

# Hackney Carriage and Private Hire Handbook

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**South Tyneside Council**

## **This Manual contains copies of the following documents and forms part of the Licence(s) issued to you:**

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### **Notes**

The Code of Practice applies to all Licence holders.

The Licensing Policies apply if you hold the type of Licence referred to in the title.

The Conditions of Licence apply in respect of the Licence(s) you hold.

The Hackney Carriage Byelaws only apply if you hold a Hackney Carriage Vehicle Licence and or a Hackney Carriage Drivers Licence. You are recommended to read all of those documents that apply to the Licence(s) you hold.

# DRIVERS

## 1. Application Process

Drivers must satisfy the authority that they are fit and proper people to be licensed drivers. The licensing authority will consider all applications for drivers' licences on their own individual merits.

In order to determine whether the applicant is a fit and proper person, the applicant must satisfy the authority on the following points:

- Application form
- DVLA (or EU) Driving Licence and DVLA check
- Application and associated fees
- DBS Disclosure
- Information – foreign national (if applicable)
- Additional information (if required).
- Knowledge/locality test
- Group II Medical Standards of Fitness to Drive
- Additional medical information (if required)

South Tyneside Council aims to ensure that hackney carriage and private hire services delivered within the Borough are of a good standard. The application procedure is designed to ensure these standards are maintained and continually monitored for improvement. The Council may decide that further information is necessary in order to consider an application. If this is the case the applicant will be asked to provide this information in the appropriate format.

It is a legal requirement that drivers of hackney carriages or private hire vehicles obtain a licence to drive those vehicles from the licensing authority.

Applicants must be over 18 years of age and have held a full Driver and Vehicle Licence Agency (DVLA) driving licence or other European Union (EU) licence for at least 12 months.

Before a licence will be granted an applicant is required to pass a Knowledge/Locality Test to ensure they have the necessary knowledge of the area as well as licensing law and conditions of licence before being permitted to drive the general public around the borough.

## 2. Disclosure and Barring Service (DBS)

Applicants and licence holders are required to submit an Enhanced DBS check with each new application and every three years thereafter. The results of this disclosure will be used to assist the Council in deciding whether or not the applicant is a 'fit and proper' person.

If a licence is allowed to lapse for any period, the driver will be required to submit a new application which includes a new enhanced DBS check.

The licensing authority will only accept DBS certificates which are applied for through South Tyneside Council unless the applicant holds a Disclosure online applied through the DBS update service to at least 'other work force – Taxi Driver' level.

All new applicants must declare all convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the licensing authority of any convictions or cautions received during their licence period. Failure to inform the licensing authority of any conviction, caution and fixed penalty notice during the licensing period may result in suspension or revocation of the licence.

The licensing authority and DBS require a five-year background check for all new applicants. If an applicant has lived abroad for any period of time in the last five years or is from an EU member state or overseas, then a certificate of good conduct authenticated and translated by the relevant embassy is required before any application can be made to this licensing authority. Information regarding certificates of good conduct or similar documents from a number of countries is available from:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The Home Office's Employers' Helpline (0845 010 6677) can be used to obtain general information on immigration documentation. Employers and the licensing authority are also able to obtain case specific immigration status information, including whether an applicant is permitted to work or details of work restrictions from:

<https://www.gov.uk/government/organisations/uk-visas-and-immigration>

### **3. Licence Renewal**

The Council commences a driver renewal process 6 weeks before the expiry date. This is to ensure plenty of time for the return of the DBS disclosure certificate before the expiry of the licence. The applicant must return the completed DBS application to the Council within the first two weeks of this period. If that has been done but the DBS certificate has not been returned before the expiry of the licence, the authority may consider issuing a temporary licence without an additional charge. If the applicant failed to submit their DBS application within the first two week period then the Council may consider issuing a temporary licence but a fee for a replacement driver's badge will be levied.

The licence issued is conditional upon there being no adverse information revealed on the DBS check that would otherwise render the applicant not 'fit and proper'. If a licence is issued and relevant information is later revealed on a disclosure certificate, then that licence will be subject to review, possible suspension or revocation by the licensing authority, pending a formal decision.

If the DBS disclosure certificate is not returned before the expiry of the current licence and the Council decide not to issue a temporary licence the driver will be unable to work until the full process had been completed. All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the full costs of obtaining the DBS certificate.

Applicants (this includes those renewing a licence) who have spent more than 3 months outside of the UK since the issue of their existing licence (if applicable) will be required to produce a certificate of good conduct authenticated and translated by the relevant embassy before any application can be made to this licensing authority. Please see section 2 above for information about where certificates of good conduct or similar documents from a number of countries can be obtained. Further information can also be found on page 30 of this handbook.

### **4. Policy for determining the relevance of criminal convictions**

The council has adopted a policy which provides guidance relating to the relevance of convictions, to determine if an applicant is a suitable person to hold a hackney or private hire driver's licence. This is set out on **pages 8-10 and 11-13**.

Licences for drivers of hackney carriages and private hire vehicles will only be granted where the local authority is satisfied that the applicant is a 'fit and proper' person to hold such a licence.

Hackney carriages and private hire driving is an Excepted Occupation and is therefore exempt from the Rehabilitation of Offenders Act 1984. When submitting an application for a hackney carriage or private hire driver's licence applicants must therefore declare all previous convictions (traffic and criminal), they may have, including convictions classed as spent under the Rehabilitation of Offenders Act 1974.

Applicants are also required to declare any formal police cautions and all endorsable fixed penalty tickets. An applicant must also provide details of any pending investigation or prosecution they are currently the subject of.

Applicants should be aware that the council is empowered to check with the DBS and the DVLA, for the existence and content of any criminal record or offences against the Road Traffic Acts. Details of any such convictions will be kept in accordance with the Data Protection Act 1998.

Any applicant who is refused a driver's licence on the grounds that they are not a 'fit and proper' person has a right of appeal to the Magistrates Court. These guidelines will also be taken into account when dealing with an application for the renewal of an existing driver's licence when considering whether to renew, suspend or revoke such a licence.

Applicants who would like to discuss what effect a conviction might have on their application should telephone the licensing section on 0191 4247695.

## **5. Knowledge/locality test**

In determining the suitability of an applicant and to assist in considering whether the applicant is a 'fit and proper' person to hold a driver's licence, the applicant must undertake a knowledge/locality test. This involves a series of questions in relation to the South Tyneside area as well as licence conditions, byelaws, legislation and relevant Highway Code questions. If they leave the trade but return within a two year period the applicant will not be required to re sit the test. Details about the knowledge test can be obtained from the Licensing Service upon request.

Applicants sitting the knowledge/locality test will be expected to have prior detailed knowledge of the South Tyneside area which includes South Shields, Jarrow, Hebburn, Boldon, Whitburn and Cleadon.

## **6. Medical fitness**

If the applicant successfully passes the knowledge/locality test, the next stage of the process is the requirement to pass a medical examination. This must be carried out by the applicant's own general practitioner (GP) or a general practitioner who has had access to the applicant's medical records. The medical examination will ensure that the applicant satisfies all the requirements of the DVLA Group II Medical Standards of Fitness to Drive. All licensed drivers must have a medical examination upon application and at five year intervals from the age of 45 to 65. Upon reaching the age of 65 they will be required to complete a medical examination every year. If they leave the trade for a period of more than 6 months the applicant will be required to complete a full new application including a new medical examination.

