

Taxi and Private Hire Vehicles and Eastleigh Borough Council

An Agreement On Working Together

The Council and those who provide taxi and private hire services share the aim of providing a safe, reliable and efficient service to the people of Eastleigh.

The Council needs to remember that the trade needs to make a living, otherwise there would be no service at all.

And the trade needs to remember that if the Council did not make sure that vehicles are safe, and drivers are honest and fit people, the public would lose confidence and stop using taxis and private hire vehicles.

So it makes sense for the Council and those who drive, operate and own taxis and private hire vehicles to work together.

The law says that the Council is responsible for issuing licences and for making licence conditions. The elected Councillors on the Administration Committee set the rules. The staff who are employed in the Licensing Section of the Council's Legal and Democratic Services Unit put them into practice.

The Council will:

1. invite owners, drivers and operators of taxi and private hire vehicles to comment on any proposals to change Council policy that relates to licence conditions, the trade, or the administration of licensing
2. consider all comments received, though the Council must keep its legal duty to make up its own mind about what to do
3. arrange at least three meetings a year of a discussion forum for the trade and relevant Councillors and Council staff
4. circulate minutes to all reps and drivers
5. cover all reasonable costs of consultation

The trade (meaning both hackney and private hire) will:

1. choose representatives of drivers, operators and owners of both taxis and private hire vehicles. The arrangements for doing so shall be proposed by each trade and must be agreed by the forum as a whole. (Where any administration is required, for example, to collect nominations or organise a ballot, the Licensing Section of the Council's Legal and Democratic Services Unit will provide this. The Licensing Section will tell all licensees the results of the elections in writing.)
2. be responsible for collecting and collating views from their fellow licensed colleagues and reporting them accurately to the Council

3. help the Council get information out
4. recognise the Council's legal responsibilities and strategic aims in exercising their duties in accordance with the paramount consideration of public safety.

Everyone involved will respect each other's position and behave politely, professionally and constructively to find a joint solution (where possible) to any problems. Shouting and abusive behaviour will not be tolerated.

Notes on representation: when private hire vehicles started being represented at the forum for the first time in 2007, it was decided that the number of reps from the hackney carriage and private hire vehicle trades would be equal, at 4, with agreement that this could be reviewed if it was felt necessary.

It was also agreed that the first private hire member of the forum would be those who responded to the Council's invitation to a first meeting in January. It was also agreed that systems for the private hire trade to choose reps, and for reps to report back to and consult the trade more widely, would be developed .

Christine Holloway
14 November 2007

EASTLEIGH BOROUGH COUNCIL

PRIVATE HIRE AND HACKNEY CARRIAGE

HANDBOOK

Eastleigh borough's fleet of taxis and private hire vehicles are an important part of our public transport network.

This handbook is designed for all applicants and holders of hackney carriage and private hire licences.

Please keep a copy of this handbook. We will send you updates when needed.

For more information you can visit the Eastleigh Borough Council website at www.eastleigh.gov.uk and go to the Licensing page.

Eastleigh Council holds a taxi forum, which is a quarterly meeting with representatives of both the hackney carriage trade and private hire trade.

The taxi forum representatives have a website that has information relevant to the hackney carriage trade. To visit this website please go to www.taxi-driver.co.uk

CONTENTS

	Page
Introduction and definitions	3
General information for applicants	4
Policy statement about relevant convictions	6
General procedures that apply to all licences	7
General conditions that apply to all licences	8
Driver's application procedure for all licences	11
Private hire driver's licence conditions	15
Hackney carriage driver's licence conditions	21
Vehicle application procedure – general	23
Vehicle licence conditions – general	25
Additional private hire vehicle conditions	31
Additional hackney carriage vehicle conditions	33
Additional conditions for all vehicles adapted to carry passengers who stay in their wheelchairs	37
Private hire operator's application procedure	41
Private hire operator licence conditions	42
Byelaws for hackney carriages	47
Policy guidelines for all driver's licences relating to convictions and/or cautions, or penalty points	53
Appendices	
1. Statutes	56
2. Tables of main offences	57
3. Summary of seat-belt regulations	64
4. Reference wheelchair	65
5. Guidelines as to the suitability of a vehicle for licensing as a private hire vehicle or hackney carriage	66
6. Driver assessment training	71
7. Hackney carriage tariff chart	72
8. Knowledge test information	73
9. Example record sheets	74
10. Advertising	76
11. Complaints	78
12. Complaint sticker	80
13. Policy on licensing insulin-dependant diabetics as hackney carriage or private hire drivers	81
14. Limousine Policy	82
15. Executive cars	84
16. Hackney carriage & private hire vehicle inspections	85
17. Medical Screening Questionnaire	86

INTRODUCTION

This handbook contains guidance notes for:

- current holders of hackney carriage/private hire licences
- people applying for hackney carriage and/or private hire licences.

It explains how to apply for the licence, and sets out the terms and conditions that relate to your application.

The notes printed on **WHITE PAPER** are general conditions for hackney carriages and private hire licences.

You must read them together with the notes:

- on **GREEN PAPER** for private hire drivers, vehicles and operator's licences
- on **ORANGE PAPER** for hackney carriage and drivers' licences.

DEFINITIONS

- (a) A **private hire vehicle** is a vehicle that can carry passengers for hire or reward, *but only by being pre-booked*. It is not allowed to stand or ply for hire on the taxi ranks or in the streets of the Borough of Eastleigh.
- (b) A **hackney carriage** is a vehicle that *can stand on the taxi ranks or ply for hire in the streets of the Borough of Eastleigh*.
- (c) A **private hire operator** is any person who, as a business, invites or accepts bookings for a private hire vehicle, and manages, controls or allocates work to drivers through a central system.
- (d) An **approved vehicle testing centre** means the Hedge End Depot, Botley Road, Hedge End, Southampton, Hampshire, SO30 2RA. Tel: 023 8068 8389 and from 20/02/08 any other VOSA approved MOT station within the borough of Eastleigh.
- (e) Licensing Officers deal with licences and licence enquiries for us. You can contact the officers on 023 8068 8109 or 023 8068 8349.

GENERAL INFORMATION FOR APPLICANTS

The Head and Assistant Head of Legal and Democratic Services grant licences. They may refuse to grant a licence, or may suspend, revoke or refuse to renew a licence, after consulting the Chair of the relevant local area committee. You can appeal against the decision to the Eastleigh Licensing Panel as soon as possible after the decision, and/or you can appeal to the magistrates' courts within 21 days of being informed of the decision in writing.

You must use the appropriate application form. You can get a copy of this from our Licensing Section at the Civic Offices, Leigh Road, Eastleigh, SO50 9YN. We review the cost of licences annually. You can find out our current prices from our Licensing Section or on our website at www.eastleigh.gov.uk/ebc-2226.

To be a licence holder, you must be able to speak, write and understand enough English to understand the Highway Code, maps and what passengers say to you.

We will give you more detailed information about applying for a licence later in this handbook, but the following brief information may help you now:

(a) Drivers

You must have held a full current drivers' licence for at least two years – this also applies to European Community (EC) licence holders.

If you live in the UK and hold a foreign driver's licence (non-EC licence), you will need to contact the DVLA on 0870 240 0009 or online at www.dvla.gov.uk/ for information about your licence.

You must inform us of any criminal/traffic convictions or endorsements.

When you first apply for a hackney carriage or private hire licence, you will have to pass the relevant knowledge test. This will test your knowledge of the local area and will also check that you are familiar with the relevant conditions in this handbook, and the relevant laws. See Appendix 8 for more details.

You must pass a medical (see page 10 "Medical" and appendix 13 for insulin-dependant diabetics).

Restricted private hire drivers licences can be issued for school contracts only. In this case you will not need to undertake or pass a knowledge test.

(b) Vehicles

All private hire and hackney carriage vehicles must be covered by the correct documents. You need:

- a vehicle excise licence (tax disc)
- an MOT testing certificate
- insurance covering named drivers and for the correct period of time and cover for hire & reward.

The vehicle must be examined at an approved vehicle-testing centre once a year. If a hackney carriage was registered for the first time six or more years ago, it will need to be checked every six months.

The approved vehicle-testing centre uses guidelines to check whether a vehicle is suitable for use as a hackney carriage or private hire vehicle. These are available in Appendix 5.

(c) Operators

When applying to be a licensed private hire operator, it is important to consider whether the premises that the business will operate from are suitable, and whether planning permission is needed. For more information, contact the Planning Service at the Council offices on 023 8068 8000 or check our website at www.eastleigh.gov.uk

The Council have adopted the following policy for the use of part of residential premises for taxi or private hire operations. Planning applications will not be sought by the Council for taxi or private hire operations in the following circumstances: -

- Where part of a dwelling house is being used as an administrative office and/or radio base without causing any disturbance to the amenities of occupiers of neighbouring properties.
- Where not more than two vehicles are kept and reasonably repaired, maintained and valeted at a residential property provided that:
 - I. Not more than one of the vehicles exceeds a 4 passenger seat capacity.
 - II. Not more than one of the vehicles is parked on the adjacent public highway.
 - III. The vehicles are driven exclusively by an occupier of the dwelling house.
- Combinations of any of the above.

