

# Hackney Carriage and Private Hire

Licence Standards and Procedures  
Vehicle Licence Conditions



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City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

This booklet, produced by your Hackney Carriage and Private Hire Licensing Team, provides professional drivers, operators and proprietors with the conditions that drivers and vehicles are licensed under. It also incorporates space at the back of the book for personal notes, provides useful information and contact numbers and is designed to fit your vehicles glove-box for handy reference. We hope that you find the booklet useful and we look forward to working with you.

# Hackney Carriage Driver and Vehicle Conditions



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## Hackney Carriage Driver Licence Standards and Procedures

### Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)

The scope of the Council's Conditions and Procedures encompasses supports and upholds the Local Government (Miscellaneous Provisions) Act, Town and Police Clauses Act 1847, The Road Traffic Act, Section 171 of the Public Health Act 1897, the Highway Code, Health and Safety at Work Act 1974, Equalities Act 2010, Employment Law and other relevant Acts, Regulations and Local Bye Laws.

The Byelaws relating to Hackney Carriages in the City of Bradford Metropolitan District Council are included

at the end of this document.

As an applicant you have a right of appeal to the magistrates courts against a decision made by the Council within 21 days of receipt of that decision.

### Driver Licence Duration – One or Three years.

It is an offence for a person to drive a Hackney Carriage unless and until a Driver's Licence is granted. It is an offence for the Proprietor to employ any person to drive such a vehicle who is not the holder of a current Hackney Carriage driver licence.

### Vehicle Hire Companies

If you have more than one vehicle licensed then you are accountable for all vehicles and will be classified as a hire company.

The service need to know who is the official vehicle proprietor, in the case of a company, who is the named owner of that company.

The hire company owner will have to demonstrate a system which identifies who a vehicle is licensed with at all times, including official hire agreements.

The hire company is responsible for keeping a maintenance and safety inspection history of each vehicle and ensure that vehicles are safe and fit for purpose at all times. These records should be available for inspection at all times.

Insurance for the vehicle and licensed driver shall be available at all times including in the vehicle. Electronic versions of insurance are acceptable provided they are immediately available. The service reserves the right to check vehicle and driver details with insurers as necessary.

**1. Requirements to be satisfied before the grant of a Hackney Carriage Driver Licence:**

The Council shall only grant a Hackney Carriage Driver Licence upon the applicant meeting the Council criteria of licensing.

- 1.1** Minimum of 18 years of age and Held a Full British or EU Driving Licence for a minimum of 1 year. If the driving licence has been held for less than 3 years then an advanced driving certificate such as 'pass plus' will need to be provided.
- 1.2** Statutory Declaration in the presence of a Solicitor or Justice of the Peace (First Licence). Applicants are required to complete fully and sign Part A of the Application Form. Part B refers to procedure in relation to the making of a Statutory Declaration by the applicant in the presence of a Solicitor or Justice of the Peace at the applicant's own expense. In the event of any part of the application not being completed, the application will not be considered.
- Details of all convictions for any offence whether driving offences (including fixed penalty notices) or any other offence must be declared. All police cautions must also be declared. The Rehabilitation of Offenders Act 1974 is not applicable.

- 1.3** Qualify under section 59 of the Local Government Miscellaneous Provisions Act 1976 to be a licensed driver.
- 1.4** Satisfactory Vehicle Operations Services Agency (VOSA) group 2 medical report from the applicant's registered medical practitioner. (Annually after 65 years old).
- 1.5** Current full British or EU driving licence with accurate details of the applicant's current name, address and convictions.
- 1.6** Current British Passport or EU Passport or other evidence to confirm the applicant's entitlement to work in the UK.
- 1.7** DBS are valid for a maximum period of 3 years 3 months. On each licence application a driver must produce a valid DBS (enhanced) disclosure for the duration of the licence period they are applying for.

**Important Notes:**

- 1 A licence will not be granted without production of a valid DBS disclosure.*
- 2 It is the driver's responsibility to apply for or have their DBS refreshed at least 6 weeks prior to application for licence or its expiry.*

- 1.8** Successful completion of the Council's driver training programme modules.

- 1.9** A Basic understanding of written and spoken English.
- 1.10** The applicant should be familiar with the statutory provision (including byelaws).
- 1.11** Payment of a non-refundable application fee.
- 1.12** Determination of suitability to drive

Please see 'convictions and offences guidance' in section 5..

## Granted Hackney Carriage Driver Licence - Operation and Conduct:

### 1.13 Duration of Driver Licence 1 or 3 years.

The Hackney Carriage Licence remains in force for a maximum period of three years unless the Council specifies a shorter period licence or if the licence is suspended or revoked before it expires

### 1.14 Proprietor or Driver Non Compliance or Poor Conduct.

Proprietors or drivers of taxis shall at all times comply with, all relevant Acts and Regulations surrounding driving and operating a Hackney Carriage on the public highway. The proprietor or driver of a taxi shall at all times conform to statutory provision (including byelaws), the Council's Hackney Carriage conditions and procedures. Please refer to 'Non-compliance with Conditions and Procedures' document for sanctions in relation to non-compliance.

### 1.15 Equal Opportunities in Employment and Service Delivery / Equality Act 2010

Proprietors, owners, drivers and employees of companies operating under authority of Bradford's Councils Hackney Carriage and Private Hire vehicle licensing department shall abide by the Council's Public Sector Equality

Duty (part of the Equality Act 2010), which requires the Council to have due regard to the need to:

- Eliminate unlawful discrimination, harassment or victimisation.
- Advance equality of opportunity between those who share a protected characteristic and those who do not share it
- Foster good relations between those who share a protected characteristic and those who do not share it

The Equality Act 2010 protects the following characteristics - age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

### 1.16 Prohibition of Use of Mobile Telephone.

Drivers of Private Hire vehicles must not use a mobile hand held telecommunications device whilst driving.

## Hackney Carriage Vehicle Licence Conditions

### Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)

The scope of the Council's Conditions and Procedures encompasses supports and upholds the Local Government (Miscellaneous Provisions) Act, Town and Police Clauses Act 1847, The Road Traffic Act, Section 171 of the Public Health Act 1897, the Highway Code, other relevant Acts, Regulations and Local Bye Laws.

The Council shall only grant a Hackney Carriage Vehicle Licence upon the vehicle meeting all the Council Conditions of Licence.

As an applicant you have a right of appeal to the magistrates courts against a decision made by the Council within 21 days of receipt of that decision.

### 1.17 Pre - Conditions of Granting a Hackney Carriage Vehicle Licence:

#### Vehicle Age Profile for Licensing:

Existing Hackney Carriage - Non Wheel Chair Accessible.

- Less than 10 years at date of first registration.
- Maximum of up to and including 10 years from date of first registration providing there is no break in licensing.

Hackney Carriage - Wheelchair Accessible Vehicle (WAV) replacement vehicle / new vehicle.

- Less than 10 years at date of first registration.
- Maximum of up to and including 12 years from date of first registration providing there is no break in licensing.

#### Vehicle Compliance and Specification

- Refer to the current vehicle specification.

#### Vehicle Compliance Inspections Intervals for Licensing:

Non Wheelchair and Wheelchair Accessible Vehicle (WAV).

- Annually.
- When a vehicle is more than 6 years old from the date of first registration, a higher annual test fee is applicable; the vehicle may be called for an additional vehicle inspection at no additional fee. These tests are known as Random tests.
- If a vehicle does not attend a random test then the service reserves the right to charge £50 missed appointment fee. This charge might go against the driver or the operator depending upon the situation.

- A 6 month and a 1-5 month licence is available at end of licensing life

**In order to proceed with a request to licence a vehicle you will need the following documentation.**

- A completed application form
- Vehicle registration document (V5C) in your name or a Bill of Sale which must state the sellers name and address, the buyers name and address, details of the vehicle and the V5C/2 section 10 (New Keeper Supplement)
- MOT certificate
- Original insurance documents in Proprietors name, detailing Public Hire use. An email copy would be accepted providing the hard copy is submitted to Shearbridge within 7 days
- The service reserves the right to make checks with the insurance company
- HPI check new/exchange/ renewal (and on request, fee applicable)
- Appropriate Fee
- For vehicles that have been converted from the original type approval need to produce the correct type approval documentation, this being 'Whole Vehicle', 'Low Volume' or 'Individual' type approval.

**1.18 Granted Hackney Carriage Vehicle Licence – Proprietors/ Drivers Conditions of Operation:**

**1.19 Duration of Hackney Carriage Vehicle Licence:**

The Hackney Carriage Vehicle Licence remains in force for a period of one year unless the Council specifies a shorter period licence or if the licence is suspended or revoked before it expires.

**1.20 Vehicle Livery:**

The vehicle shall be in solid white livery and on both front entrance doors have permanently secured decals of a single diagonal green stripe together with the Council's Crest and vehicle plate number. The stripes and crest must be obtained from the Hackney Carriage and Private Hire Service. Front and rear windscreen visors may be authorised. A fee will be made for the decals.

Wheelchair Accessible Vehicles must display

- 2 side and 1 rear TAXI sticker
- A wheelchair 'logo' sticker
- The green stripe, crest and plate number

**1.21 Maintenance of Vehicle:**

The vehicle and all its fittings and equipment must at all times, when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements including in

particular those contained in Motor Vehicle (Construction and Use) Regulations must be fully complied with.

Bodywork and paintwork must be maintained in good condition and any damage repaired.

**1.22 Modifications to Vehicle:**

Straightforward like for like component changes will be acceptable. Material modifications will be approved from the Council approved specification. Any conversion will need an IVA certificate and will also need to undergo a vehicle test/inspection at Shearbridge.

Roof racks shall not be approved as a suitable modification.