In addition, the licensing authority may direct any licence holder to supply satisfactory evidence in the form of a medical certificate or letter from their GP or consultant, stating the licence holder meets the required Group II Medical Standards of Fitness to drive, should their medical fitness be called into question.

Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard will not be granted a licence, or the licence will not be renewed, or will be suspended or revoked.

All licence holders must inform the Licensing Authority of any illness or condition that affects their ability to drive or carry out the duties and responsibilities of a licensed driver within 7 days of the commencement of such a condition/illness.

All costs associated with obtaining the relevant medical certificate or letters are to be met by the applicant.

## **7. Duration of licence**

The licensing authority issue licences for a maximum of one year. However the licensing authority does have the discretion to issue licences for a shorter duration if it considers this to be necessary given the circumstances.

## **8. Conditions**

The authority has very limited conditions attached to a hackney carriage driver's licence. Byelaws are used to control hackney carriages and their drivers. The existing hackney carriage byelaws are set out in this handbook and will be reviewed from time to time.

The authority may attach such conditions to a private hire driver's licence as considered necessary. These are also set out in this handbook.

## **9. Medical exemptions**

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge.

Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds.

If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

The Council cannot exempt a person from carrying guide and assistance dogs for any other reason than medical grounds.

## **10. Dress code**

The Council encourages a smart dress code in order to portray a positive image of the Borough of South Tyneside to customers. A dress code enhances a professional image of drivers licensed by the Council. Many Operators have their own dress code for drivers in the form of dress trousers or skirts, polo shorts, jumpers and jackets and dress shoes. This practice is positively encouraged by the Council and is an integral part of the enhanced operator's scheme promoted by the Council. Similar standards of dress are recommended and encouraged.

## **11. Driver qualification**

The licensing authority will introduce additional training for new drivers to improve the standards of customer care offered to the travelling public and to enhance the knowledge, skills and professionalism of drivers.

# Code Of Practice For Hackney Carriage and Private Hire Licence Holders

## Foreword

The Council considers that holders of hackney carriage and private hire licenses are responsible for the safety and welfare of their clients as well as the public in general and are expected to act responsibly at all times.

Drivers of licensed vehicles are considered to be vocational (professional) drivers. In common with other vocational drivers they should adopt passive driving technique and set an example to other road users.

This Code of Practice outlines the standards of conduct the Council expects of Licensees and should be read in conjunction with the conditions of licence and Hackney Carriage By-laws.

If followed by all licensees the code should enhance the image of the trade by promoting the trades professional standing, improving service to the public and reducing the potential for complaint.

### 1. RESPONSIBILITY TO THE TRADE

Licensees will endeavour to promote the image of the Hackney Carriage and Private Hire trade by:

- a) complying with this Code of Practice
- b) complying with all Conditions of Licence and By-laws
- c) behaving in a civil, orderly and responsible manner at all times

### 2. RESPONSIBILITY TO CLIENTS

Licensees will:

- a) maintain their vehicles in a safe and satisfactory condition at all times
- b) keep their vehicles clean and suitable for hire to the public at all times
- c) attend punctually when undertaking pre booked hirings
- d) assist, where necessary, passengers into and out of vehicles
- e) offer passengers reasonable assistance with luggage

### 3. RESPONSIBILITY TO RESIDENTS

To avoid nuisance to residents Licensees will:

- a) when attending pre booked hirings or standing or waiting in residential areas:
  - i) not sound the vehicles horn
  - ii) keep the volume of radio/cassette players and VHF radios to a minimum
  - iii) switch off the engine if required to wait
  - iv) take whatever additional action as is necessary to avoid disturbance to residents of the neighbourhood
- b) at taxi ranks and other places where taxis ply for hire by forming queues. Licensees will:
  - i) rank in an orderly manner and proceed along the rank in order and promptly
  - ii) remain in the vehicle
- c) at private hire offices licensees will:
  - i) not undertake servicing or repairs to vehicles
  - ii) not allow their radio/cassette players or VHF radios to cause disturbance to residents of the neighbourhood
  - iii) take whatever additional action as is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business

### 4. GENERAL

Drivers will:

- a) pay attention to personal hygiene and dress so as to present a professional image to the public
- b) be polite, helpful and fair to passengers
- c) drive with care and due consideration for other road users and pedestrians
- d) obey all Traffic Regulation Orders and directions at all times

## Licensing Policy Hackney Carriage and Private Hire Drivers

### APPLICATION

#### Legal framework

Before a licence can be granted, the authority must be satisfied that the applicant is a 'fit and proper person' to hold such a licence.

The applicant must also have held a full UK/EU driving licence for a minimum of 12 months prior to the application being submitted.

#### General

1. Each application will be decided on its own merits.
2. An applicant with a conviction for serious crime need not be permanently barred from obtaining a Licence but is expected to remain free from convictions for 3 to 5 years before an application is entertained. Some discretion may be exercised if the offence is an isolated one or there are mitigating circumstances. However the over riding consideration is protection of the public.
3. The Rehabilitation of Offenders Act 1974 (Exceptions) Amendment) Order 1975 has been amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 (SI 2002/441). The amendment adds hackney carriage and private hire drivers to the list of 'excepted occupations'. This means that you must disclose all previous criminal convictions, not just unspent convictions. An applicant with a history of criminality is likely to be considered unsuitable unless they have demonstrated at least 5 years free from conviction.
4. The following is a guide on the action that is likely to be taken where convictions are disclosed. The Policy deals separately with the various categories of offences (e.g. Traffic Offences - Category 2 and Violence). Regard will however be had to the cumulative effect of all convictions regardless of the fact that they may spread across a number of different types or categories of offence. Account will also be taken of any warnings previously issued by the Council and of any other relevant information however obtained by the Council.
5. In general CAUTIONS AND FIXED PENALTY NOTICES will be treated as if the applicant had been convicted of the offence.
6. If you need clarification regarding whether any traffic offence is a category 1 or 2 you should seek guidance from the licensing section.
7. Following the revocation of a previous licence, a further application is unlikely to succeed until 12 months has lapsed following the effective revocation of the licence.
8. The matters covered in each category are intended to illustrate the type of offence that will be included in that category and are not exhaustive. Any conviction, caution or reprimand for offences not mentioned in any of the categories will be considered accordingly.

#### Traffic Offences - Category 1

This section refers to offences such as parking, speeding and seat belt offences. An isolated conviction for a category 1 offence is unlikely to result in refusal of a licence.

In relation to speeding offences, serious consideration will be given to the penalty imposed and the recorded speed at the time of the offence. If a licence is granted a warning will be issued that further offences are likely to result in consideration to the suspension or revocation of the licence where licensees have greatly exceeded the speed limit or committed repetitive offences.

If penalty points have resulted in disqualification for category 1 offences, then a Licence may be granted following the restoration of the licence with a warning as to future conduct.