The operating address for any private hire operator must be within the Borough of Eastleigh. All operators, proprietors and drivers should also familiarise themselves with the legislation that relates to their application. They should also take legal advice, where necessary, and read all the appendices to these conditions.

IMPORTANT

On the application form, we warn you that licences will not be issued on demand. Therefore, we ***advise you not to make arrangements beforehand to drive or to use a vehicle before you have obtained a licence.***

If we want to make further enquiries about your application, or refer it to the licensing panel, we cannot give you a specific date as to when we will issue your licence.

However, as a guide, we usually process a straightforward driver's application eight to ten weeks after we receive it (this depends on receiving your references and on checks with the Criminal Records Bureau).

We have a duty to protect the public funds that we manage. Therefore we may use the information you provide on any of the forms to prevent and detect fraud.

In order to prevent and detect fraud, to investigate any criminal offence, or to perform our statutory duties so we can carry out public functions in the public interest, we may also share any information you provide with other council departments and with other bodies that manage or audit public funds.

POLICY STATEMENT ABOUT RELEVANT CONVICTIONS

When submitting an application for private hire operator or driver's licences, you must declare any convictions and any cautions. We will treat the information you give in confidence, and will only take this into account in relation to your application.

We may check with the police to see whether you have a criminal record, and what the conviction was for. We will keep information received from the police in strict confidence during the licensing process and will not keep it for longer than necessary.

If you have a criminal record, or disclose other information, this will not stop you getting a licence, unless we consider that the conviction, including spent convictions, means that you are unsuitable. In making this decision, we will consider the nature of the offence, how long ago it happened, your age at the time, and any other relevant factors.

If you disclose any pending proceedings, this will not stop you getting a licence, unless we think that the alleged offences are serious enough for us to refuse to grant a licence, or to suspend it until the proceedings have finished. In making this decision, we will consider the nature of the alleged offence and any other relevant factors.

If your licence is refused, suspended or revoked, you have the right to appeal to the Eastleigh Licensing Panel and/or magistrates' court within 21 days of being informed in writing of the refusal, suspension or revocation.

If you hold a licence, and are cautioned or convicted of a criminal and/or traffic offences, or there are any pending proceedings, you must let us know immediately.

If you would like to discuss what effect a conviction might have on your application, you can get confidential advice by calling one of the Licensing Officers on 023 8068 8109 or 023 8068 8349 or by writing to them at the Civic Offices, Leigh Road, Eastleigh, SO50 9YN.

GENERAL PROCEDURES THAT APPLY TO ALL LICENCES

1. Only use official application forms. You can get copies of these from the Licensing Section at the Civic Offices, Leigh Road, Eastleigh, SO50 9YN or online at the Council's website www.eastleigh.gov.uk./ebc-2226. If you are a current licence holder, we will send you an application form in the post before the date when your licence is due for renewal. However, it is your responsibility to check that your licence has not expired.
2. All hackney carriage (driver and vehicle) licences are valid for one year from the date they were issued.
3. All private hire (driver, vehicle and operator) licences are valid for one year from the date they were issued.
4. You may only drive a hackney carriage vehicle or private hire vehicle that is licensed by Eastleigh borough Council and if you hold the appropriate driver's licence.
5. If you give false information or leave out any correct information, we may revoke or refuse your licence. The local authority is entitled to make further enquiries relating to your application, if it thinks this is necessary.
6. When you have completed the application form, please telephone the Licensing Section on 023 8068 8109 or 023 8068 8349 to make an appointment so that we can deal with your application.
7. At your appointment, you must bring the relevant fee with you and any other relevant documents that we have asked for.
8. Before we can issue your licence, you must produce a certificate of insurance or cover note that covers the date when the licence was issued, and for hire and reward. We may charge an administration fee if you continuously produce cover notes.
9. You **must** produce originals of all documents. We will not accept photocopies, faxes or other types of copying.
10. We will issue licences within 4 working days of receiving your completed application form (as long as all the paperwork that you have supplied is correct and in order).
11. All drivers will be subject to an annual review to check their suitability as a driver.

GENERAL CONDITIONS THAT APPLY TO ALL LICENCES

1. GENERAL

- 1.1 All licence holders must observe the requirements of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 (and any order or regulation made as part of these Acts), any other Act of Parliament, Orders, Regulations and Byelaws, and the conditions of them that relate to the operation, driving and use of hackney carriage and private hire vehicles.
- 1.2 No driver or operator's licence is transferable.
- 1.3 We may change some of the content of the conditions included within this document.
- 1.4 Each licence will expire on the expiry date shown on the licence. Each licence will be valid for one year.

2. CHANGE OF ADDRESS, EMPLOYER, OPERATOR OR PROPRIETOR

- 2.1 **All** licence holders must notify our Licensing Section **in writing** within seven days if they have changed address, employer or operator/proprietor.

3. FIRE EXTINGUISHERS AND FIRST-AID KIT

- 3.1 At all times that a vehicle is available for hire or is hired, the driver, vehicle licence holder and operator/proprietor must make sure that a fire extinguisher that is appropriate for use with a public service vehicle **is carried inside** the vehicle so that it can be used immediately.
- 3.2 You must carry a standard first-aid kit that complies with the Health and Safety (First Aid) Regulations 1981 in the vehicle at all times, and this must be available for immediate use.
- 3.3 The fire extinguisher and first-aid kit must be **clearly marked with the vehicle plate number**.
- 3.4 The extinguisher must be manufactured to BSEN3 1996 standards:
 - be able to put out a small fire
 - be in good working order
 - be easily accessible
 - have a capacity of at least one kilogram
 - be fitted with a contents gauge
 - be kept inside the vehicle.

4. SEAT BELTS

- 4.1 The driver, vehicle licence holder and operator/proprietor must ensure that for every seat, a seat belt or restraint is fitted. If you do not have a three-point seat belt fitted, you must fit a static seat belt (lap belt).
- 4.2 See Appendix 3 for a summary of the current seat-belt regulations.

5. DAMAGE TO VEHICLES, AND ROAD TRAFFIC INCIDENTS

- 5.1 If a licensed vehicle sustains any bodywork damage, damage from an accident, a mechanical fault, or other fault – however minor this appears – the driver must report this to our Licensing Section **within three days**. If the driver cannot do this, then this is the vehicle proprietor's or operator's responsibility. If the damage is minor, we will carry out an inspection. Any repairs must be completed **within six weeks** and we will then carry out another inspection. If the damage is severe, the Hedge End Depot will carry out the inspection for which a fee will be charged.
- 5.2 If the vehicle is still not fit to be used **six weeks** or longer after the damage occurred, you must return the plate to our Licensing Section where we will hold it. If you are the driver but not the proprietor, then the operator, proprietor or vehicle licence holder must make sure that the plate is returned to our Licensing Section.
- 5.3 If a licensed vehicle has been involved in a road traffic incident, the driver or vehicle licence holder and proprietor/operator must report the incident to our Licensing Section **immediately**.

6. DOCUMENTS

- 6.1 When the current insurance certificate or cover note – and any other relevant documents relating to the licensing of the driver, vehicle and operator – has expired or changed, you must tell our Licensing Section immediately. The appropriate licence holder must produce the new documents for inspection **within seven days**.

7. COMPLAINT STICKER

- 7.1 All vehicle licence holders must ensure that a yellow complaint sticker, which our Licensing Section issues (see Appendix 12), is displayed at all times, in a prominent position inside the vehicle, so that passengers can see it clearly.

If you need more than one sticker to comply with the above condition, please contact our Licensing Section.

8. MEDICALS

8.1 If you are a new applicant, you must pass a medical examination, which **must** be carried out by your GP. You can get medical forms from the Licensing Section or online at www.eastleigh.gov.uk/ebc-2226. You will have to pay for this examination. Once your GP has completed the examination, they must send the report to us within **four days**.

8.2 Medical Screening Questionnaire (see Appendix 17)

- a. The assessment should consist of two parts: a medical screening questionnaire and a medical examination. This approach reduces the cost but ensures that the assessment is based on accurate information.
- b. The applicant can complete the medical screening questionnaire and that a doctor from the applicant's surgery will certify if their statements are true or false.
- c. The applicant can then go to any doctor to have the full medical examination.

9. AUTHORISED COUNCIL OFFICERS

9.1 If an authorised officer of this Council, or any other council, approaches you, you must answer all reasonable questions and produce any documents that relate to you or the vehicle, as requested.

DRIVER'S APPLICATION PROCEDURE FOR ALL LICENCES

Before we grant a licence:

1. You must complete an application form in full, and bring it to us. The proprietor (for a hackney carriage) or the operator (for a private hire vehicle) must sign it. You must also sign and complete the form in the way that we have asked.
2. You must have held a **full** current driving licence for the two years before the date of your application, and produce that licence with your application. This also applies if you hold an EC licence.
3. For all **new applications**, you must complete a CRB form. This allows us to request any information that the Police National Computer at the Criminal Records Bureau (CRB) holds about you. Once you have been accepted as a licensed driver, you must complete a CRB form every three years.