**1.23 Vehicle Obligatory Signs and Hackney Carriage Plates:**

The mounting plate to which the licence plate, issued by the Council, is affixed, must be permanently secured to the rearmost part of the vehicle bodywork and be clearly visible at all times.

Only the maximum number of passengers displayed on the vehicle plate shall be carried in the vehicle.

Drivers shall not cause or allow the windscreen licence disc on the inside or the licence plate on the outside of the vehicle, to become concealed from public view, or to be damaged or defaced so that any figure or material particular is illegible.

The plate and windscreen disc shall remain the property of the Council and must be returned immediately to the Council on the surrender of the licence for the vehicle or in the event of the licence otherwise expiring. In the case of a licence being suspended or revoked notice shall be given by the Council.

**Roof Sign**

Vehicles shall have a permanently and securely mounted roof sign approved by the Council displaying the word 'TAXI' the sign should be green from the front angle and red from the rear. Strong magnet securing devices are acceptable. In some cases the universal yellow 'TAXI' roof signs may be approved .

- the sign illumination should be controlled by the meter so that the light is automatically on when the meter is not running and off when the meter is running.
- no sharp or protruding edges.

A 'No Smoking' sign must be displayed in the passenger saloon area of the vehicle.

**1.24 Advertising Notices:**

All signs, advertising boards or decals shall only be fitted in line with the Councils Advertising Policy and with prior approval of the Council.

### **1.25 Taxi Fare Meters:**

The taximeter provided in the vehicle shall display only the two tariffs contained in the table of fares fixed by the Council, and shall be displayed in a position which is visible to the public when in use. The taximeter shall be put 'on' only at the commencement of the Journey.

### **1.26 Prohibition of Sounding of Horns / Audible Warnings:**

Irrespective of the hour of the day, drivers shall not sound horns outside any premises where they are picking up passengers, except in emergencies.

### **1.27 Carrying of Passengers:**

Only the maximum number of passengers displayed on the vehicle plate and windscreen licence disc shall be carried in the vehicle at any time.

### **1.28 Prohibition against Carrying Animals:**

Drivers must not convey in a Hackney Carriage vehicle any animal belonging to themselves or in their possession or that of the proprietor. Any animal belonging to or in the custody of any passenger may be conveyed safely in the vehicle at the driver's discretion.

### **1.29 Assistance Dogs:**

Drivers must convey safely in the vehicle a guide dog or any other animal which normally assists a blind or disabled passenger, except where a particular driver

has a Council issued Exemption Certificate exempting him / her from carrying animals. In such a case the Exemption Certificate must be displayed in a position visible to the public and kept in a clean and legible condition.

### **1.30 Vehicle Checks:**

The vehicle shall be made available at the request of an Authorised Officer, Police or VOSA to stop the vehicle to enable a check to be made to prevent or detect any contravention of any statutory requirements or conditions applicable to the vehicle and its use as a Hackney Carriage, whether or not passengers are being carried, and shall not proceed until the Authorised Officer, Police or VOSA is satisfied that all requirements or conditions are being observed and complied with.

### **1.31 Police Vehicle Defect Rectification Scheme:**

Proprietors who have been issued with a Vehicle Defect Rectification Notice by the Police must within seven days from issue, present the vehicle for test and inspection at Shearbridge Depot. A fee will be payable by the driver/proprietor to the Council at the current rate.

The rectification notice must be cancelled by the issuing body.

### **1.32 Authorised Officer / Police Suspension of Vehicle Notice:**

The proprietor, on being issued with a Notice suspending the

vehicle from public use, if requested must present the vehicle for test and inspection at Shearbridge Depot within the time stated in the Notice.

A fee will be payable by the proprietor to the Council at the current rate for examination of the Vehicle by an Authorised Officer.

### **1.33 Reporting of Road Accidents:**

Proprietors of Hackney Carriage vehicles involved in incidents which cause material damage to the vehicle, having a potential impact on the safety, performance or appearance of the vehicle, or which may affect the comfort or convenience of passengers, must within 72 hours or as soon as reasonably practicable report the accident to the Council. If requested to do so, they must present the vehicle for inspection.

A fee will be payable by the proprietor to the Council at the current rate for examination of the vehicle by an Authorised Officer.

### **1.34 HPI Check**

A HPI check will be carried out at new and licence renewal. If a vehicle is categorised as a write off A or B the vehicle shall not be licensed. If the vehicle is categorised as a C or D the appropriate condition inspection procedure shall be carried out.

### **1.35 Replacement Vehicles:**

If a replacement vehicle is required then the Hackney Carriage Vehicle Exchange procedure should be

followed. The exchange vehicle must be of the same 'type' as the currently licensed vehicle.

A replacement vehicle may be licensed up to a maximum of 3 months dependant upon individual circumstances, the Hackney Carriage Service must be regularly updated in writing on progress

### **1.36 Absence of Proprietor:**

Prior to a proprietor leaving the United Kingdom for more than 28 days, a Power of Attorney shall be completed in the presence of a solicitor and to the satisfaction of the Council.

### **1.37 Reporting of Convictions, Police Cautions and Motoring Offences:**

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

See the detailed Table of Convictions, Cautions and Motoring Offences at section 5 of this document.

### 1.38 Hackney Carriage Proprietors:

Proprietors shall notify the Council in writing of the name and address of all licensed drivers driving their vehicle and of any driver ceasing to do so within seven days.

Proprietors are responsible for maintaining up-to-date records of licences and Insurances for all drivers and vehicles operating under their control. Proprietors shall ensure that these records are maintained for inspection at any time, by an Authorised Officer, Police or VOSA.

### 1.39 Hackney Carriage Insurance and Licence Checks:

Proprietors shall maintain in force for the duration of the licence an insurance policy for the vehicle including the carriage of passengers for public hire and the carriage of passengers for hire or reward and shall produce on demand to an Authorised Officer, Police or VOSA an appropriate certificate.

Proprietors are responsible for maintaining up-to-date records of licences for all drivers and vehicles operating under their control. Proprietors shall ensure that these records are maintained for inspection at any time, by an Authorised Officer, Police or VOSA.

Drivers or proprietors of the vehicle, when in public use shall at all times carry valid proof of Insurance for that vehicle.

An email will be accepted but a hard copy of the insurance document will need presenting at Shearbridge within 7 days.

### 1.40 Sale/Disposal of Hackney Carriage Plate:

Where a Hackney Carriage Proprietor wishes to transfer the Hackney Carriage Plate, the proprietor shall do so in line with the current transfer procedure.

### 1.41 Non-Compliance with Conditions and Procedure

Please refer to the 'Non-compliance with Conditions and Procedures' document for sanctions in relation to non-compliance.

## Byelaws relating to Hackney Carriages

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1897 by City of Bradford Metropolitan Council with respect to hackney carriages in the Metropolitan District of the City of Bradford.

### 1.42 Interpretation

Throughout these byelaws the following expressions have the meanings hereby assigned to them:

“the Council” means the City of Bradford Metropolitan District Council.

“district” means the Metropolitan District of Bradford.

“taxi” means a hackney carriage licensed by the Council to ply for hire and fitted with a taximeter.

“authorised officer” means any officer or person authorised by the council to inspect or supervise taxis and the drivers thereof.

### 1.43 Display Of Hackney Carriage Plate

Every proprietor of a taxi shall

- i) cause the identification plate provided by the Council bearing the number of the Licence granted in respect of the taxi to be affixed on the external surface of such taxi so as to be readily visible from the rear;
- ii) not wilfully or negligently cause or suffer any such plate or any writing thereon to be concealed from public view

or inverted or obliterated or rendered illegible, at any time while the taxi is standing or plying for hire;

- iii) not cause or permit the taxi to stand or ply for hire with such plate so defaced so that any figure or material particular is illegible;
- iv) return such plate to the Council on suspension, revocation or expiry of the said Licence.

### 1.44 Number Plate On Inside Of Taxi

- a) The proprietor of a taxi shall cause to be affixed on the inside of the taxi in such a position as to be easily observed by the passenger in the taxi, the plate or notice provided by the Council on which is marked the number of the licence granted in respect of such taxi.
- b) The proprietor or driver of a taxi shall not wilfully or negligently cause or suffer such plate or notice or the number or information thereon to be removed or concealed from public view while the taxi is standing, plying or being driven for hire.

#### 1.45 Furnishing Of Taxis

Every proprietor of a taxi shall:

- a) provide sufficient means by which any person in the taxi may communicate with the driver;
- b) cause the roof or covering to be kept watertight;
- c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- d) cause the seats to be properly cushioned or covered;
- e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- f) cause the taxi including the fitting and furniture therein 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 taxi is so constructed as to carry luggage;
- h) provide at least two doors for the use of persons conveyed in such taxi and a separate means of ingress and egress for the driver;
- i) ensure that no painted, written or other matter by way of advertisement appears on any part of such taxi;
- j) provide such taxi with satisfactory arrangements for quickly replacing any punctured or damaged tyre.

#### 1.46 Construction Of Taximeters

1. The proprietor shall cause his/her taxi to be fitted with an efficient taximeter which shall be constructed, attached and maintained as to comply with the following requirements:
  - a) the taximeter shall be maintained in proper working order and condition;
  - b) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
  - c) such key, flag or other device shall be capable of being locked in such position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - d) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the taxi by distance in pursuance of the byelaw in that behalf or as may be fixed by the Council;
  - e) 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;

- f) 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 taxi, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - g) the taximeter and all the fittings thereof shall be so affixed to the taxi 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.
2. The proprietor or driver of a taxi shall not tamper with or permit any person to tamper with any taximeter with which the taxi is provided, with the fittings thereof, or with the seals affixed thereto.