### **Traffic Offences - Category 2**

This section refers to offences such as driving whilst using a mobile telephone failing to comply with traffic signals and directions, using any vehicle without an MOT Certificate, using a vehicle without insurance, failing to maintain continuous insurance, failing to produce documentation or provide information to the police and other public official, driving otherwise than in accordance with a licence, driving without due care and attention and using a vehicle with a mechanical defect

An isolated conviction for a category 2 offence is unlikely to result in refusal of the application and a licence may be granted with a warning as to future conduct.

More than one conviction for a Category 2 offence within the last two years or disqualification from driving as a result of a category 2 conviction is likely to result in refusal and a further application is unlikely to be successful until a period of 2 years free from convictions has elapsed.

### **Traffic Offences - Category 3**

This section refers to using a licensed vehicle without insurance, dangerous driving, driving whilst disqualified, driving or being in charge of a vehicle whilst unfit through drink or drugs or with excess alcohol, refusing or failing to provide a specimen for analysis, failing to stop after an accident, failing to report an accident and causing death by dangerous driving.

An isolated conviction will normally result in refusal of the application until at least one year has passed free from conviction since restoration of the driving licence. Where a licence is granted a final warning will be issued as to future conduct.

More than one conviction or disqualification from driving as a result of a category 3 convictions is likely to result in refusal of the application until 3 years after restoration of the driving licence. Where an applicant has repeatedly committed offences in this category, the Council expect the applicant to have demonstrated a period of 5 years free from conviction following the restoration of a driving licence before an application will be considered.

### **Drunkenness not in a Motor Vehicle**

An isolated conviction for Drunkenness will not necessarily result in refusal of the application and a Licence may be granted with a warning as to future conduct.

A number of convictions for Drunkenness or offences involving alcohol could indicate a medical problem and applicants may be required to submit to a medical examination by a medical practitioner nominated by the Council if they wish to pursue an application.

### **Driving Standards**

Issues and concerns relating to driving standards can span across all three categories of road traffic offence and vary from such offences as speeding, failing to comply with traffic signs and directions and driving without due care and attention to dangerous driving.

Where an applicant has demonstrated unsafe and inconsiderate standards of driving resulting in prosecution, the authority may have concerns over whether the applicant should be allowed to hold a licence to carry passengers. The Council may consider it appropriate to refer the applicant to a professional driving assessor appointed by the Council at the expense of the licensee in order to address concerns over driving related issues. Driving assessment may be offered where the Council are considering whether to refuse an application.

The Council will take into account the findings of the independent assessment as one of the facts to be considered in relation to the individual merits of the application. Completion of the assessment does not guarantee a licence, which may still be refused. In addition it should be noted that where an applicant is invited to undertake an independent assessment and declines to do so the council may infer whatever weight they deem appropriate to that refusal.

## **Drugs**

A conviction for a drugs related offence will depend upon the classification of the drug and the penalty imposed. A conviction relating to a Class A drug or more than one conviction for a lower class of drug is likely to result in refusal of the application if it is less than 3 years since the conviction. An isolated conviction or caution for a lower class of drug may result in an application being granted with a final warning as to the applicant's future conduct.

Any conviction linked to the supply of drugs will normally result in refusal of an application if the conviction was in the previous 5 years. Consideration will be given as to the grant of a licence if the conviction was over 5 years.

## **Sexual Offences**

This section includes rape, buggery, indecent assault, gross indecency and indecency involving children.

Where an application is received, serious consideration will be given to the offence, circumstances, penalty imposed and the time that has elapsed since conviction.

Where licences are issued a final warning will be given as to future conduct.

## **Violence**

This section includes assault of both a physical and psychological nature, threatening behaviour, violent related public order offences and breach of protective/restrictive court orders.

A single conviction for a violence related offence will depend on the circumstances and will not necessarily result in the refusal of the licence.

More than one conviction for an offence referred to above or any conviction for grievous bodily harm, actual bodily harm, wounding or assault is likely to result in refusal of the application if it is less than 3 years since the last conviction. Serious consideration will be given to the mitigating circumstances surrounding the offence.

Where licences are issued a warning or final warning will be given as to future conduct, depending upon the circumstances of the offence(s).

## **Possession of a weapon**

If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

Depending upon the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

## **Dishonesty**

This section includes convictions for burglary whether dwelling or non-dwelling, theft, handling stolen goods, deception, fraud, money laundering going equipped to steal, forgery, taking a motor vehicle without consent, the aggravated taking of a vehicle without consent, Motor Vehicle Interference and omitting or providing misleading information.

An isolated conviction for dishonesty is likely to result in refusal of the application if it is less than three years since conviction.

More than one conviction is likely to result in refusal if it is less than 5 years since the last conviction.

## **Public Order**

Offences such as urinating in a public place, disturbing the peace and other public order convictions are unlikely to result in refusal of a licence. A licence may be granted with a warning as to the applicant's future conduct.

Convictions where damage to property has occurred will be considered on the individual circumstances of the case.

## **Conduct**

Should the applicant have previously held a licence, any previous conduct issues, complaints, warnings, or any other relevant information however obtained, will be considered on its merits.

## Licensing Policy Hackney Carriage and Private Hire Drivers

### Existing Licensees:

#### LEGAL FRAMEWORK

Licensing authorities are empowered to suspend, revoke or refuse to renew licences on the grounds that the licensee is no longer considered to be a 'fit and proper person' in that since the grant of the licence, he/she has been convicted of an offence involving dishonesty, indecency or violence; been convicted of any other offences or failed to comply with the requirements of licensing legislation or for any other reasonable cause.

#### General

1. Hackney Carriage and Private Hire Drivers are considered to be VOCATIONAL (professional) drivers and in common with other vocational drivers are expected to set an example to other road users. They are responsible for the safety and welfare of their passengers as well as the public in general and it is important that they act responsibly at all times.
2. More comprehensive details of their responsibilities have been set out in the "SOUTH TYNESIDE COUNCIL'S CODE OF PRACTICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE HOLDERS" which is issued with every licence and which should be read in conjunction with the conditions of licence and Hackney Carriage Bye-laws.
3. The following is a guide to the action that is likely to be taken where licensees fail to meet the standards expected of them.
4. In general CAUTIONS AND FIXED PENALTY NOTICES will be treated as if the licensee had been convicted of the offence.
5. If you need clarification regarding whether a traffic offence is a category 1, 2 or 3 you should seek guidance from the Licensing Section.
6. All convictions/cautions and fixed penalty notices must be disclosed in writing to the Licensing Section within seven days, (This is a condition of licence).

7. The Policy deals separately with the various categories of offences and failure to comply with legislation/ conditions of licence etc. Regard will however be had to the cumulative effect of all such matters regardless of the fact that they may be spread across a number of different types or categories of offences or failures. Account will also be taken of any warnings issued by the Council and of any other relevant information however obtained by the Council.
8. A disqualification from driving will result in revocation of a licence to drive Hackney Carriages and/or Private Hire Vehicles. (New applicants may be granted a licence but the period of time free from conviction before a licence will be granted will depend upon the reason for disqualification. Please refer to the Council's Policy in relation to applications for licences to drive Hackney Carriages and Private Hire Vehicles - Category 1/2 or 3).
9. The matters covered in each category are intended to illustrate the type of offence that will be included in that category and are not exhaustive. Any conviction, caution or reprimand for offences not mentioned in any of the stated categories will be considered accordingly.