When you come for your appointment, you will need to bring the originals of the following:

- (a) passport
 - (b) birth certificate
 - (c) marriage certificate (if applicable)
 - (d) a utility bill with your current address on it
 - (e) P45 or P60 for National Insurance number details
 - (f) CRB - relevant fee.
4. All new drivers will under go Driver Assessment Training before a licence will be issued
 5. As a new applicant, you must provide a medical form (available from the Licensing Officer) that has been completed by your own GP, or a medical practitioner from the same surgery who has access to your medical records (also see Medical Screening Questionnaire). We must receive the form within four weeks of the date when you applied for your licence.
 6. Once you have been accepted as a licensed driver, you must have a medical every five years until you are 65. A driver over 65 years old must have a medical examination every year.
 7. When you come to your appointment, you must bring the originals of the following:
 - current driving licence (if new type, bring both the plastic card and paper counterpart)
 - current photographic proof of identity, for example, passport, armed forces id card, photo-card driving licence or other official form
 - proof of current address, for example, utility bill, council tax bill, rent book, etc, showing current address
 - one colour passport-size photograph
 - the relevant fee.

You can bring the following documents at a later date but we will not issue your licence until we have received and checked them:

8. As from 2008 within 3 years of the granting of your 1st licence you must have completed and passed the Btec course in Transportation

- Certificate of insurance or cover note to cover the date when the licence was issued (for hire and reward). We may charge an administration fee if you continuously produce cover notes. If you are renewing a licence, the insurance cover must extend into the new licensing year.
- Any exemption certificate from a GP that sets out a medical condition that would restrict your work as a driver, for example, an allergy to dogs, or an inability to lift heavy items.

We will not accept photocopies, faxes or other types of copying.

8. If you are a new applicant, we need the names and addresses of two people to act as referees for your character, suitability for the job, etc. These must not be relatives, and one must be a previous employer.
9. Before we grant a licence, all **new** applicants (except restricted private hire applicants) must take and pass the relevant knowledge test. The test relates to the whole borough and surrounding area, as well as general knowledge about relevant legislation. The private hire test consists of, 6 picture questions relating to driving theory and 10 multiple choice questions on legislation and conditions relating to private hire driving. This is followed by 60 topography questions covering all major locations in the Eastleigh area, major airports, ferry ports and other services outside the borough. We will provide a map of the area. The first test is free. If you fail the test, you can retake it, but we will charge a fee each time you retake the test. See Appendix 8 for further details.

GRANTING OF A LICENCE

10. Once we have approved your application, we will issue you with a licence. You **must** give a copy of this to your operator/proprietor.

If you stop working for that operator/proprietor, it is your responsibility to ask for your licence back so that you can give it to your new operator/proprietor.

GUIDANCE NOTES

- (a) As a licensed driver, we will ask you to declare on the application form, and throughout the life of your licence, any pending traffic or actual traffic convictions or endorsements and/or criminal court appearances or cautions. You must tell us about these **immediately** in writing.
- (b) If you are disqualified, or have been disqualified from driving, and want to reapply for your licence after the end of your disqualification period, you must have one year clear of driving endorsements before we will consider your case.
- (c) You **must** then attend a Council-approved driver assessment-training course. If you do not attend the course, we may refuse to issue your driver's licence.

This page has been left blank intentionally

This page has been left blank intentionally

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

1. GENERAL

- 1.1 This licence may be suspended, revoked or not renewed in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 Each licence will be subject to the following:

2. BEHAVIOUR

- 2.1 You must behave in a civil and orderly manner at all times.
- 2.2 You must take all reasonable precautions to ensure the safety of people you are carrying in the vehicle, or who are getting into or out of the vehicle.

You must not allow any radio or loudspeaker in the vehicle to annoy anybody in the neighbourhood or a passenger in your vehicle.

- 2.3 At all times, you must follow the Highway Code, especially when picking up and dropping off passengers.

3. APPEARANCE

- 3.1 You must look clean and tidy, and dress in a suitable way.

If we think that you are dressed to an unacceptable standard (see the guidance notes below), a Licensing Officer may order you to change your clothes and then come for another inspection.

GUIDANCE NOTES

Whatever you choose to wear, please remember that you represent the Borough, and people's opinions of the area could be formed by their first impression of you.

- (a) You can wear casual shirts but they should not be sleeveless or 'cut off' at the midriff.
- (b) Men and women can wear tailored shorts, as long as they look respectable.
- (c) We prefer men to wear trousers and a shirt, and women to wear a skirt or trousers, and a blouse. Both men and women should wear suitable footwear.

4. BOOKINGS

For all private hire work the following is compulsory:

- 4.1 You must keep a daily written record relating to the vehicle and its hire. You must keep this for at least two years.

You can also keep records for longer periods if you need to, for example, for the Inland Revenue.

- 4.2 The record must include:

- (a) vehicle licence number
- (b) date
- (c) name of the operator/proprietor of the vehicle
- (d) name of the driver of the vehicle
- (e) number of hours worked by the driver
- (f) full details of every hiring undertaken (to include times, name of fare, collection and drop-off addresses)
- (g) each page consecutively numbered.

See Appendix 9 for examples of record sheets.

- 4.3 If requested, you must supply the original written record to any authorised officer of the Council for inspection.

- 4.4 If you have agreed, or been hired, to be at a certain place and at a certain time with the vehicle, unless you have been unavoidably delayed or are prevented from doing so, you must be there with the vehicle at the agreed time and place.

5. PASSENGERS

- 5.1 You must not drive, or allow to be driven, more passengers than the number specified on the plate.

6. DISABLED PEOPLE

- 6.1 Without reasonable grounds, you must not refuse to carry a passenger in a licensed vehicle because they are disabled.
- 6.2 Your vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge, unless you have a proven medical condition, confirmed in writing by your GP, which would stop you doing this. If this is the case, you must carry an exemption certificate from the Licensing Officer. You must also tell your company about this condition when you are first employed.
- 6.3 If you drive a vehicle that has been adapted to carry passengers in wheelchairs, you must carry a disabled person who wants to stay in their wheelchair, and you must not make any additional charge for doing so. This is the case unless you have a proven medical condition, confirmed in writing by your GP, that would stop you doing so, and you carry an exemption certificate from the Licensing Officer. You must tell your company about this condition when you are first employed.

- 6.4 If you drive a vehicle that has been adapted to carry passengers in wheelchairs, you must know how to fix any wheelchairs, etc, to the vehicle and know how to use ramps, lifts and other boarding devices safely, if available.
- 6.5 If the passenger wants to sit in the passenger seat, you must stow the wheelchair safely within the vehicle.
- 6.6 You may help the passenger as needed, to get in or out of the vehicle, to assist load and unload their luggage of a reasonable weight, and load and unload the wheelchair, if necessary.
- 6.7 See page 37 for additional requirements for carrying passengers who stay in their wheelchairs.

7. LOST PROPERTY

- 7.1 Immediately after you have finished hiring, or as soon as possible afterwards, you must carefully search the vehicle for any property that has been left inside.
- 7.2 If you find any property, or any is handed to you, you must make reasonable efforts to return the property to the owner or give it to your operator.

8. DRIVER'S BADGE

- 8.1 You must wear your issued driver's badge so that it can easily be seen. You must not wear it at, or below, waist level.
- 8.2 You must display a second driver's badge in a prominent position inside the vehicle, so that passengers can see it clearly.
- 8.3 The driver's badges remain the property of the Council at all times. If you do not renew your licence, or it is revoked, a written notice will be served on you, asking you to return the badge to our Licensing Section. You must do this **within seven days** of receiving the notice.
- 8.4 If you are disqualified from driving, for whatever reason, you must return your driver's badges to our Licensing Section immediately.
- 8.5 You must apply to renew your licence with us before your current licence expires.
- 8.6 We will issue licences within **4 working days** of receiving the completed application form (as long as all the correct paper work is in order).

9. DRIVER'S OBLIGATIONS

9.1 When asked by the hirer, you must carry a reasonable amount of luggage in your vehicle.

When asked by the hirer, you must give reasonable help in loading or unloading. However, you are not obliged to carry:

- (a) any article or animal whose size, weight or character means that carrying it would be likely to cause damage to the vehicle or its fittings
- (b) any animal that may cause you actual bodily harm, ie, by biting you
- (c) any petroleum spirit or explosive or dangerous substance
- (d) any foul substance
- (e) any person under the influence of drink and/or drugs.

10. SEAT BELTS

11.1 It is your responsibility:

- (a) to be fully aware of the current seat-belt regulations
- (b) to tell adult passengers of their responsibilities about wearing seat belts (c) to make sure that any children travelling in the vehicle are belted/secured when the vehicle is moving, according to the current seat-belt regulations.

See Appendix 3 for a summary of seat-belt regulations.

11. SMOKING/EATING

11.1 You **must not** at any time smoke tobacco or any other similar substance in your vehicle.

11.2 You must not, at anytime while hired, eat and/or drink.

12. ADVERTISING

12.1 The proprietor can put any advert inside the licensed vehicle (or can allow this to happen), as long as the advert is of a size and design that we have approved beforehand, in writing.

See also Additional vehicle conditions on page 30 and Appendix 10.

