

TAXI AND PRIVATE HIRE POLICY



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

<u>Section</u>	<u>Policies, Conditions & Codes</u>
1	Introduction pg. 3-5
2	Application Process pg. 6-8
3	Code of Practice for Hackney Carriage and Private Hire Licence Holders pg. 9
4	Hackney Carriage and Private Hire Drivers Licensing Policy – Applications pg. 10-13
5	Hackney Carriage and Private Hire Drivers Licensing Policy – Existing Licensees pg.14-16
6	Hackney Carriage and Private Hire Vehicles Licensing Policy pg.17-21
7	Private Hire Operators Policy pg. 22
8	Hackney Carriage Byelaws pg. 23-26
9	Hackney Carriage Drivers Licence Guidance pg. 27
10	Hackney Carriage Vehicle Licence Conditions pg. 28-29
11	Private Hire Drivers Licence Conditions pg. 30-31
12	Private Hire Vehicle Licence Conditions pg. 32-34
13	Private Hire Operator Licence Conditions pg. 35-36
14	Limousine Policy and Conditions pg. 37-38

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 apply if you hold a Hackney Carriage Vehicle Licence and or a Hackney Carriage Drivers Licence.

You are recommended to read all of the documents that apply to the Licence(s) you hold.

Section 1

Introduction

The hackney carriage and private hire trade are an integral part of the Council's local transport network.

South Tyneside Council recognises the increasingly important role the taxi and private hire trade plays in improving accessibility to all social groups and the essential support it provides for the Authority's home to school transport service.

The aim of this Policy is to protect the public by ensuring that all licence holders are fit and proper persons for the role they carry out. By adopting Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 the Authority has powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing in the Borough of South Tyneside. The Authority currently has over 1000 active hackney and private hire vehicle, driver and operator licences. This document sets out how the authority will exercise its powers when making decisions about new licence applications, renewal applications and current licences.

In setting out the policy the Authority seeks to carry out its functions with a view to promoting:

- a) the safety and protection of the public through ensuring that licenced vehicles are safe, clean and reliable and accessible to meet the needs of all local people. It also provides confidence in the system we use for assessing whether or not an applicant is fit and proper to drive a licenced vehicle.
- b) the protection of children and vulnerable adults by placing the protection of the public at its core through mandated child sexual exploitation (CSE) awareness training for all drivers.
- c) environmental sustainability
- d) clear and transparent clarity regarding the Authority's decision-making process

The Policy

This policy has been considered alongside the Climate Change Strategy 'Sustainable South Tyneside' and the impending Integrated Transport Plan for the Council. South Tyneside Council is committed towards a sustainable future, striving towards carbon neutrality across Council buildings and operations by 2030. With the rapid rise in carbon emissions the Council's focus is strong and clear, as a Local Authority we must commit to playing a leadership role, guiding at a local level pursuing, and implementing actions that bring about real change supporting reduction in emissions. This policy recognises that the above strategies may be subject to change and this policy will consider any changes.

The policy has been considered with due regard to the Department of Transport's Statutory Taxi and Private Hire Vehicle Standards/Guidance.

The policy recognises the importance of safeguarding children and vulnerable adults and directly links into the child and adult safeguarding partnership.

Equality

South Tyneside Council recognises its public sector equality duty as set out in section 149 of the Equality Act 2010 and will have regard to this duty when exercising its licensing functions stated in the policy. The Local Authority maintains a list of wheelchair accessible vehicles (or designated vehicles) The Equality Act 2010 requires the drivers of such designated vehicles to carry passengers in wheelchairs, to provide reasonable assistance to passengers and the Act prohibits any extra charges. It is a criminal offence for drivers of designated vehicles to refuse to carry, not provide assistance or charge extra unless the driver has been issued with an exemption certificate as set out in the Act.