#### Traffic Offences - Category 1

This section refers to offences such as parking, speeding and seat belt offences. An isolated conviction for a category 1 offence is unlikely to result in action being taken unless the licensee has failed to comply with the condition of licence in relation to disclosure of the offence(s). Where penalty points have resulted in disqualification, a licence will be revoked and any application for grant of a licence following restoration of the driving licence will be considered in accordance with the Council's Policy for Applicants.

Serious consideration will be given to the speed and penalty imposed when considering the action to take. A warning will be issued that further offences are likely to result in consideration to the suspension or revocation of the licence where licensees have greatly exceeded the speed limit or committed repetitive offences, If penalty points have resulted in disqualification for category 1 offences, then a Licence may be granted following the restoration of the licence with a warning as to future conduct.

### **Traffic Offences - Category 2**

This section refers to offences such as driving whilst using a mobile telephone failing to comply with traffic signals and directions, using any vehicle without an MOT Certificate, using a vehicle without insurance, failing to maintain continuous insurance, failing to produce documentation or provide information to the police and other public official, driving otherwise than in accordance with a licence, driving without due care and attention and using a vehicle with a mechanical defect

An isolated conviction for a category 2 offence is likely to result in the issue of a warning that further offences committed may result in suspension or revocation.

### **Traffic Offences - Category 3**

This section refers to using a licensed vehicle without insurance, dangerous driving, driving whilst disqualified, driving or being in charge of a vehicle whilst unfit through drink or drugs or with excess alcohol, refusing or failing to provide a specimen for analysis, failing to stop after an accident, failing to report an accident and causing death by dangerous driving

A serious view will be taken of any conviction for a category 3 offence particularly if the offence was committed in a licensed vehicle. A conviction is likely to result in revocation of the licence. Any future application will be considered in accordance with the Councils Licensing Policy with respect to Applicants for Hackney Carriage and Private Hire Drivers Licences.

### **Driving Standards**

Issues and concerns relating to driving standards can span across all three categories of road traffic offence and vary from such offences as speeding, failing to comply with traffic signs and directions and driving without due care and attention to dangerous driving.

Where a licensee has failed to demonstrate a safe and considerate standard of driving resulting in prosecution or complaint, the authority will consider whether the licensee should be allowed to continue to hold a licence to carry passengers. The Council may consider it appropriate to refer the licensee to a professional driving assessor appointed by

the Council at the expense of the licensee, in order to provide additional evidence of concerns over driving related issues. Driving assessment may be offered where the Council are considering whether to suspend or revoke a licence.

The Council will take into account the findings of the independent assessment as one of the facts to be considered in relation to the review of the licence. Completion of the assessment does not guarantee retention of a licence which may still be suspended or revoked. In addition it should be noted that where an applicant is invited to undertake an independent assessment and declines to do so the council may infer whatever weight they deem appropriate to that refusal.

### **Drunkness not in a Motor Vehicle**

An isolated conviction for Drunkenness not associated with a motor vehicle will not necessarily result in suspension or revocation of a licence but a warning is likely to be issued with respect to future conduct.

More than one conviction for Drunkenness or offences involving alcohol could indicate a medical problem and the licensee may be required to submit to a medical examination by a medical practitioner nominated by the Council. The licence may, as a result of this examination, be suspended or revoked.

### **Drugs**

A conviction for a drugs related offence will depend upon the classification of the drug and the penalty imposed. A conviction relating to a Class A drug or more than one conviction for a lower class of drug is likely to result in suspension or revocation of the licence(s) an isolated conviction or caution for a lower class of drug may result in a final warning as to the licensee's future conduct.

Any conviction linked to the supply of drugs will normally result in revocation of the licence.

If the licence is revoked any future application will be considered in accordance with the Councils Licensing Policy with respect to applications for hackney carriage and private hire drivers licences.

### **Sexual Offences**

This section includes rape, buggery, indecent assault, gross indecency and indecency involving children.

A conviction for a sexual offence is likely to result in revocation of a licence. Any future application will be dealt with in accordance with the Councils Licensing Policy with respect to applications for hackney carriage and private hire driver's licences.

### **Violence**

This section includes assault of both a physical and/or psychological nature, threatening behaviour, violent related public order offences and breach of protective/restrictive court orders.

A single conviction for a violence related offence will depend on the circumstances and will not necessarily result in the revocation of the licence.

More than one conviction for an offence referred to above or any conviction for grievous bodily harm, actual bodily harm, wounding or assault is likely to result in revocation of the licence. Future applications will be dealt with in accordance with the Councils Licensing Policy with respect to applications for hackney carriage and private hire driver's licences.

### **Possession of a weapon**

A conviction for possessing a weapon or any other weapon related offence is likely to result in revocation of the licence. However consideration will be given to the circumstances surrounding the offence with each case being treated on its own merits. Where a licence is revoked any future application will be considered in accordance with the Council's Policy in relation to applicants.

### **Dishonesty**

This section includes convictions for burglary whether dwelling or non-dwelling, theft, handling stolen goods, deception, fraud, money laundering, going equipped to steal, forgery, taking a motor vehicle without consent, the aggravated taking of a vehicle without consent, motor vehicle interference and omitting or providing misleading information.

A conviction for dishonesty is likely to result in revocation of the licence. Future applications will be dealt with in accordance with the Councils Licensing Policy with respect to applications for hackney carriage and private hire driver's licences.

### **Licensing Conditions/Legislation**

This section deals with any conviction against or contravention of the legislation applying to hackney carriage and private hire licensing including a failure to comply with conditions and restrictions of licences or the Code of Practice and failure to produce documentation.

A first offence or failure to comply is likely to result in a warning as to future conduct. More than one offence or failure to comply within 12 months is likely to result in suspension or revocation of the licence. In cases where a licence is revoked a further application is unlikely to succeed for 12 months following the effective revocation.

### **Public Order**

Offences such as urinating in a public place, disturbing the peace and public order matters are likely to result in a warning being issued as to the licensee's future conduct.

Public Order where damage has occurred or which has resulted in a criminal damage conviction will be considered on the circumstances of the case

### **Conduct**

Producing false documentation, making a false declaration, complaints about the conduct of licensees or any other information however obtained by the Council will be considered on its merits. Serious matters may result in suspension or revocation of the licence(s).

## Licensing Policy Hackney Carriage and Private Hire Vehicles

### LEGAL FRAMEWORK

Before issuing a licence in respect of a hackney carriage or private hire vehicle the Council must be satisfied that the vehicle is suitable in size, type and design, in a suitable mechanical condition, safe and comfortable and that there is in force a suitable policy of insurance.

Thereafter The Council and its Officers in certain instances are empowered to suspend, revoke or refuse to renew licences in instances where the vehicle is considered to be unfit for use or for any other reasonable cause.

### General

1. The Council cannot limit the number of private hire vehicle licences it issues.
2. 25 Hackney Carriage Vehicle Licences have additional conditions attached requiring that they be wheelchair accessible.
3. Comprehensive conditions are attached to hackney carriage and private hire vehicles licences covering equipment, livery, advertising and the responsibility of Licensees. You are recommended to read these conditions before applying for a licence. You are also recommended to read the "CODE OF PRACTICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE HOLDERS".