#### 1.47 Starting And Stopping Of Taximeter

The driver of a taxi provided with a taximeter shall:

- a) when standing or plying for hire, keep the key, flag or other device fitting in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word

'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

- c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

#### 1.48. Occupation Of Stands

The driver of a taxi shall when plying for hire in any street and not actually hired,

- a) proceed with reasonable speed to and station the taxi on one of the stands fixed by the Council in that behalf;
- b) if a stand, at the time of his/her arrival, is occupied by the full number of taxis authorised to occupy it, proceed to another stand;
- c) on arriving at a stand not already occupied by the full number of taxis authorised to occupy it, station the taxi immediately behind the taxi or taxis on the stand so as to face in the same direction;
- d) from time to time when other taxis immediately in front are driven off or moved forward cause his/her taxi to be moved forward so as to fill the place previously occupied by the taxi driven off or moved forward;



e) if he/she be the driver of one of the first two taxis at the head of the stand, be with his/her taxi and cause such taxi to be ready to be hired at once by any person.

#### **1.49 Canvassing Prohibited**

The proprietor or driver of a taxi, when standing or plying for hire, shall not by calling out or otherwise, importune any person to hire such taxi, and shall not make use of the services of any other person for the purpose.

#### **1.50 Conduct Of Drivers**

The driver of a taxi shall at all times when such taxi is standing or plying for hire, or being driven for hire, and when hired, conduct him/herself in an orderly manner and with civility and propriety towards every person seeking to hire, or hiring or being conveyed in such taxi and shall comply with every reasonable requirement of any person hiring or being conveyed in the taxi.

#### **1.51 Punctual Attendance When Previously Hired**

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

#### **1.52 Driver To Take Direct Route And Not Delay Taxi**

The driver of a taxi shall, when hired to drive to any particular destination and subject to any directions given by the hirer, proceed to such destination by the shortest and most reasonable available route.

#### **1.53 Number Of Persons To Be Carried In Taxi**

The proprietor or driver of a taxi shall not convey or permit to be conveyed in such taxi any greater number of persons than the number of persons specified on the plate affixed to the outside of the taxi. For the purpose of this byelaw two children under the age of ten years shall be regarded as one person, and children under the age of three years shall not be reckoned provided they are accompanied by an adult.

#### **1.54 Carriage Of Personal Luggage**

1. The driver of a taxi so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the taxi:
  - a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading such luggage;

- c) afford reasonable assistance in removing such luggage to or from the entrance to any house, station, or place at which he/she may take up or set down such person.
2. Nothing in this byelaw shall compel any driver to permit the carrying in or on the taxi of any article which is of such bulk or character that the carrying of it, or is placing in or its removal from the taxi, would be likely to cause damage to the taxi or its fittings.

#### **1.55 Byelaws To Be Produced On Request**

The driver of a taxi shall, at all times when standing, plying or driving for hire, when required by any authorised officer, constable or any person being in or upon such taxi, produce a copy of these byelaws for perusal and inspection by such authorised officer, constable or person.

#### **1.56 Fares And Charges For Taxis**

- a) The proprietor or driver of a taxi shall be entitled to demand and take for the hire of the taxi 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/her desire to engage by time.
- a) Provided always that where a taxi 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 authorized by the Council which cannot be recorded on the face of the taximeter.

- b) The proprietor or driver shall be entitled to demand and take a sum not exceeding the fare for the distance travelled when a person calls or sends for a taxi and does not further employ the same.

#### **1.57 Statement Of Fares**

1. The proprietor of a taxi shall cause the notice provided by the Council stating the fares prescribed by the Council to be fixed on the inside of the taxi or on a plate fixed thereto in a conspicuous position so as to be readily visible to any hirer carried in the taxi.
2. The proprietor or driver of a taxi bearing a statement of fares shall not willfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the taxi is plying or being used for hire.

#### **1.58 Disabled Taxi**

In any case where a taxi shall be disabled the driver of such taxi shall not cause or suffer the taxi to remain on any stand longer than may be reasonably necessary

to make arrangements for its removal unless such disablement is strictly temporary and can be and is remedied at once. If the disablement is not of such a nature, he/she shall cause a notice to be placed at once on the taxi to the effect that it cannot be used and will be removed for repair.

#### **1.59 Proprietor To Give Name And Address Of Driver On Demand**

The proprietor of a taxi shall, at any time, when asked by an authorised officer or a police constable for the name and place of abode of the driver who was in charge of the taxi at any time within the previous seven days, declare and make known that name and place of abode to the authorised officer or police constable who asks for that information.

#### **1.60 Penalties**

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty 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 therefor.

#### **1.61 Repeal Of Byelaws**

The byelaws relating to hackney carriages which were made by

- a. the local Board for the District of Baildon on 2 May 1893 and allowed by the Local Government Board on 12 July 1893,

- b. the Urban District Council of Bingley on 24 January 1971 and confirmed by one of Her Majesty's Principal Secretaries of State on 20 March 1972, as amended by Byelaws made by City of Bradford Metropolitan Council on 9 February 1977 and confirmed by one of Her Majesty's Principal Secretaries of State on 27 May 1977,
- c. the Lord Mayor, Aldermen and Citizens of the City of Bradford acting by the Council on 31 July 1970 and confirmed by one of Her Majesty's Principal Secretaries of State on 12 October 1970,
- d. the Urban District Council of Ilkley on 5 December 1951 and confirmed by one of Her Majesty's Principal Secretaries of State on 17 April 1952,
- e. the Mayor, Aldermen and Burgesses of the Borough of Keighley on 1 October 1970 and confirmed by one of Her Majesty's Principal Secretaries of State on 12 February 1971,
- f. the Urban District Council of Shipley on 23 July 1969 and confirmed by one of Her Majesty's Principal Secretaries of State on 16 October 1969,
- g. and amending Byelaws to the above made by the City of Bradford Metropolitan Council on 15 May 1979 and confirmed

by one of Her Majesty's Principal Secretaries of State on 22 June 1979,

h. and hereby repealed.

**The Common Seal of City of Bradford Metropolitan Council was hereunto affixed this 28th day of October 1980 in the presence of**

**A.R. SYKES  
City Solicitor**

**The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 15th day of December 1980.**

**G.I. DENEY  
As Assistant Under Secretary of State**

**Signed by authority of  
Secretary of State  
Home Office  
12.12.80**

## Byelaw relating to Hackney Carriages

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by City of Bradford Metropolitan Council with respect to Hackney Carriages in the Metropolitan District of the City of Bradford.

This Byelaw should be read and construed as one with the Byelaws made by City of Bradford Metropolitan Council on 28 October 1980 and confirmed by one of her Majesty's Principal Secretaries of State on 15 December 1980.

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### Drivers Badges

Every driver of a Hackney Carriage shall at all times when standing, plying or driving for hire wear on his/her left breast, outside his/her outer garment, in such a position and manner as to be at all times plainly and distinctly visible, a badge provided by the Council.

**The Common Seal of City of Bradford Metropolitan Council was hereunto affixed the 20th day of January 1983**

### City Solicitor

**The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 25th day of April 1983**

**An Assistant Under Secretary of State**

**Signed by authority of the Secretary of State**

### Home Office 8.4.83

A copy of these conditions shall be carried with the vehicle at all times, and be made available for inspection by the hirer or any other passenger, authorised Officer, Police Officer or VOSA on request.

## Private Hire Driver Conditions

2

### Private Hire Driver Licence Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976)

The scope of the Council's Conditions and Procedures encompasses supports and upholds the Local Government (Miscellaneous Provisions) Act, Town and Police Clauses Act 1847, The Road Traffic Act, Section 171 of the Public Health Act 1897, the Highway Code, Health and Safety at Work Act 1974, Equalities Act 2010, Employment Law and other relevant Acts, Regulations and Local Bye Laws.

As an applicant you have a right of appeal to the magistrates courts against a decision made by the Council within 21 days of receipt of that decision.

Please see convictions and offence guidance, section 5

### Driver Licence Duration – One or Three years.

**It is an offence for a person to drive a Private Hire Vehicle unless and until a Driver's Licence is granted. It is an offence for the Operator to employ any person to drive such a vehicle who is not the holder of a current Private Hire Driver Licence.**

**All journeys undertaken by a Private Hire Driver MUST be pre-booked through an Operator.**

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### Vehicle Hire Companies

If you have more than one vehicle licensed then you are accountable for all vehicles and will be classified as a hire company.

The service need to know who is the official vehicle proprietor, in the case of a company, who is the named owner of that company.

The hire company owner will have to demonstrate a system which identifies who a vehicle is licensed with at all times, including official hire agreements.

The hire company is responsible for keeping a maintenance and safety inspection history of each vehicle and ensure that vehicles are safe and fit for purpose at all times. These records should be available for inspection at all times.

Insurance for the vehicle and licensed driver shall be available at all times including in the vehicle. Electronic versions of insure are acceptable provided they are immediately available. The service reserves the right to check vehicle and driver details with insurers as necessary.

## Pre-Conditions of Granting a Private Hire Driver Licence

The Council shall only grant a Private Hire Driver Licence upon the applicant meeting the Council Conditions of Licence:

**2** Minimum of 18 years of age and Held a Full British or EU Driving Licence for a minimum of 1 year. If the driving licence has been held for less than 3 years then an advanced driving certificate such as 'pass plus' will need to be provided.

**2.1** Statutory Declaration in the presence of a Solicitor or Justice of the Peace (First Licence). Applicants are required to complete fully and sign Part A of the Application Form. Part B refers to the procedure in relation to the making of a Statutory Declaration by the applicant in the presence of a Solicitor or Justice of the Peace at the applicant's own expense. In the event of any part of the application not being completed, the application will not be considered.

Details of all convictions for any offence whether driving offences (including fixed penalty notices) or any other offence must be declared. All Police Cautions must also be declared. The Rehabilitation of Offenders Act 1974 is not applicable.

**2.2** Section 51 of the Local Government Miscellaneous Provisions Act 1976 applies for consideration of the Council.

**2.3** Satisfactory Vehicle Operators Standards Agency (VOSA) group 2 medical report from the applicant's registered medical practitioner (Annually after 65 years old).