13. HIRING

13.1 You must not, while driving or in charge of a vehicle:

- (a) tout or solicit anybody to hire, or be carried for hire, in any vehicle. Touting can be, but is not limited to, calling out, inviting or persuading
- (b) cause or ask any other person to tout or solicit anybody to hire your vehicle or be carried for hire in it
- (c) offer the vehicle for immediate hire while you or the vehicle is on a street or other place where members of the public can go

- (d) accept an offer for your vehicle to be hired immediately while you or the vehicle is on a street or other place where members of the public can go. The exception to this is when your licensed operator has told you about this offer, either by phone or by a radio fitted to the vehicle.

All of the above are considered as 'plying for hire'.

14. TAXI METER/FARES

- 14.1 If you drive a vehicle with a meter fitted, you must not tamper with or damage, or allow or cause anybody else to tamper with or damage, any fittings or seals of the taximeter.
- 14.2 If a passenger asks for a receipt for the fare they have paid for the journey, you must give them a written receipt.

15. HEALTH

You need to be medically fit before we will grant a licence. When you are a licence holder, if you have a serious illness or injury, such as a heart attack, stroke, broken limbs, diabetes or sleep apnoea, you must tell us, in writing, **within five days** of the start of the illness or injury. This also applies to anything that may affect your driving, or that has to be reported to the DVLA because it would affect your licence. We may ask you to have an additional medical examination or to produce written confirmation from your own GP or hospital consultant about your continued fitness to drive.

See Appendix 13 for the policy on insulin-dependant diabetes.

16. CONVICTIONS AND DRIVING STANDARDS

- 16.1 You must notify us in writing **immediately** if you are convicted of or cautioned on a criminal and/or traffic offence, and if you are given fixed penalty points.
- 16.2 If you get nine or more penalty points on your driver's licence over a three-year period, you **must** attend a Council-approved driver assessment course.

If you do not attend the course, we may refuse to issue or suspend your driver's licence.

17. MOBILE PHONE

- 17.1 Legally, you are not allowed to use mobile phones while driving, unless you use a hands-free kit.

This page has been left blank intentionally

HACKNEY CARRIAGE DRIVER'S LICENCE CONDITIONS

1. GENERAL

- 1.1 This licence may be suspended, revoked or not renewed in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 There are no conditions governing hackney carriage driver licences. This is due to the case of Wathan v Neath Port Talbot CBC 12/7/02, which stated: "A Council cannot impose Licensing Conditions on Hackney Carriage Drivers but they may only regulate them by way of Byelaws."
- 1.3 See Byelaws for hackney carriages on page 47 for further information.

2. DRIVER'S LICENCE

- 2.1 You must apply to us to renew your driver's licence before your current licence expires.
- 2.2 If you already have a licence, we will send you an application form to renew your licence before your current licence expires.
- 2.3 When you have completed the application form, you must contact our Licensing Section to make an appointment – you must do this before your current licence expires.
- 2.4 We will issue licenses within 4 working days of receiving the completed application form (as long as all the correct paper work is in order).

This page has been left blank intentionally

VEHICLE APPLICATION PROCEDURE – GENERAL

Before we grant, renew or transfer a vehicle licence:

1. You must complete an application form in full, and bring it to us. The proprietor (for a hackney carriage) or the operator (for a private hire vehicle) must sign it. You must also sign and complete the form in the way that we have asked.
2. At your appointment, you will need to bring the originals of the following:
 - (a) vehicle registration document or bill of sale
 - (b) a current and valid vehicle inspection certificate from an approved testing centre, or compliance certificate from the Hedge End Depot.
 - (c) a current MOT certificate (for hackney carriage vehicles that are one year old from the date when they were first registered, or private hire vehicles that are three years old from the date when they were first registered), if applicable.
 - (d) a certificate of insurance or cover note to cover the date when the licence was issued (for hire and reward). We may charge an administration fee if you continuously produce cover notes. If you are renewing a licence, the insurance cover must extend into the new licensing year.
 - (e) the relevant fee.
3. For all new vehicle applications and transfers, before we will issue your licence, you must produce colour photographs of the vehicle showing the front, rear, nearside and offside. For private hire vehicles, the sign **'No booking, no ride'** must be legible on the photographs, unless you have an exemption certificate.
4. If you are renewing your vehicle licence, and we already have photographs of the relevant vehicle on file, you can complete and sign a declaration instead of providing photographs. The declaration must state that the appearance of the vehicle has not changed from the latest photograph you supplied to us. We will accept a declaration for three years. Every fourth year, you will need to supply new, up-to-date photos.

We will not accept photocopies, faxes or other types of copying.

5. Vehicle examination

- 5.1 All vehicles must have a full mechanical and visual inspection at an approved vehicle-testing centre. Hackney carriage vehicles that are six years old from the date when they were first registered or manufactured must have a mechanical inspection every six months.

Before taking your vehicle for inspection, please read the guidelines about the suitability of the vehicle for private hire or hackney carriage work – see Appendix 5.

You should also check the following:

- that you have a fire extinguisher and first-aid kit marked with the vehicle plate number
- the condition of passenger areas
- the safety and security of the doors
- the condition of the tyres
- the general appearance of the vehicle bodywork and interior (both must be clean)
- The external licence plate must be securely fixed on a flat, vertical surface on the outside rear of the vehicle. The plate must not be fixed to the glass of the rear window.
- that the current tariff sheet (for hackney carriages) is displayed correctly
- that '**No booking, no ride**' signs are displayed correctly on private hire vehicles (unless an exemption certificate has been issued)
- that hackney carriages have the approved top boxes.

It is the vehicle proprietor's responsibility to book the mechanical inspection appointment in good time. After the vehicle has been tested, you must pay the inspection fee to the approved testing centre. If the vehicle fails the inspection, we will not grant a new licence, and we may suspend, revoke or refuse to renew an existing licence, until all defects have been corrected and the vehicle has passed a re-inspection.

Three failed tests (for non-minor defects) within one licensing year **may** mean that we will **not** grant a licence, and we may suspend, revoke or refuse to renew an existing licence.

VEHICLE LICENCE CONDITIONS – GENERAL

Each licence will be subject to the following:

1. GENERAL

- 1.1 This licence is transferable but under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, you must give us notice within 14 days of the transfer.
- 1.2 We may suspend, revoke or refuse to renew your licence in accordance with Section 60 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.3 We do not allow dual licensing of vehicles – that is, licensing of a vehicle with more than one council/local authority.

2. TYPE OF VEHICLE

- 2.1 We must approve the size, type and design of the vehicle. It must be suitable for carrying four or more people, but not more than eight passengers, in comfort.
- 2.2 We may licence saloon cars, multi-purpose vehicles (MPVs) or minibus-type vehicles that can carry up to eight passengers.

3. LICENCE PLATES – EXTERNAL

- 3.1 The external licence plate must be securely fixed on a flat, vertical surface on the outside rear of the vehicle, to our satisfaction. The plate must not be fixed to the glass of the rear window.
- 3.2 You must surrender the licence plate, which now has an expiry date displayed on it, to the Licensing Section when we issue a renewed licence and plate.

4. TAXIMETERS

- 4.1 **All vehicles fitted with meters**
All taximeters must be accurately regulated and fitted with a device that, when operated, makes the taximeter start running.
- 4.2 You must be able to lock the device so that the machinery of the taximeter cannot be used, and so that no fare is recorded on the face of the taximeter.
- 4.3 The rates of fare on the taximeter must be clearly legible, together with the word 'fare' next to the 'fare' window.
- 4.4 Everybody in the vehicle must be able to see the fare of the taximeter, as well as all the figures on the meter.
- 4.5 The taximeter must be sealed so that it cannot be tampered with without breaking, damaging or permanently displacing the seals.

5. INSPECTION OF VEHICLE

- 5.1 You must submit the vehicle for initial inspection before we will grant a licence, and every year afterwards. If the vehicle is a hackney carriage and over six years old (from the date when it was first registered or manufactured) it must be tested every 6 months. ***You must send or give the inspection certificate to the Licensing Section within 48 hours of the inspection.***
- 5.2 The vehicle can be inspected/tested at any approved testing station (see page 3 definitions (d)).
- 5.3 The Council's Licensing Officers may arrange other random inspections – as are reasonable – if, in their opinion, the vehicle condition warrants it. The Licensing Officer will write to the operator and/or proprietor to let them know when and where the inspection will be.
- 5.4 The operator/proprietor of the vehicle must pay for any random inspection at the depot. The council will pay the cost if no mechanical fault is found.
- 5.5 When a vehicle fails an inspection at the Hedge End Depot, and the staff at the depot believes that carrying on using the vehicle on the road would be dangerous, they have authority delegated to them under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 to remove the plate from the vehicle. They will keep the plate until the vehicle has another inspection and passes.
- 5.6 If a vehicle fails its inspection on three consecutive occasions, you cannot arrange another inspection during that vehicle's licensing year. We may then revoke, suspend or refuse to renew the licence

6. RETURN OF LICENCE PLATE

- 6.1 Licence plates remain the property of the Council. When a licence expires, or we revoke, suspend or refuse to renew it, you must return the plate to our Licensing Section within seven days of us asking for it back.

