits (petrol) Euro 6 emission limits (diesel) (Not Agreed)

Private Hire and Hackney Carriage Penalty Points Scheme

The maximum number of points that can be imposed in respect of any particular matter is 10, but it is possible for one incident or inspection to result in more than one set of points being issued. (Not Agreed)

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**From:** [REDACTED]  
**Sent:** Saturday, December 31, 2022 9:24:11 PM  
**To:** Licensing Team  
**Subject:** Policy change

I am writing this email on behalf of myself and 29 other Blackburn with Darwen taxi drivers. We strongly oppose this policy as we feel this is not the right thing to be doing to move forwards with the trade.

We need more drivers that are licensed under Blackburn Council, not more deterrants. The ideas are great and I hope to end up adopting these policies in the future.

However, things like not letting people sit more than 3 tests will push the slow learners away. I ask the question that if someone books a test multiple times, surely the council will be charging each time so what is the issue with this?

The knowledge test should be scrapped altogether as everyone uses their sat nav for directions and drivers learn on the job.

The safeguarding should remain as passenger safety is paramount.

Bringing the Euro 6 policy will drive up the cost substantially, due to the condition of the used car market. This is unfair on the driver.

I suggest the council puts their effort into creating an infrastructure for electric vehicles, things like charging ports should be more visible and this way the drivers can invest in an electric vehicle which will result in savings and would be beneficial for the climate.

If you need any more information on the drivers who are under this email then get in contact and I will share the information with the principle licensing officer.

Kind regards

[REDACTED]

## Responses to the consultation emailed directly to Licensing.

22 emails from individual licensed drivers to Licensing, confirming that the PHDA are authorised to speak on their behalf about the policy review.

---

**From:** [REDACTED]  
**Sent:** 03 December 2022 20:41  
**To:** Licensing Team  
**Subject:** Taxi review.

Hello,

I have been reading with great interest the discussions about updating taxi policy. My husband was a taxi driver for 25+ years, I read the points under review out to him and each one he said "of course" to. I used to use Arcade but the lack of professionalism caused me to change. I now use Intack and the service is a mix. They are now aware that I want to go the quickest route, many drivers try to lengthen the fares journey, stating "you should have said you wanted to go quickest route" Many drivers seem to have an aversion to traffic lights, they try to miss as many out of a journey as possible. I use the app to follow how long the driver will be before arriving, practically every booking the app shows the driver en route for pick up when he is actually still completing the previous fare. Also the registration number on the app doesn't always tally with the car that picks me up. How any taxi driver expects to be a trustworthy driver with 7+ points on their licence is beyond me!!

I wish you luck in completing the review, there are good drivers working for taxi companies in the town, unfortunately they are in the minority.

Yours  
Ann Heath

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**From:** [REDACTED]  
**Sent:** 30 November 2022 07:04  
**To:** Licensing Team  
**Subject:** Opinion

Hi, my name is [REDACTED], I have been driving as a taxi driver for over 30 years. I welcome the changes to the Fares. As cost-of-living increases. However, I object to smoking cars being changed to electric/hybrid as I cannot afford a new car. The estimated price will be around £25,000 which is way above my budget. These changes should be bought in 2030 to give drivers an opportunity to save some money.

Kind regards

[REDACTED]

From: [REDACTED]  
Sent: 14 December 2022 10:00  
To: Licensing Team  
Subject: Taxi policy view

Hi

I'm a private hire driver and I'm happy with the council policies since I have been a private hire driver. I have never had a problem with one MOT station or how the tester at station check my taxi, if there is something wrong or unsafe with the vehicle it should be looked at for mine and public safety. That said I do not agree on age limit or not being able to put in an accident damaged car, that's why we have council MOT testers to test if vehicle are safe! Times are hard prices of good reliable cars which can be used for private hire have gone up also some drivers don't want to put decent cars in taxi as they get ruined or damaged by customers or by stones thrown every week!! Police do not take any actions and drivers are left with hefty repair bills. As we are in hard times I believe any policy which involves driver's spending money on new vehicles will not be feasible this will lead to drivers to leave and fares going up which will effect public who are already struggling. I am happy with rest of your policies hope you take in consideration Blackburn is not a city and nightlife trade is almost finished putting pressure on drivers regarding vehicles will not be fair.  
Thanks

---

**From:** [REDACTED]  
**Sent:** 15 December 2022 00:26  
**To:** Licensing Team  
**Subject:** New change

As a taxi driver I am disagree most of your change thank you

## DEPARTMENT OF ENVIRONMENT AND OPERATIONS

**ORIGINATING SECTION:** PUBLIC PROTECTION SERVICE

**REPORT TO :** LICENSING COMMITTEE 24 January 2023

**TITLE :** UPDATE ON THE WORK OF PUBLIC PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

### 1. PURPOSE

The purpose of this report is to provide an update on the work of the Council's Public Protection and Environmental Health Service (PPS) where there is a connection with businesses and persons who require a licence from the Council. It also provides an update for members on national policy changes and proposals affecting licencing work.