**2.4** Current full British or EU driving licence with accurate details of current name, address and convictions.

**2.5** Current British Passport or EU Passport or other evidence to confirm the applicant's entitlement to work in the UK..

**2.6** DBS are valid for a maximum period of 3 years 3 months. On each licence application a driver must produce a valid DBS (enhanced) disclosure for the duration of the licence period they are applying for.

### Important Notes:

*1 A licence will not be granted without production of a valid DBS disclosure.*

*2 It is the driver's responsibility to apply for or have their DBS refreshed at least 6 weeks prior to application for licence or its expiry.*

**2.7** Successful completion of the Council's driver training programme modules

**2.8** A Basic understanding of written and spoken English.

**2.9** The applicant should be familiar with the statutory provision relating to Private Hire Driver Licensing (LGMPA 1976).

**2.10** Payment of a non-refundable application fee.

**2.11** Determination of suitability to drive - please see 'convictions and offences guidance' in section 5.

## Granted Private Hire Driver Licence - Conditions of Operation and Conduct:

### 2.12 Duration of Driver Licence 1 or 3 years.

The Private Hire Licence remains in force for a maximum period of three years unless the Council specifies a shorter period licence or if the licence is suspended or revoked before it expires.

### 2.13 Private Hire Vehicle - Compliance with Conditions.

Drivers shall at all times ensure that the Private Hire Vehicle complies with the conditions of the Private Hire Vehicle Licence, as set out in this document. Please refer to 'Non-compliance with Conditions and Procedures' document for sanctions in relation to non-compliance.

### 2.14 Driver Good Conduct.

Drivers of Private Hire vehicles shall at all times, conduct themselves in a polite, considerate and orderly manner. Drivers shall present themselves in a clean and respectable state of appearance and dress.

### 2.15 Equal Opportunities in Employment and Service Delivery / Equality Act 2010

Proprietors, owners, drivers and employees of companies operating under authority of Bradford's Councils Hackney Carriage and

Private Hire vehicle licensing department shall abide by the Council's Public Sector Equality Duty (part of the Equality Act 2010), which requires the Council have due regard to the need to:

- Eliminate unlawful discrimination, harassment or victimisation.
- Advance equality of opportunity between those who share a protected characteristic and those who do not share it
- Foster good relations between those who share a protected characteristic and those who do not share it

The Equality Act 2010 protects the following characteristics – age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

### 2.16 Prohibition of Plying for Hire.

Private Hire drivers must only accept passengers for pre-booked journeys made through the Licensed Private Hire Operator they are working for. If the driver is also a licensed Private Hire Operator, they must act in accordance with the Conditions of the Operator's Licence at all times.

Drivers of Private Hire vehicles shall not call out or gesture to attract passengers.

They must not wait in such a position as to attract passengers, and must not take a 'flag' from a member of the public.

### 2.17 Punctuality of Hire.

Drivers of Private Hire vehicles shall, unless delayed or prevented by some justifiable cause, punctually attend at the agreed time and place of hire.

### 2.18 Prohibition of Sounding of Horns / Audible Warnings.

Irrespective of the hour of the day, proprietors or drivers shall not sound horns outside any premises where they are picking up passengers, except in emergencies.

### 2.19 Prohibition of Use of Mobile Telephone.

Drivers of Private Hire vehicles must not use a mobile hand held telecommunications device whilst driving.

### 2.20 Cleanliness and Maintenance of Private Hire Vehicles.

Drivers shall ensure that the vehicle is maintained in a roadworthy and clean condition.

Where a passenger being conveyed in a Private Hire vehicle fouls the interior of the vehicle in such a way as to immediately prevent the driver from continuing working with that vehicle, he / she may demand from that passenger a reasonable amount of money to enable him / her to clean the

interior of the vehicle so that it is fit for public use.

### 2.21 Prohibition of Smoking in Vehicle

Drivers or Proprietors shall not smoke or allow a passenger to smoke in the vehicle.

### 2.22 Declaration of Personal Details.

Drivers or Proprietors of Private Hire Vehicles shall, at any time, when asked by an authorised officer or the police provide name(s) and place of abode of the driver(s) who was in charge of a Private Hire Vehicle at any time.

### 2.23 Driver Licence and Identification.

Drivers of Private Hire Vehicle shall at all times conspicuously wear their driver's licence badge.

### 2.24 Return of Driver Badge.

Drivers must upon the expiry revocation or suspension of a private hire driver's licence return as instructed by the Council the driver's badge issued to them by the Council when granting the licence.

### **2.25 Change of Address or change of Operator**

During a licence period the driver shall notify the Council in writing within 7 calendar days of any change in home address or employing operator(s). For change of Operator or for additional operator a new drivers badge shall be obtained.

For drivers who operate for more than one operator, contact the licensing office for compliance details.

### **2.26 Medical Fitness of Driver.**

Drivers shall at any time, or at such intervals as the Council may reasonably require, produce a certificate at their own expense in the form required by the Council signed by his or her own registered medical practitioner to confirm that they are fit to continue to hold a licence.

Drivers who become aware of a medical condition not previously disclosed at their first application or latest medical certificate, must notify the Hackney Carriage and Private Hire Service within 7 days, and produce a medical certificate if required.

### **2.27 Passenger Carrying Capacity.**

The vehicle shall only be licensed to carry a maximum number of passengers as stated on the paper licence and licence plate of the vehicle.

### **2.28 Carriage of Luggage.**

Drivers shall carry passenger luggage up to the quantity allowed for the vehicle and ensure luggage does not intrude into a passenger's seating area.

Drivers shall assist in loading and unloading luggage and pay particular attention to the passenger's capability, health and welfare.

### **2.29 Lost Property.**

Drivers must immediately after any hiring or as soon as practicable, carefully search the vehicle for any property which may have been left behind.

Any property found by the driver in the vehicle or handed to the driver, if not claimed by the passenger within 24 hours, must be deposited at the nearest Police Station drop off point.

### **2.30 Prohibition of Carrying Animals.**

Drivers must not convey in a private hire vehicle any animal belonging to themselves or in their possession or that of the proprietor. Any animal belonging to or in the custody of any passenger may be conveyed safely in the vehicle at the driver's discretion.

### **2.31 Assistance Dogs.**

Drivers must convey safely in the vehicle a guide dog or any other animal which normally assists a blind or disabled passenger, except where a particular driver has a Council issued Exemption

Certificate due to an allergy to animals exempting him / her from carrying animals. In such a case the Exemption Certificate must be displayed in a position visible to the public and kept in a clean and legible condition.

### **2.32 Fare Receipts.**

Where requested drivers shall provide receipts to passengers for fares paid and in any event keep records of fares.

### **2.33 Obligatory Signs or Vehicle Licence Plate.**

Drivers shall comply with the conditions of Private Hire Vehicle Licence in relation to obligatory signs and private hire plates.

### **2.34 Breakdown of Private Hire Vehicle.**

In the case of a breakdown the vehicle shall be removed from the Public Highway as soon as reasonably practicable. Under no circumstances shall the vehicle cause an obstruction.

### **2.35 Reporting of Road Accidents.**

Proprietors or drivers of Private Hire vehicles involved in incidents which cause material damage to the vehicle, having a potential impact on the safety, performance or appearance of the vehicle, or which may affect the comfort or convenience of passengers, must within 72 hours or as soon as reasonably practicable report the accident to the Council. If requested to do so, they must present the vehicle for inspection.

A fee may be payable by the driver / proprietor to the Council at the current rate for examination of the vehicle by an Authorised Officer.

### **2.36 Vehicle Insurance.**

Proprietors shall maintain in force for the duration of the licence an insurance policy for the vehicle including the carriage of passengers for hire or reward and shall produce on demand to an Authorised Officer, Police or VOSA an appropriate certificate.

Drivers or proprietors of the vehicle, when in public use shall at all times carry valid proof of Insurance for that vehicle. An email will be accepted but a hard copy of the insurance document will need presenting at Shearbridge within 7 days.

### **2.37 Non-compliance with Conditions and Procedures**

Please refer to 'Non-compliance with Conditions and Procedures' document for sanctions in relation to non-compliance

### **2.38 Convictions**

Drivers are required to declare and notify the Council in writing the details of any convictions within seven days.

# Private Hire Vehicle Licence Conditions

## Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)

The scope of the Council's Conditions and Procedures encompasses supports and upholds the Local Government (Miscellaneous Provisions) Act, Town and Police Clauses Act 1847, The Road Traffic Act, Section 171 of the Public Health Act 1897, the Highway Code, other relevant Acts, Regulations and Local Bye Laws.

The Council shall only grant a Private Hire Vehicle Licence upon the vehicle meeting the Council Conditions of Licence.

As an applicant you have a right of appeal to the magistrates courts against a decision made by the Council within 21 days of receipt of that decision.

### 2.38 Pre - Conditions of Granting a Private Hire Vehicle Licence:

### 2.39 Vehicle Age Profile for Licensing:

Private Hire - Non Wheel Chair Accessible Vehicle.

- Less than 10 years at date of first registration.
- Maximum of up to and including 10 years from date of first registration providing there is no break in licensing.

Private Hire - Wheelchair Accessible Vehicle (WAV).

- Less than 10 years at date of first registration.
- Maximum of up to and including 12 years from date of first registration providing there is no break in licensing..

### 2.40 Vehicle Compliance and Specification:

- Refer to the current vehicle specification.

### 2.41 Vehicle Compliance Inspections Intervals for Licensing:

Private Hire - Non Wheelchair and Wheelchair Accessible Vehicle (WAV).