7. PASSENGERS

- 7.1 All passengers must be able to communicate easily with the driver.
- 7.2 You must not carry, or allow to be carried, more passengers than are specified in the licence.
- 7.3 You and the vehicle licence holder must be fully aware of the current seat-belt regulations and ensure the vehicle you are driving is equipped appropriately. You are responsible under law. See Appendix 3 for a summary of seat-belt regulations.

8. DISABLED PEOPLE

- 8.1 All licensed vehicles must carry a guide dog, hearing dogs or any other assistance dog belonging to a passenger, unless you have a proven medical condition that stops you from doing so. Your GP must confirm this condition in writing, and you must carry an exemption certificate from the Licensing Officer.
- 8.2 You must carry guide or assistance dogs belonging to a disabled passenger free of charge.
- 8.3 For detailed specifications about vehicles that have been adapted to carry passengers in wheelchairs, see Additional conditions on page 37.

9. LUGGAGE

- 9.1 If the vehicle can carry luggage externally, you must ensure that the luggage can be secured to our satisfaction. You may use trailers, as long as these satisfy and comply with legal requirements.

10. STANDARD OF VEHICLE

- 10.1 All vehicles must be well maintained, and kept in a clean and safe condition, to our satisfaction.
- 10.2 The roof must be watertight.
- 10.3 The seats must be properly upholstered.
- 10.4 The floor must be covered to our satisfaction.
- 10.5 All furniture and fittings must be well maintained and in every way fit for public service.

11. WHEELS

- 11.1 All vehicles must have at least four wheels and must carry a spare wheel to the same specification as the road wheels, a space-saver wheel or any approved manufacturer's device.

12. STEERING

- 12.1 The steering wheel must be on the right-hand side of the vehicle.

13. DOORS –Number of doors

- 13.1 All vehicles must have at least four doors, (excluding tailgate) which must include at least two doors, one on each side of the vehicle, which passengers riding behind the driver can use to get out.

- 13.2 Sliding doors must be fitted with a warning device, light or buzzer to indicate when they are open. You must be able to lock them in the open position when loading and unloading.
- 13.3 Multi-seater vehicles- If there is a fixed row of seats in the rear of the vehicle which prevents passengers from reaching the rear door, that door does not count. Specially adapted vehicles for disabled passengers are exempt from this policy, Hackney carriage vehicles 106 and above are also exempt as they are purpose built for physically disabled passengers.
There are special rules for exceptional vehicles such as stretch limousines. Please refer to Appendix 14 of handbook page 82.

14. SEATING CAPACITY IN VEHICLES

14.1 Rear seat (width)

The width of the rear seat is measured in a straight line from door panel to door panel on the front of the seat. This measurement must allow a space of at least 400mm per person.

14.2 Seats (depth)

The depth of the rear seat is measured in a straight line from the backrest to the front edge of the seat. This measurement must not be less than 457mm.

14.3 Knee space

The measurement between the rear of the front seats and the backrest of the rear seat must not be less than 762mm when the front seat is at its centre point (that is, midway on its runners).

14.4 Internal height

The measurement from the top of the rear-seat cushion where it meets the backrest vertically must not be less than 813mm.

15. BRAKES

- 15.1 All parts of every braking system must be in good and efficient working order.
- 15.2 The pedal-operated braking system must be designed so that if the brakes on any pair of wheels fail, either on one axle or diagonally opposite, the brakes on the other pair of wheels can bring the vehicle to rest within a reasonable distance.

16. TYRES

- 16.1 All tyres must be kept at the correct pressure meet legal requirements and are suitable for use on the vehicle at all times. Where a taximeter is fitted, the tyres must be approved as having the appropriate minimum circumference so that the taximeter can operate correctly.

17. SUSPENSION

- 17.1 All vehicles must be fitted with an efficient suspension system that has been designed and constructed so that there is no excessive roll or pitch.

18. ELECTRICAL EQUIPMENT

- 18.1 All electrical leads and cables must be adequately insulated. If they are likely to be affected by exposure to water, diesel, petrol or oil, they must be adequately protected.
- 18.2 Suitable fuses must protect all electrical circuits.
- 18.3 Batteries must be positioned and protected so that they are not dangerous.
- 18.4 Batteries must be secured to the battery carrier.

19. BODY

- 19.1 The body must be a fixed-head type. A manufacturer-approved sunroof can be fitted.

20. WINDOWS/GLASS

- 20.1 Windows must be provided at the front, sides and at the rear of the vehicle.
- 20.2 The passenger must be able to operate the rear passenger-door windows easily when they are sitting down.
- 20.3 The windscreen and all windows must be safety glass, in accordance with the appropriate British Standard when they are approved.
- 20.4 No tinted windows are allowed, other than at the legal level specified in Regulation 30 & 32 of the Construction & Use Regulations 1986. The visual transmission of light is 75 per cent for the front windscreen and 70 per cent for the front passenger and driver's-side windows.

21. HEATING AND VENTILATION

- 21.1 An adequate heating and ventilation system must be fitted for the driver and passengers.

22. DOOR FITTINGS

- 22.1 You must be able to open passenger doors quickly from the inside and outside of the vehicle by one operation of the lock mechanism.
- 22.2 Approved central locking systems are allowed.
- 22.3 Double catches of approved type must be fitted to all doors.

23. ADVERTISING AND APPEARANCE OF VEHICLE

- 23.1 You must show all adverts (internal and external), any printed matter, mark or sign to us. We must approve them, in writing, before you can display them on the vehicle. See Appendix 10 for guidance.
- 23.2 Once the adverts are on display, you must submit colour photographs to the Licensing Section of the vehicle's front, nearside, offside and rear, showing these adverts.
- 23.3 You **must** inform the Licensing Section of any changes to the appearance of the vehicle within seven days of the changes. You must also supply photos showing these changes at the same time.

24. REGISTRATION MARK

- 24.1 If the vehicle registration mark is subject to change (for example, changing to a personalised number plate), you must inform us in writing within seven days.
- 24.2 When the vehicle registration document (log book) is returned from the DVLA, you must show it to us.

25. OBLIGATORY LIGHTING

- 25.1 See Appendix 5 for full details of obligatory lighting.

26. COMPLAINT STICKER

- 26.1 The Complaint sticker must be displayed in the licensed vehicle in a prominent position so it can easily be seen and read from inside the vehicle. See appendix 12.

ADDITIONAL PRIVATE HIRE VEHICLE CONDITIONS

1. TYPE OF VEHICLE

- 1.1 The vehicle must not be designed or look in such a way that it could lead anybody to believe that it is a hackney carriage – that is, a London black cab.

2. LICENCE PLATE

- 2.1 You must not remove the vehicle licence plate unless we have issued an exemption certificate in writing for a private hire vehicle.

3. TAXIMETER

- 3.1 Although a private hire vehicle does not have to have a taximeter fitted, an accurate electronic taximeter can be fitted if we have tested and approved the type of meter, and are satisfied with its position.
- 3.2 Although we have no power to set the tariff, we (or an approved agent) will test and seal the meter to make sure it is in good working order. We will also check that the details of the tariff, which your private hire operator/proprietor must supply when the vehicle is tested, are accurate.

4. ADVERTISING

- (a) All vehicles (except those that have an exemption certificate from our Licensing Section) **must** always display a sign saying, '**No booking, No ride**'.
- (b) Vehicle proprietors can apply for an exemption certificate so that the plate and 'No booking, no ride' signs can be removed.
- (c) The letters in the 'No booking, no ride' sign must be at least 50mm high.
- (d) The colour of the sign must contrast with the vehicle bodywork so that it can easily be seen, for example, black lettering on a light background or white lettering on a dark background.
- (e) The sign 'No booking, no ride' must be displayed on, or very near the outside of, the nearside rear passenger door, and not on a wind-down window. More of these signs can be displayed where you choose on/in the vehicle.
- (f) No adverts, printed materials, marks or signs must use or include the words 'taxi', 'taxis', 'cab' or 'cabs', or any word with a similar meaning that would suggest that the vehicle is a hackney carriage.

(g) The sign 'No booking, no ride' must be readable on the photographs that you have provided, unless we have issued an exemption certificate.

(h) We **must** approve any advertising on the bodywork of the vehicle.

5. ROOF BOXES

5.1 As from 31st August 2007, private hire vehicles will not be allowed to display roof signs.

6. INSPECTION OF VEHICLE

6.1 Vehicles must have an annual mechanical inspection.

ADDITIONAL HACKNEY CARRIAGE VEHICLE CONDITIONS

1. TYPE OF VEHICLE

- 1.1 The vehicle must not be designed or look in such a way that it could lead anybody to believe that it is a private hire vehicle.

2. TAXIMETERS

- 2.1 An accurate electronic taximeter, of a type that we (or an approved agent) have approved and tested, must be fixed in a licensed vehicle in a position that we approve of.
- 2.2 The vehicle licence holder or driver must not tamper with the mechanism of the taximeter or its seals. However, if the mechanism is broken, or fares have been increased, then the taximeter can be unsealed, repaired and substituted with a service meter, or it can be recalibrated.
- 2.3 The service meter, or recalibrated and repaired meter, **must** be tested and sealed **before** it is used.