### Policy

#### Hackney Carriage Licences

1. The Council currently limits the number of Hackney Carriage Vehicle Licences it issues to 236. Of these 25 Licences have special conditions attached as referred to at 2 above.

2. The Council will only agree to the transfer of a Hackney Carriage Vehicle Licences in one of the following circumstances:

- a) the Licensee has held the Licence for a minimum period of 12 months
- b) the Licensee is obliged to leave the trade on medical grounds
- c) the death of the Licensee when the next of kin will be allowed to dispose of the Licence.

### Hackney Carriage and Private Hire Licences

#### Vehicle Type

Most 4 door saloon vehicles are acceptable for licensing as either hackney carriage or private hire vehicles but 2 or 3 door vehicles are generally considered to be unsuitable.

Vehicles commonly referred to as London Type Cabs will not be accepted for licensing as private hire vehicles.

Other vehicles such as those commonly referred to as people carriers, mpv's, mini buses and adapted vans may be accepted for licensing if all passengers have ready access to an exit door. You are advised to seek advice from the Licensing Section if you wish to licence such a vehicle.

We have defined ready access as a minimum gap of 30cm (12 inches) at the narrowest point of exit/entry without adjusting the seat.

#### Seats

Every passenger seat in the vehicle must meet the following minimum dimensions:

- Individual seat width – 41cm (16")
- Bench seat width (ie rear seat of a saloon vehicle) – 123cm (48")

## Licence Duration

The options available to applicants are :

Licence Duration	Fees Payable	Testing Frequency
Newly registered vehicles - Annual Licence	Annually	Annual for first 3 years
6 monthly	6 Monthly	Every 6 months
All other vehicles - Annual Licence	Annually	Every 6 months
6 Month Licence	6 Monthly	Every 6 months

Note : There are cost savings for those paying fees annually.

## Vehicle Inspection and Testing

All vehicles are required to be inspected and tested at the Councils Testing Station prior to the issue or renewal of a licence and thereafter in accordance with the frequency shown in the table above.

The council may choose to inspect vehicles found to be poorly maintained every 4 months.

## Enforcement

The Council considers that Licensees are in a position of considerable trust being responsible for the safety and welfare of the public and in particular passengers who travel in licensed vehicles. Accordingly Licensees are expected to maintain their vehicles to a high standard at all times and not just when presenting the vehicle for inspection and testing. They are also expected to act responsibly at all times and to respond promptly to proper requests made by the Council and its Officers.

## Condition of Vehicles

The action taken by the Council where Licensees fail to properly maintain a licensed vehicle will be dependent upon the condition of the vehicle. In general a first instance of failing to properly maintain is likely to result in a warning that a further occurrence within 12 months is likely to result in suspension or revocation of the Licence.

Where a vehicle is found to be in a serious state of disrepair the Licence may be suspended or revoked without warning.

Where a Licence is revoked a further application for a Licence is unlikely to succeed for 12 months following the revocation.

## Licensing Conditions/Legislation

This section deals with a conviction against or contravention of the legislation applying to hackney carriage and private hire vehicles including a failure to comply with conditions and restrictions of licences or the Code of Practice and failure to produce documentation.

A first offence or failure to comply is likely to result in a warning as to future conduct. More than one offence or failure to comply within 12 months is likely to result in suspension or revocation of the licence.

In cases where a licence is revoked a further application is unlikely to succeed for 12 months following the revocation.

## Hackney Carriage Byelaws

### Copy

Made by the Council of the Borough of South Tyneside under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act, 1875 with respect to hackney carriages in the Borough of South Tyneside.

1. Throughout these byelaws "the Council" means the Council of the Borough of South Tyneside and "the District" means the Borough of South Tyneside.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (b) A proprietor or driver of a hackney carriage shall:-
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided:-

3. The proprietor of a hackney carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver
  - (b) cause the roof or covering to be kept water-tight
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side
  - (d) cause the seats to be properly cushioned or covered
  - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service

- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver
- 4 (a) The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed attached and maintained as to comply with the following requirements, that is to say:
    - (i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
      - (a) The words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least one inch in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible
      - (b) When the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible  
When the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter;
    - (ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
      - (a) The taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter
      - (b) Such key or other device shall be capable of being locked into such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter: -



- (iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the Byelaw in that behalf for the hire of the carriage by distance:
  - (iv) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
  - (v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
  - (vi) The taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking damaging or permanently displacing the seals or other appliances
- 4 (b) The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say: -
- (a) The sign shall bear the words "FOR HIRE" in plain letters at least one inch in height
  - (b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges
5. The driver of a hackney carriage shall:
- (i) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
    - (a) when standing or plying for hire keep such flag or device locked in the position in which the words are horizontal and legible
    - (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring
  - (ii) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE" :-
    - (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of byelaw so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage
    - (b) as soon as the carriage is hired whether by distance or time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage
    - (c) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until termination of the hiring
  - (iii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Transport Lighting Act, 1957 and also at any other time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto
7. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage a greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed to carry luggage shall, when requested by any person, hiring or seeking to hire the carriage
  - (a) convey a reasonable quantity of luggage
  - (b) afford reasonable assistance in loading and unloading
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
14. Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Community Physician (Environmental Health).
15. Provisions fixing the rate of fares, as well for time as for distance, to be paid for hackney carriages within the district, and securing the due publication of such fares.
16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the Council, the rate of fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charge authorised by the Council, which it may not be possible to record on the face of the taximeter.
  - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures

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

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charge to be made in respect thereof.

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

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

(a) carry it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner to the Police Station and leave it in the custody of the officer in charge of the Station on his giving a receipt for it.

(b) Be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Station, whichever is the greater) but not more than five pounds.

#### Penalties

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

#### Repeal of Byelaws

20. (a) The series of Byelaws relating to Hackney Carriages which was made by the Mayor, Aldermen and Burgesses acting by the Council of the Borough of South Shields on 9th day of March, 1972 as amended by the byelaws made by the said Mayor, Aldermen and Burgesses acting by the said Council on the 22nd day of February, 1974 and 8th March, 1974 which were confirmed by one of Her Majesty's Principal Secretaries of State on the 22nd day of May, 1972, 24th day of April, 1974 and 29th day of April respectively are hereby repealed.

(b) The series of Byelaws relating to Hackney Carriages which was made by the Aldermen and Burgesses of the Borough of Jarrow on the 18th day of February, 1926 and confirmed by the Minister of Health on the 23rd day of April, 1926 as amended by the Byelaws relating to hackney carriages which was made by the Mayor, Aldermen and Burgesses of the Borough of Jarrow on the 9th day of November, 1936 and confirmed by the Minister of Health on the 13th day of January, 1937 is hereby repealed.

Made 6th December 1974

Confirmed 17th January 1975

## Hackney Carriage Drivers Licence Conditions

Notes:

If you are aggrieved by any of the following conditions you may appeal to the Magistrates Court within twenty one days of receipt of the Licence. If you lodge an appeal you are entitled to continue to act as a Hackney Carriage Driver until the appeal is determined.

The principal Offices of the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976 is The Licensing Section, Town Hall & Civic Offices, Westoe Road, South Shields, NE33 2RL.

Please note that these Conditions are not exhaustive. The Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and the Hackney Carriage Byelaws also regulate the licensing and use of Hackney Carriage Drivers.