All drivers (both taxi and private hire) are under a legal duty to carry any guide, hearing or assistance dogs in their vehicles and there cannot be additional charges. Any refusal to carry or additional charge could result in a £1000 fine. Drivers may be granted an exemption only on medical grounds if an application is

supported and evidenced by your own G.P. Drivers **must be issued** with a certificate before they are exempted from this responsibility. The certificate must be displayed at all times.

Immigration

Immigration - right to live and work in the UK.

All new applicants must prove they have the right to work in the UK and are required to produce documentation when submitting their application. No licence will be granted or renewed until the applicant is able to satisfy this requirement. If leave to remain in the country is less than 3 years a shorter licence will be issued.

Disclosure and Barring Service (DBS)

All new applicants for driver licences must have an enhanced criminal records check through the Disclosure and Barring Service (DBS) before a licence will be issued.

The Council uses an online DBS application system which must be completed before an application is submitted to the Licensing Service.

All drivers are required to subscribe to the DBS Update Service. This allows the Licensing Service to carry out an online status check to ensure that the applicant's DBS certificate is current and valid.

If a status check indicates that an applicant has failed to register with the Update Service or that your subscription has lapsed, a new DBS application will be required at the applicant's expense. Information is available at www.gov.uk/dbsthat

Applicants who have spent time abroad

Applicants who are new residents in the UK must still apply for the enhanced disclosure regardless of the time they have spent in the UK. If an applicant has been out of the country for more than 3 months an enhanced disclosure will not in itself satisfy the fit and proper test. In cases like these an applicant would need a certificate of good conduct or equivalent document from the country they have been resident.

The licensing authority is entitled to approach the relevant embassy to verify documents. Costs involved in any verification can be passed on to the applicant.

Medical

All new applicants and licensed drivers are required to pass a medical to Group II DVLA Medical Standards of Fitness.

Medicals are required upon application and then at the age of 45, 50, 55, 60 and 65. Upon reaching 65 a medical is required every year.

A medical must be carried out by your own GP or a GP who has access to your medical records (including digital).

National Register of Taxi Licence Refusals and Revocations (NAFN)

South Tyneside Council has signed up to the National Register of Taxi Licence Refusals and Revocations (NR3). The register will be checked on receipt of all driver applications. Details of new and renewal refusals and revocations will be added to the register.

Child Sexual Exploitation (CSE)

Licensed drivers are in a position of trust and can play an important role in safeguarding children and vulnerable adults. It is compulsory that drivers undergo awareness training that assists in the prevention of exploitation. Satisfactory CSE training is mandatory and must be completed before a licence is granted.

HMRC Tax Conditionality

From 1st April 2022 new applicants for driver and operator's licences must be signposted to the HMRC's published guidance on taxation obligations.

From 1st April 2022 no decision on a renewal application can be made without the applicant completing a tax check and providing the authority with the relevant code.

Partnership Working

South Tyneside Council (the Licensing Authority) will always work in partnership with the following agencies to promote the objectives and safeguard all users.

- The local hackney carriage and private hire trade
- Northumbria Police
- Local transport authority
- Disability groups
- Safeguarding services
- Local Authority Designated Officer (LADO)
- Driver and vehicle standards agency (DVSA)
- Central government departments

Policy consultation

The policy has been developed after consultation with:

- Current licensees
- Police
- Local business
- Local transport providers
- Disability groups
- Planning
- Service users
- Internal climate change and transport management
- Licensing and regulatory committee
- Neighbouring authorities

Implementation

The policy will take effect on 1st April 2022 save for the emissions standard which will take effect from 1st September 2022. The policy will stay under review and will be updated at least every 5 years.