- Annually
- When a vehicle is more than 6 years old from the date of first registration, a higher annual test fee is applicable; the vehicle may also be called for an additional vehicle inspection at no additional fee. These tests are known as Random tests.
- If a vehicle does not attend a random test then the service reserves the right to charge £50 missed appointment fee. This charge might go against the driver or the operator depending upon the situation.
- A 6 month and a 1-5 month licence is available at end of licensing life

## In order to proceed with a request to licence a vehicle you will need the following documentation.

- A completed application form
- Vehicle registration document (V5C) in your name or a Bill of Sale which must state the sellers name and address, the buyers name and address, details of the vehicle and the V5C/2 section 10 (New Keeper Supplement)
- MOT certificate
- Original insurance documents in Proprietors name, detailing Private Hire use, hire and reward. An email of the insurance would be accepted but the hard copy would need to be presented at Shearbridge within 7 days.
- The service reserves the right to make checks with the insurance company
- HPI Check new/exchange/ renewal (can be done on request, fee payable)
- Appropriate Fee

### 2.42 Granted Private Hire Vehicle Licence - Conditions of Operation.

### 2.43 Duration of Private Hire Vehicle Licence:

The Private Hire Licence remains in force for a maximum period of one year unless the Council specifies a shorter period on the face of the licence or if the licence is suspended or revoked before it expires.

### 2.44 Vehicle Colour:

Private Hire vehicles must not be white and all one colour

### 2.45 Maintenance of Vehicle:

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

Bodywork and paintwork must be maintained in good condition and any damage repaired.

### 2.46 Modifications to Vehicle:

No material modification or change (not like for like replacements) in the Council approved specification, design, condition or appearance of the vehicle shall be made without the approval and subsequent inspection by the Council or VOSA.

No roof rack shall be fixed to the vehicle at any time except with the express permission in writing of the Council, unless it is an integral roof rack supplied with the vehicle.

### 2.47 Vehicle Obligatory Interior and Exterior Signs and Private Hire Plates:

The mounting plate to which the licence plate, issued by the Council, is affixed, must be permanently secured to the rearmost part of the vehicle bodywork and be clearly visible at all times.

Only the maximum number of passengers displayed on the vehicle plate and windscreen licence disc shall be carried in the vehicle at any time.

Drivers shall not cause or allow the windscreen licence disc on the inside or the licence plate on the outside of the vehicle, to become concealed from public view, or to be damaged or defaced so that any figure or material particular is illegible.

The plate and windscreen disc shall remain the property of the Council and must be returned immediately to the Council on the surrender of the licence for the vehicle or in the event of the licence otherwise expiring or being suspended or revoked.

Loss or damages to the rear Private Hire Plate on the vehicle shall be immediately reported to the Council. A fee will be payable for a replacement plate.

Wheelchair Accessible Vehicles must display a wheelchair 'logo' sticker

Vehicles shall have permanently displayed external decals (visor) to the following specification:

#### **Front and rear visors**

- **The Visor must be approved by the Hackney Carriage and Private Hire Service**
- At the top of the windscreen
- Full width of screens and unbroken with blue background and white lettering

- Visor maximum depth 76mm / 3 inches
- Giving the name of the Operator and 'Private Hire' with consistent characters and width and legible at a reasonable distance.
- The wording of 'Private Hire' may be compressed slightly.
- Operator's telephone number, and website (optional)

#### **Side Facing Decals**

Vehicles shall display side decals of maximum A3 size minimum A5 and fixed on either each front or rear doors.

The decals shall indicate the name of the Private Hire Operator and the words 'PRIVATE HIRE' and 'PRE BOOKING ONLY'. The Operator must decide if their fleet is to have 'magnet' or 'sticker' for their decals.

**The Side Decals must be approved by the Hackney Carriage and Private Hire Service** which must comply with the Councils current Advertising Policy.

Only obligatory signs and approved advertising in line with the Councils Advertising Policy may be displayed on / in a Private Hire vehicle.

A 'No Smoking' sign must be displayed in the passenger saloon area of the vehicle.

#### **2.48 Vehicle Commercial Advertising**

The Council shall allow Advertising as per the current advertising policy.

Where commercial advertising has been approved side decals shall be where appropriate on the windows. Visors must still be displayed.

#### **2.49 Operating a Private Hire Fare Meter:**

If a private hire vehicle is fitted with a meter or computer system the driver shall:

- Not cause the fare recorded on it to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
- Not tamper with nor permit any person to tamper with the authorised meter or seals with which the private hire vehicle is provided.
- Ensure that the face of the meter is not concealed by any means whatsoever, and that the fare and charges shown on the face of the meter are distinctly and plainly visible to any person being conveyed in the vehicle.
- Ensure the face of the meter is properly illuminated throughout the hiring.
- Immediately report to the Council any failure of the meter.
- Where a table of fares has been provided by the operator or proprietor of the private

hire vehicle, the table shall be fixed inside the vehicle in a conspicuous position and in such a way that the letters and figures are distinctly and plainly visible to any person being conveyed in the vehicle. The words 'FARES AND CHARGES FOR THE HIRE OF THIS VEHICLE ARE NOT FIXED OR CONTROLLED BY THE CITY OF BRADFORD METROPOLITAN COUNCIL' must be included in the notice.

- Not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a meter and there has been no previous agreement as to the fare, in excess of the fare shown on the face of the meter.

#### **2.50 Carrying of Passengers:**

Only the maximum number of passengers displayed on the vehicle plate and windscreen licence disc shall be carried in the vehicle at any time.

#### **2.51 Vehicle Checks:**

The proprietor, or the driver of the vehicle shall at the request of an Authorised Officer, Police or VOSA stop the vehicle to enable a check to be made to prevent or detect any contravention of any statutory requirements or conditions applicable to the vehicle and its use as a Private Hire, whether or not passengers are being carried,



and shall not proceed until the Authorised Officer, Police or VOSA is satisfied that all requirements or conditions are being observed and complied with.

#### **2.52 Police Vehicle Defect Rectification Scheme:**

Drivers or proprietors who have been issued with a Vehicle Defect Rectification Notice by the Police must within seven days from issue present the vehicle for test and inspection at Shearbridge Depot. A fee will be payable by the driver / proprietor to the Council at the current rate.

The rectification notice must be cancelled by the issuing body.

#### **2.53 Authorised Officer / Police Suspension of Vehicle Notice:**

Drivers or proprietors, on being issued with a Notice suspending the vehicle from public use, if requested must present the vehicle for test and inspection at Shearbridge Depot within the time stated in the Notice.

A fee will be payable by the driver / proprietor to the Council at the current rate for examination of the Vehicle by an Authorised Officer.

#### **2.54 Reporting of Road Accidents:**

Proprietors or drivers of Private Hire vehicles involved in incidents which cause material damage to the vehicle having a potential impact on the safety, performance or appearance of the vehicle, or which may affect the comfort

or convenience of passengers, must within 72 hours or as soon as reasonably practicable report the accident to the Council. If requested to do so, they must present the vehicle for inspection.

A fee may be payable by the driver / proprietor to the Council at the current rate for examination of the vehicle.

#### **2.55 HPI Check**

A HPI check will be carried out at new and licence renewal. If a vehicle is categorised as a write off A or B the vehicle shall not be licensed. If the vehicle is categorised as a C or D the appropriate condition inspection procedure shall be carried out.

#### **2.56 Copy of Private Hire Conditions and Procedures:**

A copy of these conditions shall be carried within the vehicle at all times and made available for inspection by the hirer or any other passenger, Authorised Officer, Police or VOSA on request.

#### **2.57 Absence of Proprietor:**

Prior to a proprietor leaving the United Kingdom for more than 28 days, a Power of Attorney shall be completed in the presence of a solicitor and to the satisfaction of the Council.

#### **2.58 Change of Address**

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

#### **2.59 Private Hire Insurance and Licence Checks:**

Proprietors are responsible for maintaining up-to-date records of licences for all drivers and vehicles operating under their control. Proprietors shall ensure that these records are maintained for inspection at any time, by an Authorised Officer, Police or VOSA.

Drivers or proprietors of the vehicle, when in public use shall at all times carry valid proof of Insurance for that vehicle.

#### **2.60 Sale/Transfer of Private Hire Vehicle:**

No Private Hire vehicle shall be transferred unless the agreed procedure (available at the Hackney Carriage and Private Hire Service) has taken place.

#### **2.61 Return of Plates / Continuity of Licensing**

When the vehicle licence has expired and the driver / proprietor no longer wishes to hold private hire vehicle plates, they must return both the windscreen disc and the external plate to the Hackney Carriage and Private Hire Service.

Vehicles should be continually licensed, no break in licensing will normally be permitted.

Vehicle plates can be placed on 'hold' for a maximum of six months provided both internal and external plates are handed in to the licensing office. An official receipt will be issued for the plates.

#### **2.62 Non-compliance with Conditions and Procedures**

Please refer to 'Non-Compliance with Conditions and Procedures' document for sanctions in relation to non-compliance

## Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976)

The scope of the Council's Conditions and Procedures encompasses supports and upholds the Local Government (Miscellaneous Provisions) Act, Town and Police Clauses Act 1847, The Road Traffic Act, Section 171 of the Public Health Act 1897, the Highway Code, Health and Safety at Work Act 1974, Equalities Act 2010, Employment Law and other relevant Acts, Regulations and Local Bye Laws.

### Vehicle Hire Companies

If you have more than one vehicle licensed then you are accountable for all vehicles and will be classified as a hire company.

The service need to know who is the official vehicle proprietor, in the case of a company, who is the named owner of that company.

The hire company owner will have to demonstrate a system which identifies who a vehicle is licensed with at all times, including official hire agreements.

### The Council shall only grant an Operators Licence upon the applicant meeting the Councils Conditions of Licence:

As an Operator you are ultimately responsible for all aspects of compliance of licensing in accordance with these conditions

As an applicant you have a right of appeal to the magistrates courts against a decision made by the

The hire company is responsible for keeping a maintenance and safety inspection history of each vehicle and ensure that vehicles are safe and fit for purpose at all times. These records should be available for inspection at all times.