In these conditions the term "you" means the Licensed Driver.

### Conditions

1. If you move house you must return your Licence to the Council within seven days. An amended licence will be issued.
2. You must return the Licence to the Housing Strategy and Regulatory Department on the expiry, revocation or suspension of the Licence.
3. The Licence and Driver's Badge remain the property of the Council at all times.
4. You must report the loss of the Licence or Driver's Badge to the Housing Strategy and Regulatory Department as soon as such loss becomes known.
5. You may obtain a duplicate Licence or Badge on payment of the current fee.
6. You must carry a guide or assistance dog belonging to a passenger free of charge.
  - a) If you have a medical condition that precludes you from close contact with dogs, you must make application to the Licensing Section of the Council for an Exemption Certificate. You must display the Exemption Certificate Permit in the vehicle. It is an offence to refuse to carry a guide or assistance dog accompanied by a passenger unless you can produce your exemption certificate and/or permit issued by the Council.
7. You shall:-
  - a) not, without the express consent of the hirer, play any radio or sound reproduction instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
  - b) at no time cause or permit the noise emitted by any radio or other equipment as mentioned in a) above to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
  - c) provide a written receipt if requested by the hirer of the vehicle.
  - d) not cause the fare recorded on the face of the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
  - e) not convey in the vehicle any animal belonging to or in the custody of the driver.
8. You must, within seven days, disclose to the Council, in writing, details of any convictions or cautions imposed on you during the period of the Licence.
9. All drivers must attend any relevant training or awareness raising events as deemed necessary by the Council. Drivers will be notified in writing at least 7 days in advance of such training and events. Failure to attend without reasonable cause may prevent renewal of your licence.

## Hackney Carriage Vehicle Licence Conditions

Notes: The Council is empowered by virtue of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to attach such conditions as may be considered reasonably necessary to the granting of Hackney Carriage Vehicle Licences.

If you are aggrieved by any of the following conditions you may appeal to the Magistrates Court within twenty-one days of receipt of the Licence. If you lodge an appeal you are entitled to continue to use the vehicle as a Hackney Carriage until the appeal is determined.

The principal Offices of the Council for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is The Licensing Section, Town Hall & Civic Offices, Westoe Road, South Shields, NE33 2RL.

Please note that these Conditions are not exhaustive. The Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and the Hackney Carriage Byelaws also regulate the licensing and use of Hackney Carriage Vehicles.

In these conditions the term "you" means the Proprietor(s) of a hackney carriage.

### Conditions

#### General

1. This Licence is yours. It cannot be transferred without the Council's consent. The renewal of the Licence will be at the Council's discretion.
2. You must maintain a continuous public hire Policy of Insurance for your licensed vehicle.

3. If an Authorised Officer of the Council or Constable asks you, you must produce:
  - (a) your current driving licence
  - (b) the vehicle registration document
  - (c) the vehicle insurance certificatewithin five days of the request being made.
4. If you move house you must return your Licence to the Council within seven days. An amended licence will be issued.
5. If you lose your Licence, you may get a duplicate on payment of the current fee.
6. You must, within seven days disclose to the Council, in writing, details of any convictions or cautions imposed on you during the period of the Licence.
7. You must be sure that every person who drives your licensed vehicle for purpose of hire and reward holds a current Hackney Carriage Drivers Licence. You are required by law to hold the Licence of every driver who drives your vehicle.
8. You must keep a register of the names and addresses of all persons who drive the vehicle. This register must be available for inspection by any Authorised Officer of the Council.

#### The Licence Plates

9. You must secure and display the exterior Licence Plate on the rear of the vehicle, as near as is practicable to the vehicle registration plate, so that it can be clearly read by pedestrians and road users. It must not be displayed on or in the rear window.
10. You must affix the interior Licence Permit to the inside of the windscreen so that it is visible to passengers at all times.
11. If the vehicle fails a mechanical retest, the exterior Licence Plate will be removed. The Plate will be returned when the vehicle passes a further test which you must pay for.
12. You must report the loss of any Plates to the council as soon as you become aware of the loss.

13. You may obtain a duplicate Licence Plate for which a charge will be made at the time of the order.
14. The Licence Plate and Permit remain the property of the Council at all times.

### **The Vehicle**

15. You must display a transfer of the Motif issued by the Council centrally on the upper panel of the front offside and front nearside door. The door motifs must be displayed upon the vehicle at all times whilst the vehicle is on the public highway unless parked up over night. Duplicate Motifs may be purchased from the Council.
16. You must not allow the vehicle to be used unless:
  - (a) the roof covering is watertight
  - (b) it is provided with any necessary windows and at least one window on each side is capable of being opened and closed
  - (c) the seats are properly cushioned or covered
  - (d) the fittings and furniture are kept clean, well maintained and in every way fit for public service
  - (e) means are provided for securing any luggage carried in the vehicle
  - (f) if your vehicle is furnished with a fire extinguisher it must be firmly secured in the boot
  - (g) it is provided with at least two doors for the use of passengers (other than the driver's door) with effective means for passengers being conveyed in the vehicle to open each door
17. You must not allow the vehicle to be used unless a sign with the word "TAXI" is displayed on its roof. The sign must be capable of being illuminated.
18. No change in the specification, design, condition or appearance of the vehicle may be made at any time without the approval of the Council.
19. You must not allow any sign to be displayed on or from the vehicle unless it is required by law, is required or permitted by these conditions, or has been agreed by the Council in writing.
20. Adverts may only be displayed on the rear doors and rear side panels of the licensed vehicle provided a copy has been submitted to and approved by the Council.
21. You may display the name and telephone number of the Company operating your vehicle in its front and rear windows or on the rear doors or side panels. However, the display must not be illuminated and must not contravene any Road Traffic Act.
22. If the vehicle is in an accident and its safety or appearance is affected, you must inform the Council immediately and then give details, in writing and within three days. If you are in doubt as to whether the vehicle is affected you must advise the Council.
23. The meter installed in the vehicle shall only be inspected, tested, calibrated and sealed by an authorised meter agent as approved by the Licensing Manager under the Council's 'Authorised Meter Agent Scheme'.
24. Only those tariffs approved by the Council and displayed upon a scale of charges are permitted to be installed on the meter.

## Private Hire Operators Licence Conditions

### Notes:

The Council is empowered by virtue of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to attach such conditions as may be considered reasonably necessary to the granting of Private Hire Vehicle Operators Licences.

If you are aggrieved by any of the following conditions you may appeal to the Magistrates Court within twenty-one days of receipt of the Licence. If you lodge an appeal you are entitled to continue to act as a Private Hire Operator until the appeal is determined.

The principal Offices of the Council for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is The Licensing Section, Town Hall & Civic Offices, Westoe Road, South Shields, NE33 2RL.

Please note that these Conditions are not exhaustive. The Local Government (Miscellaneous Provisions) Act 1976 also regulates the licensing of Private Hire Vehicle Operators.

In these conditions the term "you" means the Licensed Operator(s).

### Conditions

1. You must return the Licence to the Housing Strategy and Regulatory Department for endorsement when you change your home address or business address.
2. You shall return the Licence to the Housing Strategy and Regulatory Department on the expiry, revocation or suspension of such Licence or upon you ceasing to be an Operator.
3. The Licence shall remain the property of the Council at all times.