3. TAXI SIGN

- 3.1 The hackney carriage must carry a taxi sign on the roof. We must approve the design and style of this sign.
- 3.2 The sign must be illuminated, but must **not stay** illuminated when the vehicle is hired. There should be no other lighting on the vehicle, except for that required by law.
- 3.3 All hackney carriages that are not the purpose-built 'London' type (that is, having an integral or factory-fitted 'taxi' sign) must carry the approved white roof sign.
- 3.4 The roof sign should be 762mm wide when measured from the front and 120mm high (measured from the centre point of the sign to the top). The sign should be approximately 170mm deep.
- 3.5 The front of the sign must show the word '**taxi**', centrally placed, in black lettering, 100mm high and 450mm wide. The **Eastleigh Borough Council logo**, including the words 'licensed by', must appear either side of the word 'taxi'. This must be placed 37.5mm from the end of the lettering of the word 'taxi'. The logo should be a mid-green colour (Pantone 354), measuring 42mm high and 100mm wide.
- 3.6 The back of the sign should also be white but, when illuminated, it must appear red, as required by law.
- 3.7 The back of the sign must show the word '**taxi**', centrally placed, in black lettering, 70mm high and 300mm wide. The **Eastleigh Borough Council logo**, including the words 'licensed by', must appear either side of the word 'taxi'. The logo should be a mid-green colour (Pantone 354), measuring 70mm high and 184mm wide.

- 3.8 On the back of the sign, the proprietor can display their name, title, telephone number, website, email and fax number. This information should appear above the word 'taxi' and the Eastleigh Borough Council logo, in black lettering, no higher than 35mm and no wider than 750mm.
- 3.9 The sides of the sign will be left blank, apart from for the hackney carriage plate number (in black). The plate numbers must be 50mm high and should fit into a space no higher than 50mm and no wider than 100mm.
- 3.10 The position of the roof sign will be, in line with the "B" frame of the driver's door and rear passenger's door of the car and on the middle line running through the centre of the vehicle. If the vehicle is fitted with a sunroof then the roof sign will be placed behind the sunroof, as close to it as is practical.

3.11

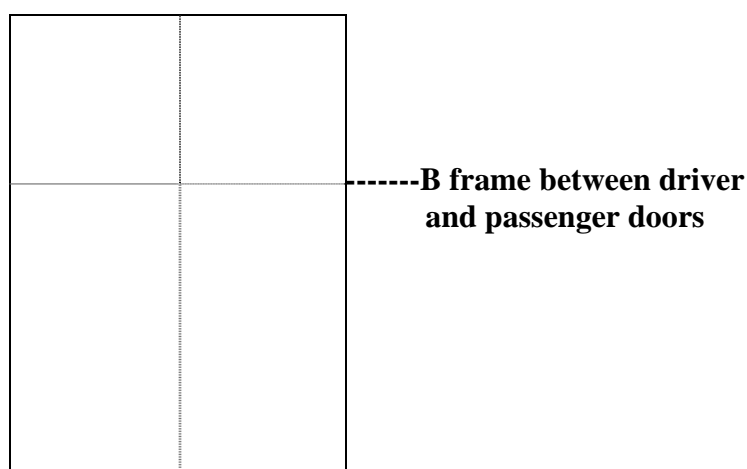


Diagram showing position of roof sign.

- 3.12 **All hackney carriages that are the London type** (those with an integral or factory-fitted 'taxi' sign) must display two transparent signs that the driver and passengers can see through from inside the vehicle. The signs should be displayed on both the offside and nearside rear passenger window. They must follow the specifications set out in the following condition.
- 3.13 The signs, which must be centrally placed, should be 300mm high and 210mm wide, with a white or off-white background colour. They should include the following information, in the following order, starting at the top:
- the Eastleigh Borough Council logo, in a mid-green colour (Pantone 354), including the words 'licensed by', 50mm high and 105mm wide
 - the word 'taxi' in black lettering, 45mm high and 145mm wide
 - the words 'licence number' and the number of the hackney carriage plate in black lettering. Both of these should fit into a space no larger than 50mm high and 140mm wide.

4. TARIFF CHART

- 4.1 The vehicle licence plate number must be shown on the tariff chart, which should be displayed in a prominent position so that it can easily be seen and read from inside the vehicle.

5 INSPECTION OF VEHICLE

- 5.1 Vehicles that are up to six years old from the date when they were manufactured or first registered (whichever is earlier) must have a mechanical inspection every year.
- 5.2 Vehicles that are six years old from the date when they were manufactured or first registered (whichever is earlier) must have a mechanical inspection every six months.

This page has been left blank intentionally

ADDITIONAL CONDITIONS FOR ALL VEHICLES ADAPTED TO CARRY PASSENGERS WHO STAY IN THEIR WHEELCHAIRS

Parts of the Disability Discrimination Act (DDA) 1995 are now currently in force. However, we have agreed some conditions for hackney carriages and private hire vehicles that have been adapted to carry passengers in wheelchairs, in readiness for when the DDA comes into full force. These conditions follow the guidelines of the 1995 Act, but may change when the Act is eventually enforced.

Hackney carriage vehicle licences 100–105 are only issued to such adapted vehicles. Vehicles that are licensed from 106 onward will already comply with the DDA and will be disabled accessible vehicles.

MAIN REQUIREMENTS

A disabled passenger must be able to get in and out of the licensed vehicle and travel in it while sitting in their wheelchair.

The person in the wheelchair must also be able to transfer to a seat in the vehicle if they want to.

Throughout these conditions we refer to a 'reference wheelchair'. A diagram of this with dimensions is set out in Appendix 4.

1. ACCESS

- 1.1 On all passenger doors, the way of opening them, and the direction they open, should be clearly marked on the inside and outside of the vehicle.
- 1.2 There must be at least one doorway where a wheelchair and the person in it can enter. The doorway must be at the rear or nearside of the vehicle.
- 1.3 For hackney carriage plates 106 onwards, the doorway must be on the nearside of the vehicle.
- 1.4 The doorway must provide a minimum unobstructed space of 1170mm high and 680mm wide.
- 1.5 Adequate lighting must be provided to help passengers get in and out of the vehicle.

2. TRANSFERRING FROM WHEELCHAIRS

- 2.1 When a person using a wheelchair wants to transfer into a seat in the vehicle, they must be able to do this using either a swivel seat or by transferring seats inside the vehicle.
- 2.2 You must carry a transfer board in the vehicle and stow it safely when you are not using it.
- 2.3 A space must be provided in the vehicle to stow a wheelchair after transferring the passenger if you cannot put and secure the wheelchair in the designated space.

3. DESIGNATED WHEELCHAIR SPACE

- 3.1 The space for the wheelchair must be large enough for a 'reference wheelchair' to be moved from outside the vehicle into the space.
- 3.2 The minimum headroom above the space must be 1310mm.
- 3.3 The route from the door to the wheelchair space must not have any obstructions.
- 3.4 The route to the space must be large enough for a 'reference wheelchair' to be moved into the space with no more than a four-point turn and without lifting the wheels from the floor.
- 3.5 When the wheelchair is moved from the door to the designated space, the headroom above this area must be the same as or greater than the height of the entry door.

4. STEPS

- 4.1 Fixed or retractable steps must be permanently secured at the point of entry into the vehicle.
- 4.2 There must be no more than three steps into the vehicle.
- 4.3 The height of the first step from the ground at all entrance and exit doors must not be greater than 250mm. All other steps must be inside the vehicle, and must be between 120mm and 200mm high.
- 4.4 All steps must be at least 400mm wide and 280mm deep, and must not have open risers.
- 4.5 The surface of all steps must be slip resistant.

5. HANDRAILS/HANDHOLDS

- 5.1 Handrails or handholds must be provided for disabled passengers coming into and leaving the vehicle.
- 5.2 The surface of every handrail and handhold must contrast in colour or tone with the surrounding surfaces, and must have a slip-resistant finish.

6. SEATS

- 6.1 All seats used by disabled passengers must be forward or rear facing.

7. BOARDING DEVICE

- 7.1 You must provide a boarding device at the doorway through which a wheelchair and the person using it would enter.

- 7.2 You must be able to manually operate a power-operated boarding device if there is a power failure.
- 7.3 You must not drive the vehicle unless the boarding device is safely stowed for travelling.
- 7.4 You must stow any boarding device so that it does not obstruct any handle or other opening device for any exit. You must also stow the boarding device so that if there is an accident, it would not injure you or your passengers. If the boarding device obstructs an exit, you must be able to push or pull it out of the way from the inside and outside when the door is open so that the doorway is clear if there is an emergency.
- 7.5 You must switch off any controls for operating a power-operated boarding device when the vehicle is moving. You, or somebody you supervise, must only operate the controls at the doorway where the wheelchair goes into the vehicle.
- 7.6 Any manually operated boarding device must be easy to operate.