Insurance for the vehicle and licensed driver shall be available at all times including in the vehicle. Electronic versions of insure are acceptable provided they are immediately available. The service reserves the right to check vehicle and driver details with insurers as necessary.

#### Important Notes:

*1 A licence will not be granted without production of a valid DBS disclosure.*

*2 It is the operators responsibility to apply for or have their DBS refreshed at least 6 weeks prior to application for licence or its expiry.*

Council within 21 days of receipt of that decision.

## 3 Pre- Conditions of Granting a Private Hire Operators Licence

3.1 Minimum of 21 years of age.

3.2 Current British or EU Passport or other evidence to confirm the applicant's entitlement to work in the UK.

3.3 DBSs are valid for a maximum period of 3 years 3 months. On each licence application an operator must produce a valid DBS disclosure for the duration of the licence period they are applying for.

3.4 Statutory Declaration in the presence of a Solicitor or Justice of the Peace (First Licence). Applicants are required to complete fully and sign Part A of the Application Form. Part B refers to the procedure in relation to the making of a Statutory Declaration by the applicant in the presence of a Solicitor or Justice of the Peace at the applicant's own expense. In the event of any part of the application not being completed, the application will not be considered.

3.5 Payment of non-refundable fee.

3.6 Attendance at the Council's Operators' Licence Seminar and successful completion of the Driver Conditions Training Seminar (new operator).

3.7 A basic understanding of written and spoken English.

3.8 Planning permission from the Council shall be required before a licence is granted. The Licence will reflect the type of Planning Permission a base is granted.

The Operators Licence will reflect any specific conditions imposed on the premises. If vehicles are to be allowed to wait at the premises they must be legally parked without causing an obstruction to residents and other road users

3.9 Public Liability Insurance

3.10 Applicants intending to operate one vehicle from their home address shall not require planning permission (Section 22 of the Town and Country Planning Act 1971 – Operation of Private Hire Vehicle from dwellings) provided that the following requirements are met:

- Only one car shall be based at the dwelling for Private Hire purposes.
- Potential hirers do not visit the dwelling in order to obtain the services of the operator.
- No alterations or adaptations of any kind are made to the structure of the dwelling in order to facilitate the business, nor is any part of the dwelling or any other building within the footprint used as an office for operational purposes.
- Advertisements shall not be displayed on the building or anywhere within the footprint which encourages people to visit the premises for the purpose of hiring a car.

### 3.11 Conditions of Private Hire Operators Licence

The operator shall take an active part in the daily running of the premises to ensure that all aspects of the running of the business which meet safety and legal requirements are carried out. This will be checked by way of base check audits being carried out on a regular basis. The audits must be passed to ensure compliance.

#### Equal Opportunities in Employment and Service Delivery / Equality Act 2010

Proprietors, owners, drivers and employees of companies operating under authority of Bradford's Councils Hackney Carriage and Private Hire vehicle licensing department shall abide by the Council's Public Sector Equality Duty (part of the Equality Act 2010), which requires the Council have due regard to the need to:

- Eliminate unlawful discrimination, harassment or victimisation.
- Advance equality of opportunity between those who share a protected characteristic and those who do not share it
- Foster good relations between those who share a protected characteristic and those who do not share it

The Equality Act 2010 protects the following characteristics - age;

disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

### 3.12 Records

- The records required to be kept by the Operator, under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976, shall be kept in a suitable bound book, the pages of which shall be consecutively numbered.
- For a computerised recording system:
  - The system must be fit for purpose and licensed by an accredited company.
- The Operator shall enter or cause to be entered in the record book or computer data base, before the commencement of each journey, the following details for every booking of a Private Hire Vehicle invited or accepted by the Operator or their agent.
- The time and date of the booking – the 24 hour clock shall be used.
- The name of the hirer.
- The point of pick-up.
- The destination.
- The driver's identifying number / name.

N.B Only one driver will be allocated one identifying number / name, irrespective of the vehicle used. Operators should have a

system to identify the plate number of the vehicle and badge number of the driver for every journey.

In the event of failure of the computer data base suitable manual records shall be maintained. A computer data base should have the facility to print a paper record.

Records should be kept in English for at least 6 months following the date of the last entry.

All records shall be maintained and kept up-to-date at all times, and shall be available for inspection at all reasonable times without notice by Authorised Officer, Police or VOSA. For the purpose of further investigation, records may be removed from the premises if so required.

A copy of the schedule shall be made available for collection by any duly Authorised Officer of the Council.

### 3.13 Schedule of Vehicles and Drivers

- Operators shall maintain up-to-date records of Private Hire or Hackney Carriage driver' licences, DVLA licences and insurance for all drivers / vehicles employed or operating under their control. Operators shall ensure that these records are maintained and made available for inspection at all times by an Authorised Officer, Police or VOSA at any time at the base office.

- Operators shall immediately notify the Council's Hackney Carriage and Private Hire Service of any changes in the complement of drivers employed and working under the operator.
- Operators shall operate with private hire vehicles and drivers which are appropriately and separately licensed by the Council.
- Operators shall be responsible for the regular audit and compliance of all relevant licences of their drivers / vehicles and for checking that their drivers have the correct operator name displayed on their badge.
- The schedule shall include details of the following:
  - Drivers radio call sign
  - Make / Model of vehicle
  - Plate number
  - Date of expiry
  - Badge number
  - Drivers name
  - Date of expiry
  - Insurance company
  - Date issued
  - Date of expiry

*N.B. Only one radio call sign will refer to one driver, irrespective of the vehicle used*

### 3.14 Standard of Service

Operators shall at all times provide a prompt, efficient and reliable service to the travelling public of Bradford and shall in particular:

- a) ensure their private hire vehicles promptly attend bookings.
- b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- c) ensure that any waiting area provided by operators has adequate seating facilities;
- d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- e) all radio and computer equipment provided by operators shall be appropriately licensed and adequately maintained and fit for purpose.
- f) ensure courtesy and passenger safety is maintained at all times at the operator's premises and within a private hire vehicle.

### 3.15 Communication Radio Licences

An operator shall ensure that all communication radios are correctly licensed. The current radio licence shall at all times be prominently displayed within the operators centre.

### 3.16 Customer Complaints

Operators shall at all times have a notice prominently and permanently displayed, inside operators premises, stating that any one wishing to make a complaint should contact Bradford Council's Hackney Carriage and Private Hire Service, at Shearbridge Depot, Shearbridge Road, Bradford BD7 1PU. A record of complaints and actions taken by operators should be kept and made available for inspection as per base audit requirements.

### 3.17 Operating Base Premises

- a) Operators shall not use any premises, to conduct business as a private hire operator, unless there is valid planning consent for such a purpose, as may lawfully be required for the premises.
- b) Operators who propose to make changes to the layout or structure the operating base shall seek approval from the Council prior to any variation being made.
- c) Operators shall only use any premises, to conduct business as a private hire operator in line with the type of Planning Permission granted by the Council Planning Service. In all cases the correct advertising must be displayed so that the Public are fully aware of the operating limitations of the base.
- d) Operators shall not allow the premises to be used,

or frequented or resorted to, by any person except for the purpose of arranging the hiring of a private hire vehicle and he / she shall take all possible steps to exclude persons who are drunk, violent, quarrelsome or disorderly.

- e) Operators shall not cause or allow to be displayed at the operator centre premises any sign, notice or advertisement containing the words 'CAB', 'TAXI' or 'FOR HIRE' unless the operator or licensed entity has a declared interest in a Hackney Carriage vehicle licence, licensed by the Council.

### 3.18 Convictions

Within seven days the Operator shall notify the Council, in writing, details of any convictions imposed on themselves (or if the Operator is a Company or Partnership, on any of the Directors or partners) during the period of the licence.

In the case of a Limited Liability Company or partnership the named director or partner will be deemed to be the Operator.

### 3.19 Rates of Fares

A clearly visible printed notice showing the rates of fares and charges shall at all times be prominently and permanently fixed inside the operator's premises to be easily read by any person seeking to hire any private hire vehicle. This notice shall include the words 'FARES AND CHARGES FOR PRIVATE

HIRE VEHICLES ARE NOT CONTROLLED BY THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL' and 'FARES SHOULD BE AGREED BEFORE THE JOURNEY'.

### 3.20 Trading Name and Advertising Decals

Operators are responsible at all times to ensure that vehicle obligatory signs and advertising comply with the Conditions of the Private Hire Vehicle Licence.

The name on advertising and signs must be the same as the name on the operators licence.

If an Operator wishes to change the name of the business then a written request should be submitted to the Hackney Carriage and Private Hire office stating the current name and the new name. If this is agreed the current fee will be paid and an amended set of obligatory vehicle signs submitted, agreed and kept on file.

### 3.21 Obligatory Signs and Plates

Operators are responsible at all times to ensure that vehicle obligatory signs and advertising comply with the Conditions of the Private Hire Vehicle Licence.

Operators are responsible at all times for ensuring that all obligatory windscreen discs and exterior and interior vehicle licence plates and identification numbers are permanently fixed to the private hire vehicle, kept in good condition and are clearly visible

as described in Section 75 of the Local Government (Miscellaneous Provisions) Act 1976.

### **3.22 Promotional Literature**

Operators shall not under any circumstances use the word 'Taxi' or 'for Hire' or 'cab' in any form of promotional literature or advertising.

### **3.23 Waiting for Pre-Booked Fares**

Operators shall not cause or permit any driver working under the operator's licence to attend at or near any premises in order to wait for passengers.

This does not affect pre-booked passengers provided that the journey is entered into the data base / record book before the journey commences.