### 2. RECOMMENDATION

That members note the report.

### 3. KEY ISSUES

#### 3.1 Joint operational work

Licensing and Environmental Health Officers have worked with Lancashire Police and BwD Children's Services on Operation Latimer. On 19 December visits were carried out at three businesses – 2 in Blackburn and 1 in Darwen following concerns around possible child sexual exploitation (CSE).

During the visits business owners and staff were spoken to and educated about CSE and the premises were inspected to ensure they were complying with health and safety, licensing and hygiene requirements.

A 43-year-old man from Blackburn was arrested on suspicion of an Immigration offence.

#### 3.2 Officer revocations

In quarter 3 of 2022/23, 2 drivers have had their hackney/private hire drivers' licences revoked by officers for issues which needed immediate action.

#### 3.3 Appeal results

Since the last Licensing Committee 2 appeals against the decision of officers or general licensing sub-committees to revoke private hire vehicle driver licences have concluded. The Magistrates Court agreed with the decision made by the Licensing Sub-Committee and awarded costs against the driver of £1500. This is now subject to a further appeal to the Crown Court. The appeal against the officer decision was withdrawn with costs awarded of £2844.

#### 3.4 Blackburn with Darwen Taxi Forum meeting

At November's meeting of the Taxi Forum the focus was on the consultation on the proposed amendments to the Council's Hackney Carriage and Private Hire Licensing Policy. A report on the outcome of the consultation is on the agenda for the Full Licensing Committee.

### 3.5 Complaints to Licensing Team

During the period 21 complaints have been made to the Licensing Team – 17 related to taxi/private hire licensing and 4 were about alcohol or late night hot food licensed premises.

The most common complaints were about verbal abuse/threatening behaviour by licensed drivers and refusal to take passengers with guide dogs or making additional charges for carrying passengers using wheelchairs.

Environmental Health have also received 2 complaints about noise and disturbance emanating from licensed premises.

### 3.6 Routine work carried out

The following table provides figures on some of the key work carried out from 1 October 2022 to 31 December 2022.

Vehicle licences processed – hackney carriage and private hire	<b>497</b>
Driver licences processed – new and renewal applications	<b>137</b>
Licensing Act licences processed These are new licences, variations to existing licences and changes to designated premises supervisor	<b>33</b>
Temporary Event Notices processed	<b>41</b>
Animal Welfare Licences processed	<b>2</b>
Street trader	<b>2</b>

### 3.3 National Issues

#### Licensing Committee Member Resources

The Local Government Association has published a range of resources and handbooks to help councillors with their role sitting on licensing committees.

The resources include:

1. **Licensing committee training videos** available in this link:  
<https://www.local.gov.uk/topics/licences-regulations-and-trading-standards/licensing-committee-training-videos>

In order to effectively administer the licensing system, it is crucial that members are fully trained before sitting on a committee, and these videos are designed to support that process. These videos focus on some key areas of licensing: alcohol and entertainment, taxi and private hire vehicle, and gambling.

2. **E-learning: licensing module**

<https://www.local.gov.uk/our-support/leadership-workforce-and-communications/councillor-development/councillor-e-learning>

This series of e-learning modules includes one on Licensing.

#### **4. RATIONALE**

To inform members of the Licensing committee about the key work carried out by staff working within the Council's Public Protection and Environmental Health Service where there is a connection with businesses and people needing a licence from the Council. It also provides an update on some national licensing issues.

#### **5. POLICY IMPLICATIONS**

None.

#### **6. FINANCIAL IMPLICATIONS**

None

#### **7. LEGAL IMPLICATIONS**

None.

#### **8. RESOURCE IMPLICATIONS**

None

#### **9. CONSULTATIONS**

None

#### **10 . CONTACT OFFICER**

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Telephone 01254 585585

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