8. RAMPS (channelled or solid)

- 8.1 If you use a one-piece ramp, it must be at least 750mm wide to accommodate a wheelchair. The ramp must not be longer than 1700mm. Folding ramps are allowed, as long as the ramp is rigid when it is being used.
- 8.2 When the ramp or ramps are being used on the road, the ramp slope must not be at an angle greater than one in four (25 per cent). In all cases, you must be able to use the ramp or ramps on a level road and a kerb that is 125mm high.
- 8.3 When the ramp or ramps are being used, they must be securely positioned at the top end of the ramp where they are secured to the vehicle.
- 8.4 The surface of all ramps must have a slip-resistant finish. All outer edges must be clearly marked in a contrasting tone and colour.
- 8.5 When the ramp or ramps are being used, each ramp must be in one piece.

9 LIFTS

- 9.1 The lift platform must be at least 750mm wide and 1200mm long.
- 9.2 When you are raising and lowering the platform, and while the platform is in the raised position, you must use a tailboard that is at least 100mm to stop the wheelchair rolling off.
- 9.3 The lift must be able to reach the ground.
- 9.4 You must be able to use the controls to operate the lift while you are moving on the lift platform with the passenger.

10 WHEELCHAIR INSIDE THE VEHICLE

- 10.1 All passengers travelling with a wheelchair must either face forwards or backwards.
- 10.2 All wheelchairs must be securely tied down with dynamically tested equipment.
- 10.3 You must provide passengers who sit in a wheelchair with a restraint system.
- 10.4 When the wheelchair user faces the back, a padded backrest and head restraint must be installed for them. This backrest and head restraint must be a maximum of 480mm from the floor of the vehicle, and should be at least 1300mm high. Any movement of the backrest should not be more than 12 degrees. The width of the backrest must be between 270mm and 480mm.

PRIVATE HIRE OPERATOR'S APPLICATION PROCEDURE

Before we grant or renew an operator's licence, the applicant must:

1. Bring the originals of the following with them to their appointment:
 - a completed application form, signed and completed by the applicant or if a joint application by each of the applicants on the Council form
 - a current driving licence (if it is the new type, this must be the plastic card **and** the paper counterpart) for all applicants
 - current photographic proof of personal identification, for example, a passport, photo-card driving licence, armed forces id card or another official form for all applicants
 - current insurance certificates for vehicles that will be driven under the licence
 - copies of other supporting documents, for example, planning permission for premises (if required) or proof of the company being registered with Companies House (a Memorandum of Association).
2. Pay the Council the relevant fee.
3. If a new applicant, provide the names and addresses of two people to act as referees for character and suitability for the job, etc. These must not be relatives.

We will not accept photocopies, faxes or other types of copying.

The operating base address must be in the Borough of Eastleigh.

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Each licence will be subject to the following:

1. GENERAL

- 1.1 A licensed private hire operator must be compliant with all legislation relating to their operation, for example, health and safety, and employment legislation. We will not set out or advise on other liabilities the operator may have under law. A licensed private hire operator must also ensure that the drivers they employ, or who are linked to their operation, take notice of and carry out the conditions of their drivers' and vehicle licences.
- 1.2 We may suspend, revoke or refuse to renew the licence in accordance with Section 62 of the Local Government (Miscellaneous Provisions) Act 1976.

2. EMPLOYMENT OF DRIVERS AND/OR VEHICLES

- 2.1 A licensed private hire operator must notify our Licensing Section in writing within seven days if a driver and/or licensed vehicle(s) under their control starts work, or their contract ends.

3. PLACE OF OPERATION/CHANGES OF PLACE OF OPERATION

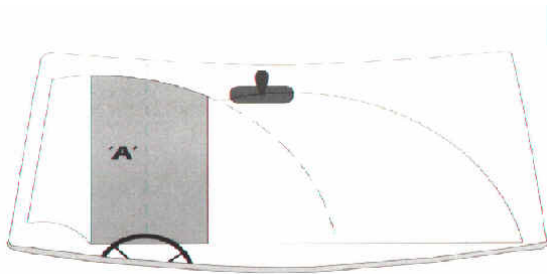
- 3.1 The operating address of the private hire operator must be within the Eastleigh Borough boundary. The private hire operation can only be run from the operating address given on the licence. Applicants may need to apply for planning permission.
- 3.2 If the private hire operator has a reception area on their premises for members of the public who want to hire a vehicle, the operator must make sure that this area is clean and tidy at all times and that there are enough seats for customers. The operator must not allow anybody who is behaving in a disorderly manner to stay on the premises.
- 3.3 If the operating address changes, the operator must get approval from our Licensing Section in writing before using the new property for their business and before we will issue a new licence. This may involve getting planning permission, (see "Operators" page 5).

4. ADVERTISING

- 4.1 A private hire operator must ensure that all vehicles they own and/or that operate under their control, comply with the following:
 - (a) All adverts (internal and external), and any printed matter or mark, must be submitted to us, and we must approve the design and size, agreed in writing, before they can be displayed on the vehicle or used for business purposes.
 - (b) All vehicles (except those that have an exemption certificate from our Licensing Section) **must** always display a sign saying '**No booking, no ride**'.
 - (c) The letters in the 'No booking, no ride' sign must be at least 50mm high.

- (d) The colour of the sign must contrast with the vehicle bodywork so that it can easily be seen, for example, black lettering on a light background or white lettering on a dark background.
- (e) The sign 'No booking, no ride' must be displayed on, or very near the outside of, the nearside rear passenger door, and not on a wind-down window. More of these signs can be displayed elsewhere in the vehicle.
- (f) No adverts, wherever they are displayed, for example, in the Yellow Pages, must use or include the words 'taxi', 'taxis', 'cab' or 'cabs', or any word with a similar meaning that would suggest that the vehicle is a hackney carriage.
- (g) A windscreen strip with the private hire operators name and telephone number may be displayed provided it complies with the Construction and Use Regulations. See diagram below.

Referring to the diagram below, examine the swept area and the driver's view through it. In Zone A, a windscreen sticker or other



obstruction does not encroach more than 10mm. In the remainder of the swept area a windscreen sticker or other obstruction does not encroach more than 40mm.

5. BOOKINGS AND AGREEING TO BOOKINGS

- 5.1 The private hire operator can only make provision for inviting and accepting bookings for vehicles or drivers who have been licensed by Eastleigh Borough Council according to the Local Government (Miscellaneous Provisions) Act 1976 Section 48.
- 5.2 The private hire operator who has made such provision must make sure that the driver arrives punctually with the vehicle at the agreed time, date and place, unless they have been unavoidably delayed or have been prevented from doing so.

6. RECORDS

- 6.1 The private hire operator must make sure that the driver of every vehicle operating under their control keeps a daily record of their vehicle and the hirings they take. These records must be kept for at least two years.

Records can be kept for longer if needed, for example, for the Inland Revenue.

Each record must include the following information:

- (a) vehicle licence number
- (b) date
- (c) name of proprietor/operator of the vehicle

- (d) name of driver
- (e) number of hours worked by the driver
- (f) full details of every hiring undertaken (to include times, name of fare, collection and drop-off address)
- (g) each page consecutively numbered.

See Appendix 9 for sample record sheets.

6.2 At the operating address, the private hire operator must keep a record of every hiring. Each record must include the following information:

- (a) the date for each hiring
- (b) full details of every hiring undertaken (to include times, name of fare, collection and drop-off addresses)
- (c) details of the vehicle, proprietor and driver
- (d) each page consecutively numbered.

These records must be kept for two years. Records can be kept for longer if needed, for example, for the Inland Revenue.

See Appendix 9 for sample record sheets.

6.3 If requested, the operator must supply the original written record to any authorised Council officer for inspection.

7. VEHICLE USE

7.1 The private hire operator must not cause, or allow, a vehicle to be used for private hire, other than according to the licence granted for the vehicle, which must comply with the Local Government (Miscellaneous Provisions) Act 1976 Section 48.

8. OPERATOR'S LICENCE

8.1 If the operator sells or transfers the benefit of the business, they must return their operator's licence of the business to the Council. They must also advise the new owner before the transfer takes place that they need an operator's licence from the Council before the business starts operating.

9. VEHICLE LICENCE

9.1 If the operator of a private hire vehicle transfers their interest in that vehicle, they must notify our Licensing Section within 14 days of the transfer, by supplying the name and address of the person who they have transferred the private hire vehicle to.

10. FOUND PROPERTY

- 10.1 If the driver finds any property in the vehicle, or any property is handed to them, they must make reasonable attempts to return the property to its owner. If they cannot do this, they must give it to their ***private hire operator***, who must then try to return the property to its owner.
- 10.2 Hampshire Constabulary has changed its policy on lost and found property and no longer takes 'low-value property'.

This page has been left blank intentionally

BYELAWS FOR HACKNEY CARRIAGES

BYELAWS

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of *the Eastleigh Borough Council* with respect to hackney carriages in *the Borough of Eastleigh*.

Interpretation

1. Throughout these byelaws 'the Council' means *the Eastleigh Borough Council* and 'the district' means *the Borough of Eastleigh*.

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) An 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; and
 - (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; and
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

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

- (a) the taximeter shall be fitted with a key, flag or other device the 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, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

- 5. The driver of a hackney carriage provided with a taximeter shall:
 - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

- 6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward and
 - (e) when in charge of the first carriage on the stand, remain with the carriage and be ready to be hired at once by any person.

8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

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

11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

12. If badges have been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired wear a badge in such position and manner as to be plainly visible.

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

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time 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 and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of taximeter.