### **3.24 Vehicles Passengers**

Operators shall not accept any booking for a private hire vehicle for the purpose of carrying a greater number of persons than the vehicle is licensed to carry, as specified in the vehicle licence.

### **3.25 Duration of Operators Licence**

A Private Hire Operator's Licence shall be granted for a maximum period of one year. A licence may be suspended or revoked as a consequence of poor conduct or disciplinary action.

### **3.26 Public Displaying of Operator's Licence**

The current operators licence shall at all times be prominently displayed within the operators centre.

### **3.27 Operator's Absence**

Operators shall notify the Council prior to leaving the United Kingdom for more than 28 days. In this instance, operators shall apply to the Council in writing to nominate a responsible person to take responsibility on an interim basis, checks will be made by the Council as to the suitability of that person. Alternatively a Power of Attorney shall be completed at the Operator's expense through a Solicitor to the satisfaction of the Council before the Operator leaves the United Kingdom.

### **3.28 Public Liability Insurance**

Operators shall obtain public liability insurance cover in respect of their business.

The current public liability insurance certificate shall at all times be prominently displayed within the operators centre.

### **3.29 Private Hire Contracts**

A contract made between a Private Hire Operator and any other person does not give the right to permit any driver to attend or wait at or near any premises in order to wait for passengers.

This does not affect pre-booked passengers provided the journey is entered into the data base / record book before the journey commences.

### **3.30 Retention and Production of Operators Licence**

Once granted an Operators Licence shall not be transferred to another individual or entity during the licence term.

Operators shall, when requested by Council Officers or the Police make available their operators licence

### **3.31 Non-compliance with Conditions and Procedures**

Please refer to 'Non-Compliance with Conditions and Procedures' document for sanctions in relation to non-compliance.

# Hackney Carriage and Private Hire Non-Compliance with Conditions and Procedures

# 4

These conditions address issues of non-compliance in relation to the Local Government (Miscellaneous Provisions) Act 1976 and the Hackney Carriage and Private Hire Conditions and Procedures, which are separate from a criminal conviction, police caution or motoring offence.

The following table outlines the immediate action taken and predicted outcome of established instances of non-compliance. The predicted outcome refers to the usual consequences, unless exceptional circumstances apply.

### Driver / Proprietor / Operator – Warning Letters of non-compliance.

A driver / proprietor / operator who has incurred 2 warning letters of non-compliance within 2 years shall be called to Independent Officer Review. Consideration will be given to revocation of an existing 3 year licence with a 1 year licence granted, subject to conditions e.g. training.

A driver / proprietor / operator who have incurred 3 or more warning letters of non-compliance within 2 years shall be called to Independent Officer Review. Consideration will be given to revocation of licence.

The following list of non-compliance and subsequent actions and outcomes is not an exhaustive list and where the driver / proprietor has incurred other issues of non-compliance in relation to the Local Government (Miscellaneous Provisions) Act 1976, these shall be investigated and appropriate consequences invoked.

Where non-compliance is of such a serious nature it contravenes health and safety, civil liberties and equal rights, prosecution is likely.

Non-Compliance	Action	Predicted Outcome
<b>Driver (PH) – Private Hire (HC) - Hackney Carriage</b> Poor standard of driving	Officer Interview	Warning Letter If 2 warning letters are issued for poor standards of driving, or one warning letter resulting from a single instance of a serious nature, the driver will be required to complete a DSA Test and Driver Training Module within 3 months. If not completed within three months, driver will be suspended until the test and training have been successfully completed.
Plying for Hire (PH)	Officer Interview	Prosecution, with immediate suspension until the matter has been dealt with by the courts
Forming a rank	Officer Interview	Warning Letter
Parking in a Hackney Carriage Rank (PH)	Officer Interview	Warning Letter
Failure to comply with requests from authorised officer, police, VOSA	Suspension pending Independent Officer Review	Revocation
Failure to notify the Hackney Carriage and Private Hire Service of change of address within 7 days	Officer Interview	Warning Letter
Failure to notify the Hackney Carriage and Private Hire Service of change of operator (PH) within 7 days	Officer Interview	Warning Letter
Failure to notify the Hackney Carriage and Private Hire Service of convictions, police cautions or motoring offences within 7 days	Independent Officer Review	Warning Letter (Offences dealt with in line with Guidelines to Convictions, Police Cautions and Motoring Offences)
Failure to notify the Hackney Carriage and Private Hire Service of medical conditions within 7 days	Officer Interview	Medical to be completed within one month, if not completed within one month suspension until completion

Non-Compliance	Action	Predicted Outcome
Failure to supply a medical certificate when required	Officer Interview	Suspension / refusal to grant a new licence until report provided. Warning Letter
Incorrect driving licence details	Officer Interview	One month to change details, suspension until completed if not changed within one month Warning Letter
Failure to report an accident within 72 hours	Officer Interview	Warning Letter
Inconsiderate / disorderly conduct	Independent Officer Review	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. training
Refusing a guide dog / assistance animal without valid exemption	Suspension pending Independent Officer Review	Revocation
Failure to display an exemption certificate relating to assistance animals	Officer Interview	Warning Letter
Not assisting passengers with luggage	Officer Interview	Warning Letter
Not following lost property procedure	Officer Interview	Warning Letter
Failure to attend / lateness for hire without justifiable cause	Officer Interview	Warning Letter
Carrying an animal not belonging to the passenger	Officer Interview	Warning Letter
Not conspicuously wearing driver's licence Badge	Officer Interview	Warning Letter or Prosecution
Carrying more passengers than allowed	Independent Officer Review	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. training

Non-Compliance	Action	Predicted Outcome
Carrying more wheelchairs than allowed	Independent Officer Review	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. training
Carrying passengers not in the approved seating configuration	Independent Officer Review	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. training
Incorrect operation of a fare meter	Independent Officer Review	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. training
Tampering with fare meter	Independent Officer Review	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. training
Charging more than displayed on fare meter	Officer Interview	((First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. training
Charging more than displayed on table of fares	Independent Officer Review	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. training
Non-use of a fare meter (HC)	Officer Interview	Warning letter
Charging more than agreed before the journey (PH)	Independent Officer Review	Revocation
Not supplying a receipt when requested to do so	Officer Interview	Warning letter

**Non-Compliance**

**Action**

**Predicted Outcome**

**Vehicle (PH) – Private Hire (HC) - Hackney Carriage**

Non - compliance with requirement for vehicle colour	Officer Interview	Warning Letter Vehicle suspension until rectified / refusal to grant a licence
Failure to comply with obligatory vehicle signs and livery	Officer Interview	Warning Letter Vehicle suspension until rectified / refusal to grant a licence
Unauthorised signs / stickers	Officer Interview	Warning Letter Vehicle suspension until rectified / refusal to grant a licence
Dirty or unkempt vehicle	Officer Interview	Warning Letter Vehicle suspension until rectified / refusal to grant a licence
Vehicle body / mechanical defects (when vehicle in use)	Officer Interview	Warning Letter Vehicle suspension until rectified / refusal to grant a licence
Non-compliance of VOSA and Council certification requirements	Officer Interview	Warning Letter
Failure to comply with vehicle sale / transfer procedure	Officer Interview (both seller and buyer)	Warning Letter
Vehicle exchange procedure not completed	Officer Interview	Warning Letter Suspension of vehicle until procedure completed
Unauthorised modifications	Officer Interview	Warning Letter Suspension of vehicle until procedure completed

**Non-Compliance**

**Action**

**Predicted Outcome**

**Operators (PH) – Private Hire (HC) - Hackney Carriage**

Failure to notify the Hackney Carriage and Private Hire Service of convictions, police cautions or motoring offences within 7 days. Operators, and Directors or Partners of Limited Companies	Independent Officer Review	Warning Letter
Condoning or contributing to driver / vehicle non-compliance	Independent Officer Review	Revocation
Not keeping adequate records	Officer Interview	Warning Letter
Not making records available for inspection as required	Officer Interview	Warning Letter
Premises not clean	Officer Interview	Warning Letter
Failure to keep order in premises	Officer Interview	Warning Letter
Not renewing Operator Licence in time	Officer Interview	Warning Letter
Failure to comply with an authorised officer, Police or VOSA	Officer Interview	Warning Letter
Failure to notify the Hackney Carriage and Private Hire Service of change of operator details within 7 days	Officer Interview	Warning Letter
Invalid communication radio licences	Officer Interview	Warning Letter
Failure to display obligatory notices and licences	Officer Interview	Warning Letter



## A POLICY ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES AS DRIVERS IN HACKNEY CARRIAGE & PRIVATE HIRE LICENSING

### Introduction

1. The Council recognises that the role of Hackney Carriage and Private Hire drivers is a professional one. They are often the first point of contact for visitors to the district; provide the public with vital and recreational transport options and frequently transport many of our most vulnerable citizens.
2. Most local authorities who have adopted the licensing provisions of the Local Government (Miscellaneous Provisions) Act 1976 as amended currently have varying standards for assessing the suitability of applicants who wish to become a licenced driver. The Council has therefore worked closely with Calderdale, Leeds, Kirklees, Wakefield and York Councils to look at ways to harmonise the determination of suitability to become a licenced hackney carriage or private hire driver in West Yorkshire. The outcome of this work has identified that a new policy to do this is necessary.
3. The reason for this policy is to ensure that the travelling public within the Bradford district and West Yorkshire and York can be confident that the drivers licensed by each authority are suitable for this role, that the standards applied are consistent across the area and that the requirements will be the same for whichever authority they choose to apply to.
4. As is stated above it is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
5. The overriding requirement of the Council when carrying out this function is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services. The aim of this policy is to ensure that public safety is not compromised.