After the introduction of this Policy, the Authority may make inconsequential decisions which change the content of the Policy. These changes may have immediate effect. Any changes to the policy will be documented and updated on the Council's website. Copies of the policy will always be available to view at www.southtyneside.gov.uk

Section 2

1. Application Process - Drivers

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. Before the licensing service can determine suitability the applicant must satisfy the local authority regarding the following points:

- Application form
- DVLA (or EU) Driving Licence and DVLA check(information on non-EU/EEA licences should be checked at <https://www.gov.uk/driving-nongb-licence>)
- Application and associated fees
- Child Sexual Exploitation awareness training
- DBS enhanced disclosure
- Signposted to HMRC tax conditionality
- 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 the highest standards. 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 to consider an application. If this is the case the applicant will be asked to provide this information in the appropriate format.

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

2. Disclosure and Barring Service (DBS)

All new applicants must have an enhanced criminal records check through the Disclosure and Barring Service (DBS) before a licence will be issued.

The Council uses an online DBS application system which must be completed before an application is submitted to the Licensing Service.

All drivers are required to subscribe to the DBS Update Service. This allows Licensing Officers to carry out an online status check to ensure an applicant's DBS certificate is current and valid.

If a status check indicates that an applicant has failed to register with the Update Service or that their subscription has lapsed, a new DBS application will be required at the applicant's expense.

Applicants and licence holders are required to submit an online Enhanced DBS check and must register the check with the online service within 28 days of issue of the certificate.

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 if required and DVLA checks to be carried out. Applicants should try to return the completed application within the first two weeks of this period. If there are issues with DBS and DVLA checks the Council may consider issuing a temporary licence at an additional charge. Any licence issued where relevant information is later revealed on a disclosure certificate will be subject to review, suspension or revocation by the licensing authority.

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.

4. Policy for determining the relevance of criminal convictions

Licences for drivers of hackney carriages and private hire vehicles will only be granted where the local authority is satisfied that the applicant or current licensee is a 'fit and proper' person to hold such a licence. The council has adopted a policy which provides guidance relating to the relevance of convictions, to determine if an applicant is suitable. This is set out on **pages 10-13 and 14-16**.

Hackney carriages and private hire driving are Excepted Occupations and are therefore exempt from the Rehabilitation of Offenders Act 1974. Applicants must declare **all previous convictions** (traffic and criminal) 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.

The council is empowered to check with the DBS and the DVLA for the existence and the content of any criminal record or motoring offences.

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 considered 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 suitability an applicant must undertake a knowledge/locality test. This involves a series of questions in relation to the South Tyneside area as well as questions on licence conditions, byelaws, legislation, and relevant highway code questions. If a licensee leaves the trade but returns within a 2-year period they will not be required to re-sit the test. Details about the knowledge test can be obtained from the Licensing Service upon request. The test challenges an applicant's English language proficiency.

6. Medical fitness

All new applicants and licensed drivers are required to pass a medical to Group II DVLA Medical Standards of Fitness.

Medicals are required upon application and then at the age of 45, 50, 55, 60 and 65. Upon reaching 65 a medical is required every year.

A medical must be carried out by the applicant's own GP or a GP who has access to their medical records (including digitally).

All licence holders must inform the licensing service 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 start 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 3 years. The licensing authority does have the discretion to issue licences for a shorter duration if it considers this to be necessary.

8. Conditions

The Authority has no powers to attached conditions 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 policy 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 for an exemption is successful, the applicant will be issued with a certificate and notice. The notice of exemption must be exhibited in the vehicle in a prominent position. The Council cannot exempt a driver 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, 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 may introduce additional training for new and existing drivers to improve the standards of customer care offered to the travelling public and to enhance the knowledge, skills and professionalism of drivers.

12. Smoking in a licensed vehicle

Drivers need to be aware that it is a criminal offence to smoke tobacco in a licensed vehicle whether or not a driver is on duty. Council Officers are on duty at all hours and will issue drivers with a fixed penalty fine if they are found to be smoking in a licensed hackney carriage or private hire vehicle.

13. Child sexual exploitation awareness training

CSE awareness training is mandatory and must be completed before a driver licence is granted.

14. Immigration

Immigration – Right to Work in the UK

All new applicants must prove they have the right to work in the UK and are required to produce documentation when submitting their application.