4. You may obtain a duplicate of a Licence that has been lost on payment of the current fee.

5. You shall report the loss of the Licence to the Housing Strategy and Regulatory Department as soon as such loss becomes known.

6. You shall keep a record of all Private Hire bookings in the following form.

DATE/ SHIFT/ TIME SHIFT COMMENCES/  
NAME OF BOOKING CLERK

Followed by a list of all drivers on shift in the following form.

NAME/ BADGE NO./ VEHICLE LICENCE NO./  
REGISTRATION NO./ CALL SIGN

Followed by the usual booking information.

TIME/ NAME OF CLIENT (If available)/ PICKING UP POINT/  
DESTINATION (If available)/ CALL SIGN

NB. 1. Hackney Carriages undertaking pre-booked journeys are to have their journeys entered in the records.

2. Drivers coming on shift are to have their details recorded as a single entry at the appropriate time.

3. Drivers going off shift are to have their details recorded as a single entry at the appropriate time.

7. Such records shall be kept for a year after the booking has been made.

8. You shall keep a record of the following particulars of all vehicles operated by you and their drivers:
  - (a) Vehicle Registration Number
  - (b) Vehicle Licence Number (as issued by Local Authority)
  - (c) Make, type and colour of vehicle
  - (d) Name and address of Vehicle Licence holder
  - (e) Vehicle Insurance Cover
  - (f) Drivers Name
  - (g) Drivers Licence Number (as issued by Local Authority)
9. You must ensure, to the best of your ability, that all vehicles used, and drivers employed under the scope of your operators licence (whether directly owned or employed by you or not and whether or not licensed by this Licensing Authority) comply with all the conditions attached to vehicle and drivers licences as issued by South Tyneside Metropolitan Borough Council.
10. You shall advise the Council, in writing, of the rate of fares and other charges you operate.
11. You shall ensure that any area to which the public have access, whether for the purpose of booking or waiting.
  - (a) be kept clean, adequately heated, ventilated and lit, and
  - (b) ensure that any waiting area has adequate seating facilities.
12. You shall, within seven days, disclose to the Council in writing, details of any convictions or cautions imposed upon you during the period of the Licence.
13. All private hire operators, and their staff responsible for handling calls and directing bookings, must attend any relevant training or awareness raising events as deemed necessary by the Council. Operators will be notified in writing at least 7 days in advance of such training and events. Failure to attend without reasonable cause may prevent renewal of your licence.



## Private Hire Drivers Licence Conditions

Notes:

The Council is empowered by virtue of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to attach such conditions as may be considered reasonably necessary to the granting of Private Hire Drivers Licence.

If you are aggrieved by any of the following conditions you may appeal to the Magistrates Court within twenty-one days of receipt of the Licence. If you lodge an appeal you are entitled to continue to act as a Private Hire Driver until the appeal is determined.

The principal Offices of the Council for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is The Licensing Section, Town Hall & Civic Offices, Westoe Road, South Shields, NE33 2RL.

Please note that these Conditions are not exhaustive. The Local Government (Miscellaneous Provisions) Act 1976 also regulates the licensing of Private Hire Driver Licences.

In these conditions the term "you" means the Licensed Driver.

### Conditions

1. The Licence shall remain the property of the Council at all times.
2. You must return the Licence to The Licensing Section for endorsement when you change your home address.
3. You must return the Licence and Badge to The Licensing Section on the expiry, revocation or suspension of the Licence or upon you ceasing to be employed by the proprietor of a Licensed Private Hire Vehicle,
4. You must report the loss of the Licence or Badge to The Licensing Section as soon as such loss becomes known.
5. You may obtain a duplicate Licence or Badge which has been lost upon payment of the current fee.
6. You shall not use a Private Hire Vehicle which is equipped with a taximeter for any journeys unless
  - a) when the vehicle is hired by distance, before commencing the journey specified by the hirer you bring the machinery into action by moving the key or other device fitted for that purpose so the word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in motion until the termination of the hiring.
  - b) you cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which takes place 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.
7. You must carry a guide or assistance dog belonging to a passenger free of charge.
  - a) If you have a medical condition that precludes you from close contact with dogs, you must make application to the Licensing Section of the Council for an Exemption Certificate. You must display the Exemption Certificate Permit in the vehicle. It is an offence to refuse to carry a guide or assistance dog accompanied by a passenger unless you can produce your exemption certificate and/or permit issued by the Council.
8. You shall not solicit any person to hire such vehicle and shall not make use of the services of any other person for the purpose. It is an offence to do so.
9. You must behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. If you have agreed, undertaken or been hired to be in attendance with the vehicle at an appointed time and place you shall, unless delayed because of some unavoidable reason, directly attend with such vehicle at such appointed time and place.
11. You shall not convey or permit to be conveyed in the vehicle any greater number of persons than the number of persons which the vehicle is licensed to carry.
12. If the vehicle is so constructed as to carry luggage you shall, when requested by any person who has hired the vehicle,
  - a) convey a reasonable quantity of luggage
  - b) afford reasonable assistance in loading and unloading such luggage
  - c) afford reasonable assistance in removing from or depositing such luggage in the entrance of any building, station or other place at which you take up or set down such persons.
13. You shall immediately after the termination of any hiring, or as soon as is practicable thereafter, carefully search the vehicle for any property which may have been left therein. You shall, if any property is found by any person who may have been conveyed in the vehicle, be found by or be handed in to you, convey it within twenty four hours, if not previously claimed by or on behalf of its owner, to the Police Station and leave it in the custody of an Officer in Charge of the Station on his giving a receipt for it.
14. You shall :-
  - a) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
  - b) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
  - c) if requested by the hirer of the vehicle provide him with a written receipt of the fare paid.
  - d) 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 taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
  - e) if the vehicle is fitted with a taximeter not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it has paid the fare (unless credit is to be given).
  - f) not convey in a Private Hire Vehicle any animal belonging to or in custody of yourself or the proprietor or operator of the vehicle.
15. You shall, within seven days, disclose to the Council in writing details of any convictions or cautions imposed on you during the period of the Licence.
16. All drivers must attend any relevant training or awareness raising events as deemed necessary by the Council. Drivers will be notified in writing at least 7 days in advance of such training and events. Failure to attend without reasonable cause may prevent renewal of your licence.

## Private Hire Vehicle Proprietors Licence Conditions

### Notes:

The Council is empowered by virtue of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to attach such conditions as may be considered reasonably necessary to the granting of Private Hire Vehicle Licence.

If you are aggrieved by any of the following conditions you may appeal to the Magistrates Court within twenty- one days of receipt of the Licence. If you lodge an appeal you are entitled to continue to use the vehicle as a Private Hire Vehicle until the appeal is determined.

The principal Offices of the Council for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is The Licensing Section, Town Hall & Civic Offices, Westoe Road, South Shields, NE33 2RL.

Please note that these Conditions are not exhaustive. The Local Government (Miscellaneous Provisions) Act 1976 also regulates the licensing of Private Hire Vehicle Licences.

In these conditions the term “you” means the Proprietor(s) of a Private Hire vehicle.