6. The Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This policy will apply to all new applicants and to existing licensees on renewal. This requirement is contained within Sections 51 & 59 of the Local Government Miscellaneous Provisions Act 1976.
7. This policy categorises the types of issues including, crime and driving convictions, that form part of the “fit & proper” test to facilitate the assessment of the potential risk to the public. As part of this assessment the Council is concerned to ensure that
  - An individual does not pose a threat to the public.
  - The Council’s obligations to safeguard children and vulnerable adults are met.
  - The public are protected from dishonest persons.
8. The standards of safety and suitability are not set as a base minimum. They are set high to give the public the assurance it requires when using hackney carriage or private hire services. The Council does not have to strike a balance between the driver’s right to work and the public’s right to protection. The public are entitled to be protected. This means that the Council is entitled and bound to treat the safety of the public as the paramount consideration.
9. Hackney carriages are used by almost everyone but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A hackney carriage or private hire driver has significant power over a passenger who places themselves, and their personal safety, in the driver’s hands.
10. As part of the assessment referred to in paragraph 7 above the Council can consider convictions and cautions but also other outcomes of actions taken by the Police, other agencies and the Civil Courts.
11. Reference to convictions in this policy also includes cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information. In addition, any circumstances relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence.
12. Matters which have not resulted in a criminal conviction (whether as a result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual has been bailed) will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered.

13. In the case of a new applicant who has been charged with any offences and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
14. In all cases, the Council will consider a conviction or behaviour and what weight should be attached to it, and each case will be decided on its own merits and in line with this policy.
15. The licensing process places a duty on the Council to protect the public. Therefore, it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions and the time elapsed since these were committed.

### **Applying the Guidance**

16. One of the purposes of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licensee on renewal, is fit & proper to hold a hackney carriage or private hire driver's licence.
17. When determining whether or not a person is "fit & proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances. However, the change in policy is not intended to be a means of penalising drivers who are currently licenced and thus deemed 'fit and proper' and thereby licenced under the policy in place at the time they were licenced. For drivers who are licenced by the Council at the time of policy implementation, the policy conditions will be applied when they apply to have their licence renewed. Furthermore, for any driver who has penalty points or convictions which are above those permitted by the new policy then these will be reviewed and the drivers overall conduct taken into account before a decision is made to re-licence them or not. In doing this any decision made to re-licence an existing driver who has penalty points or convictions above those permitted under the new policy would be subject to them accruing no further penalty points or convictions.

18. There must be clear and compelling reasons for the Council to depart from this policy. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered exceptional circumstances nor will the impact of losing (or not being granted) a licence on the applicant and/or their family.
19. The granting of a licence places an individual in a unique position of trust and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the policy, the overall offending history and conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions/incidents have been incurred over a period of time.
20. The Policy will also be applied if any additional issue arises that would call into question a person's suitability to continue to hold a licence. If an existing licence holder's conduct falls short of the "fit and proper" standard of behaviour at any time their licence will be revoked.

21. Where a licence would normally be granted after an elapsed period there may be circumstances where the elapsed period will be extended.
22. Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this Policy.
23. Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

### **Disclosure and Barring Service**

24. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that ALL convictions (including minor motoring convictions and fixed penalty notices) must be declared. The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Councils to take a wider view of the applicant over a longer timescale.
25. The Council conducts enhanced disclosures from the Disclosure and Barring Service ("DBS") of any applicant for a driver's licence. Applicants will be required to obtain an enhanced disclosure at their expense and to maintain their subscription to the Disclosure and Barring Update Service.

26. Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will normally be refused.
27. The Council is also entitled to use other records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the police in accordance with the provisions of Common Law Police Disclosure.
28. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade but also their entire character including, but not limited to, their attitude and temperament.
29. Any applicant who has resided outside the UK for any period longer than 3 months within the preceding 3 years will be required to produce a "Certificate of Good Conduct" from the relevant countries which details any convictions or cautions recorded against the individual. It is the applicant's responsibility to obtain this evidence at his cost. This will be in addition to the Enhanced DBS.
30. It is the responsibility of the applicant/licence holder to satisfy the Council that they are a "fit and proper person" to hold a licence. Therefore, the applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council including any incurred outside the UK.
31. Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the "fit and proper" test. The Council has the powers to take action against licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would have prevented them from being granted a licence will lead to the licence being revoked.
32. Any dishonesty by any applicant or other person acting on the applicant's behalf which occurs in any part of the application process will result in a licence being refused, or if already granted, revoked and may result in prosecution.
33. An applicant must hold a full DVLA or equivalent driver's licence, have the right to remain and work in the UK and be a "fit and proper" person.
34. Under the Local Government (Miscellaneous Provisions) Act 1976 section 57 the Council has the power to require an applicant to provide:
- "such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to such licence."
- The provision of this information can help to satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of "fit and proper" and "safety and suitability" go beyond this. There is the character of the person to be considered as well.
35. Character of the applicant in its entirety is the paramount consideration when considering whether they should be licensed. The Council is not imposing an additional punishment in relation to previous convictions or behaviours. The information available to them is used to make an informed decision as to whether or not the applicant is a safe and suitable person.
36. The fact that an offence was not committed when the applicant was driving a hackney carriage or private hire vehicle when passengers were aboard is irrelevant. Speeding, drink driving and bald tyres are all dangerous, irrespective of the situation. Violence is always serious. A person who has a propensity to violence has that potential in any situation. Sexual offences are always serious.
- A person who has a propensity to violence has that potential in any situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
37. Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
38. There are those who seek to take advantage of vulnerable people by providing services they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. The Council expects licensees to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers must feel able to check that the person offering a service is entitled to do so. Licensees must be willing to demonstrate that they are entitled to provide the service offered by, for example, showing their badge. Any applicant or licensee who does not comply with the requirements set out in this paragraph will not meet the "fit and proper" test.

## Criminal and Driving Convictions

39. The Council considers that a period of time must elapse after a crime before a person can no longer be considered to be at risk of re-offending. The time-scales set out in Table A are to reduce the risk to the public to an acceptable level.

In relation to single convictions Table A sets out the time periods that should elapse following completion of any sentence (or the date of conviction if a fine was imposed, including driving convictions) before a licence will be granted.

40. The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a conviction or the completion of a sentence. The time periods are a relevant and weighty consideration but they are not the only determining factor.

41. In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

42. This policy does not replace the Council's duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy the Council must consider the matter from first principles and determine the fitness of the individual.

43. Once a licence has been granted there is a continuing requirement on the part of the licensee to maintain their safety and suitability to meet the "fit and proper" test.

44. Some offences on their own are serious enough for a licence not to be granted and these identified Table A. In the case of an existing licence "refused" in the Table means "revoked".

45. Applicants & licensees should be aware that where they have been convicted of a crime which has 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.

46. Where an applicant or licensee 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 or financial abuse.

47. The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any "barred" list. Existing licensees who are placed on the Sex Offenders Register or on any "barred" list will have their licence revoked.

48. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as convictions.

49. Road Safety is a major priority to the Council. A hackney carriage or private hire driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour heavily against a licence being granted or retained.

50. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence, subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

## Decision and Right of Appeal

51. Where the Council is minded to refuse an application or suspend or revoke an existing licence in line with this policy the applicant or existing licence holder will be informed and be given an opportunity to provide any additional written evidence in support of their application or retention of their licence.
52. The Council, at its absolute discretion, may determine to meet with the applicant or existing licence holder for the purpose of clarifying information provided or received. The applicant can be accompanied by one individual at the meeting who is not permitted to make comment or enter into any part of the discussion.
53. The Applicant or existing licence holder will be notified in writing of the Council's final decision within 14 days of completion of the procedures set out in paragraphs 51 and/or 52 above.
54. Any person whose application is refused or licence suspended or revoked by the Council has a right of appeal to the Magistrates' Court. An Appeal must be lodged within 21 days of the decision at the appropriate Magistrates' Court. Appeal rights are contained in Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Section 300 of the Public Health Act 1936.

## Notes and useful numbers

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## TABLE A

This table sets out the time periods that should elapse following completion of any sentence (or the date of conviction if a fine was imposed, including driving convictions) before a licence will be granted.

Offence	Period Elapsed
Crimes resulting in death of another person or was intended to cause the death or serious injury to another person.	No period is thought sufficient to have elapsed and the application will be refused.
Exploitation – any crimes involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victims were adults or children including, for example, slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse.	No period is thought sufficient to have elapsed and the application will be refused.
Offences involving violence (including arson, riot, terrorism offences, harassment, common assault, battery & criminal damage) or connected with any offence of violence.	10 years
Possession of a weapon or any other weapon related offence.	7 years
Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.	No period is thought sufficient to have elapsed and the application will be refused.
Dishonesty – any offence of dishonesty or any offence where dishonesty is an element of the offence.	7 years
Drugs supply – any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply.	10 years
Drugs use – any conviction for possession of drugs, or related to possession of drugs.	5 years ~ <b>AND</b> can be asked to provide official documentary evidence that they are drug free. This can be asked at for prior to or at any time whilst licensed.
Discrimination – any conviction involving or connected with discrimination in any form.	7 years
Drink driving/driving under the influence of drugs.	7 years ~ <b>AND</b> can be asked to provide official documentary evidence that they are drug free. This can be asked at for prior to or at any time whilst licensed.
Driving whilst using a hand-held telephone or other device.	5 years
Minor traffic or vehicle related offences – offences which do not involve loss of life, driving under the influence of drink or drugs, driving whilst using a handheld telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence.	3 years
Major traffic or vehicle related offences – offences not covered under minor traffic or vehicle related offences and also any offence which resulted in injury to a person or damage to any property (including vehicles), driving without insurance or any offence relating to motor insurance.	7 years
Serious hackney carriage and private hire offences (e.g. plying for hire, driving without a PH/HC licence (driver or vehicle).	7 years
Vehicle use offences, for example being carried in vehicle without the owner's consent.	7 years.

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