Section 3

CODE OF PRACTICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE HOLDERS

FOREWORD

The Council considers that holders of hackney carriage and private hire licences 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 byelaws.

If the code is followed by all licensees, then this should enhance the image of the trade by promoting it's 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 byelaws
- c) behaving in a civil, orderly, and responsible manner at all times

2. RESPONSIBILITY TO PASSENGERS AND USERS

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 bookings
- d) reasonably 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 a pre booked hiring or standing or waiting in residential areas:
 - i. not sound the vehicles horn
 - ii. keep the volume of radios or other electronic equipment 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 an orderly fashion
 - 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 or electronic equipment 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
- e) treat all Council officials with respect at all times



Section 4

CONVICTIONS POLICY

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

APPLICATION:

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 overriding 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 an applicant 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 e.g.). 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 category you should seek guidance from the licensing section.
7. Following the revocation of a 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 failing to comply with traffic signals and directions, using any vehicle without an MOT, 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 because 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, 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 2 years 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 because 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.

If an applicant is convicted of 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 a licence will not be granted until 7 years have elapsed since the completion of any sentence or ban.

In the case of driving under the influence of drugs any applicant will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs

Drunkness not in a Motor Vehicle

An isolated conviction for drunkness 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 drunkness 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.

Using a handheld device

Where an applicant has a conviction for using a device such as a mobile phone or tablet whilst driving a licence will not be granted until 5 years have elapsed since the completion of sentence or ban.

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 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 consider the findings of the independent assessment as one of the factors 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 will draw an adverse inference and attach whatever weight they deem appropriate to that refusal.

Crimes resulting death

Where and applicant has been convicted of a crime which resulted in death of another person or was intended to cause death or serious injury they may not be licenced.

Drugs

A conviction for a drug 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 5 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 10 years. Consideration will be given as to the grant of a licence if the conviction was over 10 years.

Sexual Offences

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

Where an applicant has a conviction for a sexual offence, they will not be granted a licence until 10 years have elapsed since the completion of any sentence.

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

Where convictions have involved slavery, exploitation, child sexual abuse, grooming psychological and emotional abuse they will not be licenced.

A driver's licence will not be granted to any applicant who is currently appears on the sex offender's register.

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 but will normally result in refusal of the application if it is less than 5 years since the conviction.

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 7 years since the last conviction. Serious consideration will be given to the mitigating circumstances surrounding all offences.

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 7 years (or at least 7 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 5 years since conviction.

More than one conviction is likely to result in refusal if it is less than 7 years since the last conviction.

Discrimination

Where an applicant has a conviction involving or connected to discrimination of any kind a licence will not be granted until at least 7 years have lapsed since the completion of any sentence.

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.



Section 5

CONVICTIONS 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 always act responsibly.
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 the hackney carriage byelaws.
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. The Licensing Service can give clarification regarding whether a traffic offence is a category 1, 2 or 3.
6. All convictions/cautions and fixed penalty notices must be disclosed in writing to the Licensing Section within 48 hours (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, 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.

Using a handheld device

A conviction for using a device such as a mobile phone or tablet whilst driving a licenced vehicle is likely to result in revocation of the licence.

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 factors 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 will draw an adverse inference and attach whatever weight they deem appropriate to that refusal.

Drunkenness 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 drug 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. A 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 Council's Licensing Policy with respect to applications for hackney carriage and private hire driver's 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

Discrimination

A conviction involving or connected to discrimination of any kind will normally result in revocation of the licence.

Any future application will be dealt with in accordance with the Council's Licensing Policy with respect to applications for hackney carriage and private hire driver's licences.

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).



Section 6

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. 24 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 24 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 with less than 4 wheels are not considered suitable for licensing as hackney carriage or private hire vehicles.

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, multi-purpose vehicles, mini-buses and adapted vans may be accepted for licensing provided they comply the appropriate type approval. Vehicles must comply with the EC M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of passengers.