### General

1. The Licence is yours. It cannot be transferred without the Council’s consent. The renewal of the Licence will be at the Council’s discretion.
2. You must produce the Licence for inspection at the request of any Police Officer.
3. If an Authorised Officer of the Council asks you, you must produce:
  - a) the vehicle registration document
  - b) the vehicle insurance certificatewithin five days of the request being made.
4. If you move house you must return your Licence to the Council within seven days. An amended Licence will be issued.
5. If you lose your Licence, you may get a duplicate on payment of the current fee.
6. You must, within seven days disclose to the Council, in writing, details of any convictions or cautions imposed on you during the period of the Licence.
7. You must be sure that every person who drives your Licensed Vehicle for the purpose of hiring holds a current Private Hire Driver Licence.
8. You must keep a register of the names and addresses of all persons who drive the vehicle. This register must be available for inspection by any Authorised Officer of the Council.
9. You must maintain a continuous private hire Policy of Insurance for your Licensed Vehicle.

### THE LICENCE PLATES

10. The Licence Plate and Permit remain the property of the Council at all times.
11. You must secure and display the exterior Licence Plate on the rear of the vehicle, as near as is practicable to the vehicle registration plate, so that it can be easily read by pedestrians and road users. It must not be displayed on or in the rear window.
12. You must affix the interior Licence Permit to the inside of the windscreen so that it is visible to passengers at all times.
13. If the vehicle fails a mechanical retest, the exterior Licence Plate and Permit will be removed. The Plate will be returned when the vehicle passes a further test which you must pay for.
14. You must not conceal or deface the Licence Plate or permit.
15. You must report the loss of any Plates to the Council as soon as you become aware of the loss.
16. You may obtain a duplicate Licence Plate for which a charge will be made at the time of the order.

## THE VEHICLE

17. You must not allow any sign to be displayed on or from the vehicle unless it is required by law, is required or permitted by these Conditions, or has been agreed by the Council in writing.
18. No change in the specification, design, condition or appearance of the vehicle may be made at any time while the Licence is in force without the approval of the Council.
19. You must not allow the vehicle to be used unless:
  - a) the roof covering is watertight
  - b) it is provided with any necessary windows and at least one window on each side is capable of being opened and closed
  - c) the seats are properly cushioned or covered
  - d) the fittings and furniture are kept clean, well maintained, securely fixed and in every way fit for public service
  - e) means are provided for securing any luggage carried in the vehicle
  - f) if your vehicle is furnished with a fire extinguisher it must be firmly secured in the boot
  - g) it is provided with at least two doors for use of passengers (other than the driver's door) with effective means for passengers in the vehicle to open each door
20. You must not carry any greater number of persons than the vehicle is licensed to carry.
21. Advertisements may only be displayed on the rear doors and rear side panels of the licensed vehicle if a copy has been submitted to and approved by the Council..

22. You may display the name and telephone number of the Company operating your vehicle in its front or rear windows or on the rear doors or side panels. However, the display must not be capable of being illuminated and the words **ADVANCE BOOKINGS ONLY** must be included. The display must not contravene any Road Traffic Act and must not include words such as **TAXI, CAB** or other similar words which might lead any person to believe that the vehicle is a Hackney Carriage.
23. If the vehicle is in an accident and its safety or appearance is affected, you must inform the Council immediately and then give details, in writing within three days. If you are in doubt as to whether the vehicle is affected you must advise the Council.

## THE METER

24. Any meter installed in the vehicle shall only be inspected, tested, calibrated and sealed by an authorised meter agent as approved by the Licensing Manager under the Council's 'Authorised Meter Agent Scheme'.
25. No person shall tamper with or permit a person to tamper with a meter installed in the vehicle.
26. You must not allow the vehicle to be used if a taximeter is installed unless:
  - a) the meter has been tested and found to be satisfactory by an Authorised Officer of the Council
  - b) a Table of Fares has been given to the Council (showing the fares for distance and any extra charges which you propose to charge when the vehicle is hired).

- c) a statement of such fares and extra charges is exhibited inside the vehicle in such a position that it is always clearly visible to any passenger
- d) the taximeter is fitted with a key or other device which, when turned, will make the taximeter operate and display the word HIRED
- e) such key or device can lock the taximeter so it does not work and no fare is recorded on it
- f) when the taximeter is working the fare is recorded on it in clearly legible figures. This fare must be unambiguous and must not exceed the rate of fare as given in the Table of Fares deposited with the Council
- g) the word FARE is printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded on the meter
- h) you have placed the taximeter where all letters and figures on the face of the meter are always clearly visible to any passenger in the vehicle. The letters and figures must therefore be capable of being illuminated.

## Information on Hackney Carriage (Taxi) and/or Private Hire Driver Applications by Foreign Nationals

In addition to the application requirements laid out in documents relating to Hackney Carriage and Private Hire Licensing, South Tyneside Council will consider the following with regard to applications made by foreign nationals.

### **Criminal Convictions**

As part of the application for a Hackney Carriage and/or Private Hire Drivers Licence, applicants are required to show that they are a fit and proper person to hold a licence. All applicants are required to complete a Disclosure and Barring Service check. To complete a Disclosure and Barring Service, the applicant must provide all addresses for the past 5 years including any addresses that are outside the UK. The criminal record check will show any convictions that have been committed in the UK.

In addition foreign nationals must provide South Tyneside Council with a Criminal Record Check from countries outside of the UK and where they have resided. If those countries do not produce such information a certificate of good conduct from the embassy or legation from all countries outside the UK that they have resided must be produced in order that South Tyneside Council can ensure that they have not committed criminal offences in those countries which may make them unsuitable to be issued with a licence to drive Hackney Carriages and or Private Hire Vehicles. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator.

### **Driving Licence**

Licensing Section, South Tyneside Council, Town Hall & Civic Offices, Westoe Road South Shields. NE33 2RL. Tel: 0191 424 7695  
Email - [Licensing@southtyneside.gov.uk](mailto:Licensing@southtyneside.gov.uk)

South Tyneside Council must be satisfied that the applicant holds an appropriate driving licence to drive in the UK for vocational purposes (driving as a job).

For further information on driving licences please see the direct gov website on [www.direct.gov.uk/en/Motoring/DriverLicensing/DrivingInGbOnAForeignLicence](http://www.direct.gov.uk/en/Motoring/DriverLicensing/DrivingInGbOnAForeignLicence) or contact the the DVLA on 0870 240 009.

### **Eligibility to work in this country**

An applicant must be eligible to work in the UK and will need to provide evidence of this. For more information on working in the UK please see the Governments website [www.ukvisa.gov.uk](http://www.ukvisa.gov.uk)

### **English Language**

Where an applicant's first language is not English the applicant may need to demonstrate that they have a basic standard of English speaking and understanding.

For more information on Hackney and Private Hire Licensing please contact the Licensing Section.

Some foreign licences can be used in this country for 12 months after residency and after this time an application must be made for a UK licence

Holders of a European Community Licence may use this licence for vocational driving up to certain age limits or for 5 years after becoming a resident whichever is the sooner. As a vocational driver the DVLA advise that a driver registers with them and applies for a UK counterpart to go with the European Community licence.

## NOTES

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If you know someone who would like this information in a different format contact the communications team on 0191 424 7385.