Originally classified M1 compliant vehicles that have been modified may be considered suitable if they have relevant Individual Type Approval or Single Type Approval. EC N type approval are not considered suitable and will not be licensed to carry passengers.

All passengers must 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.

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	Test frequency
Vehicle under 1 year old	- Annual licence	Annually	Annual for first 2 years
All other vehicles	- Annual licence	Annually	Every 6 months interim
	- 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 Authority may choose to inspect vehicles that have been identified as poorly maintained up to a maximum of 3 times per year at the expense of the licensee.

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.

Insurance write offs

Insurance write offs are categorised. Vehicle write offs that have been categorised as A or B will not be licenced. Category S or N write offs may be considered (category S applications will require an appropriate and satisfactory engineers report)

Emissions

From 1st September 2022 no new vehicle will be granted a licence unless it is Euro 6 standard or better. Vehicles currently licenced are not affected by this emissions policy.

This policy will not apply to full electric and zero emission at source vehicles.

CCTV in Licensed Vehicles

Where CCTV and dashcam is in place in a licenced vehicle the licence holder must register their use with the Office of the Information Commissioner (ICO) in accordance with all the requirements of the Data Protection Act. The system must be in full working order and maintained to the manufactures standards.

Summary of CCTV Requirements

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

Tinted Glass Policy

- All Rear Windows/Glass Minimum Light Transmittance - 30%
Sun Protection factory fitted glass is not affected by this Policy
- Front Windscreen Light Transmittance - 75% (legal requirement)
- Front Side Window Light Transmittance – 70% (legal Requirement)

The policy will be applied in the following way.

- Vehicles already licensed are excluded until such time as you change your vehicle.
- Vehicles which are licensed in accordance with the council's Executive Hire Policy are exempt from the requirements of this tinted windows policy.

If you are considering licensing a new vehicle or changing your existing vehicle, please contact the Licensing Section and arrange for the vehicle to be checked before you purchase the vehicle. This is to ensure that the vehicle is suitable for licensing but also to ensure that the glass fitted is above the required tint level.

Executive Hire

The Local Government (Miscellaneous Provisions) Act 1976 provides that a Licensing Authority may grant to a licensed private hire proprietor an exemption from the requirement to display upon the licensed vehicle the private hire vehicle licence identification plate issued by the council.

When an exemption is given to a licensed private hire proprietor, the driver of the vehicle does not need to wear the private hire driver's identification badge issued by the council. The Authority will grant the exemption to licensed private hire proprietors engaged in the provision of an executive/chauffeur/limousine/private ambulance or other service, provided that the Head of Environment is satisfied in each case that the specification of the vehicle and the overall level of service provision constitute such a service.

Upon written request by the licence holder the Head of Environment can issue a formal notification of exemption to the proprietor.

The exemption shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence or lesser period as specified.

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

Should it be the case that the councils standard private hire operator, proprietor or driver's conditions conflict with the councils standard 'Exemption Notice conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed to take precedence.

The 'Exemption Notice' is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions. Failure to comply with these conditions may result in the withdrawal of the exemption notice.

Plate Allocation / Hackney Carriage Waiting List

It is the Policy of the Council to limit the number of available Hackney Carriage Vehicle Licences on the grounds it is satisfied there is no significant unmet demand. Applications for new plates can be made and applicants have a right of appeal to the Crown Court if the application is refused.

The Council does maintain a waiting list of people interested in obtaining a licence. Multiple applications will not be accepted. The list is revised annually usually in March. Applicants must inform the Council if they wish to stay on the list every year.

Licences will be offered only to those persons who, at the time the offer is to be made, have held for the preceding 12 months:

- a) a South Tyneside hackney carriage drivers' licence, or
- b) a South Tyneside private hire drivers' licence, or
- c) a South Tyneside private hire vehicle licence; and

Do not hold and have not held within the preceding 5 years a Hackney Carriage Vehicle Licence either alone or in partnership with another person(s)

Allocation of Licences

Available licences will be offered in strict rotation from the Waiting List. Licences offered will be subject to the following condition.

The vehicle must be properly constructed or adapted for the carriage of passengers who wish to travel whilst remaining in their wheelchairs. Alternative licences will be offered to vehicles suitably adapted or converted to cater for the carriage of passengers with other needs.

Applicants will be required to confirm, in writing, within 7 days, whether they intend to accept or refuse the offer.

A suitable vehicle must be presented for inspection and testing within 28 days or evidence submitted that such a vehicle has been ordered from a supplier or converter.

Refusal to accept an offer or failure to meet the time limits referred to above will result in the applicant's name being moved to the end of the Waiting List.

It is the applicant's responsibility:

- a) to advise the Council of any change of address since making the application. Applicants are recommended therefore that any change of address be notified in writing and that the notification refers to the fact that the applicant's name is on the Hackney Carriage Waiting List.
- b) to respond to all correspondence including the letter enquiring whether the applicant wishes to remain on the list. Applicants are recommended therefore to keep copies of all correspondence and to check whether their reply has been received by the Council.

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.

Section 7

Private Hire Operators Licensing Policy

Although Operators generally do not come into direct contact with the public it is accepted that public protection is still the main objective when considering private hire operator's licences. Operators are still entrusted to ensure that the vehicles and drivers they use to carry passengers are appropriately licenced.

The Council will take in to account the effect of any convictions or cautions which are not considered to be spent under the provisions of the Rehabilitation of Offenders Act. Private hire operators are not identified as an exempt profession under that Act and therefore the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full. The Council will not take into consideration any, conviction, caution or similar sanction that is deemed to be spent by virtue of a provision of the Act. Further advice can be obtained from the licensing team or any legal advisor.

The Council will request a basic disclosure with any application for an Operator's licence. This basic disclosure will reveal unspent convictions which can be considered when applying the fit and proper test. Unspent conviction relating to dishonesty, violence, safeguarding will be viewed with particular seriousness.

If an Operator's licence is applied for in the name of a business, company or partnership then the Council will require a basic DBS check from every director or partner.

In many cases drivers who have been subject to an enhanced DBS check are also Operators. It is deemed unnecessary for these applicants to supply the Council with a basic check. However, it should be noted that refusal to licence an individual as a driver or to suspend or revoke a driver's licence does not automatically mean that that individual cannot be issued or continue to hold an Operator's licence. Any decision must be independent and based on appropriate information i.e. the Licensing Authority should not consider information that would only be available via an enhanced DBS check but instead only information that would be available on the basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

As Operator's will not necessarily be responsible for driving members of the public (and require a separate licence to do so) it is not considered appropriate to take motoring offences or endorsements into account when considering an application unless proceedings led to convictions e.g., a conviction for driving without insurance will usually appear on both the driving licence and criminal record certificate.

Licences can have a duration of up to 5 years.

Upon grant of an operator's licence the Authority will specify the address or addresses from which the operator may operate.

An operator premises address must be South Tyneside. An operators must seek approval from the Authority if they change their premises address.



HACKNEY CARRIAGE BYELAWS

Section 8

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.

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 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



Section 9

HACKNEY CARRIAGE DRIVERS LICENCE - Guidance

Notes: The Authority have no powers to attach conditions to Hackney Carriage Drivers. The following are guidance requests.

In these requests the term “you” means the Licensed Driver.

Guidance

1. If you move house, you should return your Licence to the Council within seven days. An amended licence will be issued.
2. You should return the Licence to the Licensing Section of the Council 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 should report the loss of the Licence or Driver's Badge to the Licensing Section of the Council 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 should notify the Council within 48 hours any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
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.
10. The licence does not permit the holder to drive any vehicle which is adapted to carry passengers with a disability unless the driver has completed relevant disability awareness training, which must be periodically updated as may be required by the Council



Section 10

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.

The principal Offices of the Council for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is The Licensing Service, 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. You must notify the Council if you transfer your interest in the vehicle and licence. 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.
4. If you move house, you must return your licence to the Council within seven days. An amended licence will be issued at a fee specified by the Council.
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 Authorised Officers 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 licence will be suspended, and 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 licence plate to the Council as soon as you become aware of the loss.
13. You may obtain a duplicate licence plate for a fee specified by the Council.
14. The licence remains the property of the Council at all times.

THE VEHICLE

15. You must display the Motif issued by the Council centrally on the upper panel of the front offside and front nearside doors. The door motifs must be displayed upon the vehicle at all times whilst the vehicle is on the public highway unless parked up overnight. 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 Operations Manager- Licensing under the Council's 'Authorised Meter Agent Scheme'.
24. Only those tariffs approved by the Council, or lower, and displayed upon a scale of charges are permitted to be installed on the meter.



Section 11

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.

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 Council for endorsement when you change your home address.
3. You must return the licence and badge to the Council on the expiry, revocation or suspension of the licence.
4. You must report the loss of the licence or badge to the Council 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 1988 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 Service of the Council for an exemption certificate. You must display the exemption certificate 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 does 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 must notify the Council within 48 hours any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
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.
17. The licence does not permit the holder to drive any vehicle which is adapted to carry passengers with a disability unless the driver has completed relevant disability awareness training, which must be periodically updated as may be required by the Council.



Section 12

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.

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. You must inform the Authority if you transfer your interest in the licence. 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 certificate within 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:
 - i. the roof covering is watertight
 - ii. it is provided with any necessary windows and at least one window on each side is capable of being opened and closed
 - iii. the seats are properly cushioned or covered
 - iv. the fittings and furniture are kept clean, well maintained, securely fixed and in every way fit for public service
 - v. means are provided for securing any luggage carried in the vehicle
 - vi. if your vehicle is furnished with a fire extinguisher it must be firmly secured in the boot
 - vii. 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:
 - i. the meter has been tested and found to be satisfactory by an Authorised Officer of the Council
 - ii. 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).

- iii. 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
- iv. the taximeter is fitted with a key or other device which, when turned, will make the taximeter operate and display the word **HIRED**
- v. such key or device can lock the taximeter, so it does not work and no fare is recorded on it
- vi. 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
- vii. the word **FARE** is printed on the face of the taximeter in plain letters to clearly apply to the fare recorded on the meter
- viii. 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.



Section 13

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.

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.

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

CONDITIONS

1. You must return the Licence to the Licensing Section of the Council for endorsement when you change your home address or business address.
2. You shall return the Licence to the Licensing Section of the Council 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 Licensing Section of the Council 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/ PICKING UP POINT/ DESTINATION/ CALL SIGN/ NAME OF DRIVER/VEHICLE REGISTRATON/NAME OF DISPATCHER

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 must maintain a register of all staff who take bookings and dispatch vehicles and make the register available upon request to authorised officers of the Council.
9. You must ensure that all staff on that register have had a basic DBS check.

10. You must inform the person making a booking if you dispatch a PCV instead of a licenced private hire vehicle. The driver of a PCV has not had the same enhanced DBS checks.
11. 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)
12. You must ensure, to the best of your ability, that all vehicles used, and drivers employed under the scope of your operator's 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 that authority.
13. You shall advise the Council, in writing, of the rate of fares and other charges you operate.
14. You must ensure that no driver is dispatched to a hiring with a vehicle that is adapted to carry passengers with a disability unless the driver has completed relevant disability awareness training by South Tyneside Council.
15. 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.
16. 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.
17. 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.

Section 14

GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
SECTION 75 (2)&(3) EXEMPTION CERTIFICATE
VEHICLES USED FOR HIRE AND REWARD
EXPLANATORY NOTES

The Local Government (Miscellaneous Provisions) Act 1976 provides that a Licensing Authority may grant to a licensed private hire proprietor an exemption from the requirement to display upon the licensed vehicle, the private hire vehicle license identification plate issued by the council.

When an exemption is given to a licensed private hire proprietor, the driver of the vehicle does not need to wear the private hire driver's identification badge issued by the council.

The council have resolved that it is reasonable to grant the said exemptions to a licenced private hire proprietor engaged in the provision of an executive/chauffeur/limousine/private ambulance or other service, provided that the Head of Regulatory Services is satisfied in each case that the specification of the vehicle and the overall level of service provision constitute such a service.

Upon written request by the licensed proprietor and operator, the Head of Environment will consider applications for the said exemptions and if satisfied that the application is valid, will then issue a formal notification of exemption, the 'Exemption Notice', to the proprietor.

The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence or lesser period as specified on the Exemption Notice.

The private hire operator, proprietor and driver operating under the provisions of an executive/chauffeur/limousine/private ambulance 'Exemption Notice', remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the standard conditions attached in each case.

Should it be the case that the councils standard private hire operator, proprietor or driver's conditions conflict with the council's standard 'Exemption Notice conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed to take precedence.

The 'Exemption Notice' is granted subject to the licenced private hire vehicle being operated in accordance with standard conditions. Failure to comply with these conditions may result in the withdrawal of the exemption notice.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

SECTION 75 (2)&(3) EXEMPTION NOTICE

VEHICLES USED FOR HIRE AND REWARD

STANDARD 'EXEMPTION NOTICE' CONDITIONS

An 'Exemption Notice', exempting a private hire vehicle proprietor from the requirement to display the exterior licence plate upon the vehicle, and the driver of that vehicle from the requirement to wear/display a private hire drivers identification badge, is granted subject to the licensed private hire vehicle being operated in accordance with the conditions set out below.

Failure to comply with these conditions may result in the withdrawal of the exemption notice at the discretion of the Head of Regulatory Services.

Should it be the case that the councils standard private hire operator, proprietor or drivers' conditions conflict with the council's standard 'Exemption Notice' conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed take precedence.

1. The Proprietor shall notify the Council immediately in writing if there is any material change in the use of the vehicle.
2. The Proprietor shall ensure that the private hire vehicle licence identification disc issued by the council shall be displayed within the nearside of the front windscreen at all times
3. The 'Exemption Notice' issued by the Head of Regulatory Services in respect of the licensed private hire vehicle shall be carried within the vehicle at all times and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
4. Other than the Council's Licence Identification Disc; the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles' status as a licensed private hire vehicle, without the prior written approval of the Head of Regulatory Services.
5. The Private Hire Vehicle proprietors licence identification plate issued by the council shall not be affixed to the vehicle, and shall not be displayed in, on or from the vehicle at any time.
6. The Private Hire Vehicle proprietors licence identification plate issued by the council shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
7. No taximeter shall be displayed within the vehicle at any time during vehicles hiring's.
8. No table of fares/tariff card shall be displayed in the vehicle at any time during the vehicles hiring's.
9. A tariff of charges shall be deposited with the Council and carried within the vehicle at all times.
10. The Proprietor shall not change the vehicle colour without the prior written consent of the Head of Environment.
11. The Proprietor shall ensure that the driver of the vehicle does not wear the private hire drivers licence identification badge issued by the council or display that badge in, on or from the vehicle at any time during the vehicles hiring's.
12. The Proprietor shall ensure that the private hire drivers identification badge issued by the council shall be carried within the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
13. The Proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform, business suit or dress shirt and trousers when carrying out executive/chauffeur limousine private ambulance hiring's.
14. The Proprietor shall ensure that the hirer shall be afforded the facility to settle accounts and/or tender direct payment by credit card, debit card, cheque or cash.