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution 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 charges to be made in respect thereof

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its proprietor, **to a police station in the district** and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to a police station in the district, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

Repeal of Byelaws

- 19 The byelaws relating to hackney carriages which were made by Eastleigh Borough Council on the 7th day of November 1974 and which were confirmed by the Secretary of State on the 13th day of January 1975 are hereby repealed.

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the 20th of September 2004

S J WEBBER

Signed by authority of the Secretary of State.

The foregoing byelaws were made by Eastleigh Borough Council pursuant to due notice and the Common Seal of the Council was hereunto affixed this 10th day of May 2004 in the presence of :

A R WARD

Head of Legal and Democratic Services

This page has been left blank intentionally

POLICY GUIDELINES FOR ALL OPERATORS AND DRIVER'S LICENCES RELATING TO CONVICTIONS AND/OR CAUTIONS, OR PENALTY POINTS

1. In these guidelines:
 - a. "offence" includes anything which has led to a conviction, a caution, imprisonment, endorsement or penalty points
 - b. "conviction" includes a caution
 - c. "you" means the applicant for a hackney carriage or private hire vehicle drivers' or operator's licence
 - d. "we" means Eastleigh Borough Council.
2. Our overriding concern is for the protection and safety of the public.
3. Each application is considered on its merits. These guidelines give an idea of the approach that the Council might take if you apply for a hackney carriage or private hire vehicle licence and you have committed an offence. We will use our discretion if the offence is isolated or there are mitigating circumstances.
4. In considering applications, the Council will take account of all convictions, whether or not they are spent.
5. **No application for a licence will be considered until:**
 - a. any sentence of imprisonment, whether suspended or otherwise, has been completed
 - b. any period of probation has been completed
 - c. any period of disqualification from driving has been completed.
6. **No licence will be granted to someone who has been convicted of:**
 - a. murder
 - b. manslaughter
 - c. causing death by reckless driving
 - d. armed robbery
7. **No licence will be granted to:**
 - a. someone on the sexual offences register

Minor traffic offences

8. You can still apply for a licence if you have a conviction for a minor traffic offence such as obstruction, waiting in a restricted street, speeding, etc.
9. If you are applying for a private hire or hackney carriage driver's licence, and have nine or more penalty points on your licence, you must undertake Council-approved driver's assessment and, if the assessment shows it is necessary, training before we will consider issuing a licence.
10. If you accumulate 9 or more penalty points on your driving licence while you have a Council licence, you must undertake Council-approved driver's assessment and, if the assessment shows it is necessary, training before we will consider issuing a licence. You will have two months in which to complete the assessment. After that, we will suspend your licence until the assessment is completed.

11. If you have ever been disqualified from driving because of the number of points on your licence, before we will consider issuing a licence:
 - a. you must have one year free of endorsements or endorseable offences from the date when your disqualification (under Section 35 of the Road Traffic Offenders Act 1988) ends and
 - b. you must undertake Council-approved driver's assessment and, if the assessment shows it is necessary, training.
12. If you are disqualified from driving by the courts as a 'totter' because you have accumulated too many endorsements for motoring offences, the same conditions apply.
13. If you have three endorsements for speeding in two years, you must undertake Council-approved driver's assessment and, if the assessment shows it is necessary, training before we will consider issuing a licence. You will have two months in which to complete the assessment. After that, we will suspend your licence until the assessment is completed.
14. If you have an endorsement for careless driving, you must provide a full explanation of the charge.

Major traffic offences

15. If you have an isolated conviction, for example driving without due care and attention, we will normally warn you about driving carefully in future, and will give guidance about the standard of driving we expect of you.
16. If you have more than one conviction for this type of offence in the previous two years, we will probably refuse to grant a licence or renew it, or we will revoke a current licence. Before we will consider issuing a licence:
 - a. you must have between one and three years free of convictions and
 - b. you must undertake Council-approved driver's assessment and, if the assessment shows it is necessary, training.
17. **Dangerous driving (reckless driving):** We take a serious view of convictions for dangerous driving. Before we will consider issuing a licence:
 - a. you must have up to three years free of convictions (depending on the severity of the offence) and
 - b. you must undertake Council-approved driver's assessment and, if the assessment shows it is necessary, training .
18. **Drink driving with a motor vehicle:** We take a serious view of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. However, an isolated incident will not necessarily stop us granting a licence. Before we will consider issuing a licence. You must have two years free of endorseable offences and have completed any suspension.
19. **Driving without insurance:** Before we will consider issuing a licence:
 - a. you must have two years free of convictions and
 - b. you must undertake Council-approved driver's assessment and, if the assessment shows it is necessary, training.
20. **Taking a vehicle without consent:** Before we will consider issuing a licence:

- a. you must have two years free of convictions and
- b. you must undertake Council-approved driver's assessment and, if the assessment shows it is necessary, training

Non traffic offences

- 21. **Isolated incident of drunkenness:** An isolated incident will not necessarily stop us granting a licence. Depending on severity of offence, in some cases a warning may be sufficient. Before we will consider issuing a licence, a period of 1 year free from conviction is normally required.
- 22. **Alcoholism:** If there is any suspicion that you are an alcoholic, you must have a special medical examination before we will consider granting a licence. If you are diagnosed as an alcoholic, you must be treated, and you must have five years drink-free before we will consider granting a licence.
- 23. **Drugs:** If you have a conviction for a drug-related offence, you must have at least three years without convictions before we will consider granting a licence.. If you were addicted to drugs, you must have five years drug-free before we will consider granting a licence.
- 24. **Indecency offences:** Hackney carriage and private hire vehicle drivers often carry unaccompanied passengers. If you have a conviction for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, you must have at least three years without such convictions before we will consider granting a licence. If you have more than one conviction of this kind, you must have at least five years without such convictions.
- 25. **Violence:** Because hackney carriage and private hire vehicle drivers come into close contact with the public, before we will consider granting a licence to anyone with convictions for offences of a violent nature the following timescales apply:
 - a. **Grievous bodily harm with intent:** three years after conviction.
 - b. **Grievous bodily harm/wounding:** three years after conviction.
 - c. **Actual bodily harm:** two years after conviction.
 - d. **Assault:** two years after conviction.
 - e. **Aggravated burglary:** three years after conviction.
 - f. **Burglary:** two years after conviction.
 - g. **Robbery:** three years after conviction.
 - h. **Armed robbery:** We will not grant a licence.
- 26. **Dishonesty:** We expect hackney carriage and private hire vehicle drivers and operators to be trustworthy. The widespread practice of delivering unaccompanied property shows the trust that people place in drivers. It is relatively easy for a dishonest driver to defraud the public by asking for more than the legal fare. Also, overseas visitors can be confused by foreign currency so an unscrupulous driver could take advantage of them. Therefore, we take a serious view of any conviction involving dishonesty. We will not consider granting a licence to anyone with such a convictions until three to five years after conviction.
- 27. **Racism/harassment:** Before we will consider issuing a licence you must have three years free of convictions.

STATUTES

Below is a list of the main Acts of Parliament and Statutory Instruments that apply to private hire and hackney carriage work.

While we have made every effort to ensure that the information included here is accurate, this is not a comprehensive list of all current Acts and legislation. Therefore, we advise you to seek legal advice on any points of law.

Statutes

The Town Police Clauses Act 1847, 1889
 Public Health Act 1875, 1936
 Local Government Act 1972
 Rehabilitation of Offenders Act 1974
 Local Government (Miscellaneous Provisions) Act 1976
 Transport Act 1980, 1981, 1985
 Road Traffic Act 1988
 Criminal Justice and Public Order Act 1994
 Disability Discrimination Act 1995

Statutory Instruments

Taximeters (EEC Requirements) Regulations 1979 SI 1979/1379
 Hackney Carriage Fares (Amendment of Byelaws) Order 1981 SI 1981/400
 Local Services (Operation by Taxis) Regulations 1986 SI1986/567
 Road Vehicles (Construction and Use) Regulations 1986
 Motor Vehicles (Wearing Seat Belts by Children in Rear seats) Regulations 1989, as amended 18th September 2006
 Motor Vehicles (Wearing Seat Belts) Regulations 1993, as amended 18th September 2006
 Deregulation (Taxis and Private Hire Vehicles) Order 1998 SI 1998/1946
 The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs, etc) England and Wales) Regulations 2000
 Health and Safety (First Aid) Regulations 1981

**TABLES OF MAIN OFFENCES
TOWN POLICE CLAUSES ACT 1847**

Section	Offence	Enforcement – Local authority/ Police	Maximum penalty
40	Giving false information on application for hackney carriage proprietor's licence	Local authority/Police	Level 1
44	Failure to notify change of address of hackney carriage proprietor	Local authority/Police	Level 1
45	Plying for hire without a hackney carriage proprietor's licence	Local authority/Police	Level 4
47	Driving a hackney carriage without a hackney carriage driver's licence	Local authority/Police	Level 3
47	Lending or parting with a hackney carriage driver's licence	Local authority/Police	Level 3
47	Hackney carriage proprietor employing unlicensed driver	Local authority/Police	Level 3
48	Failure by hackney carriage proprietor to hold hackney carriage driver's licence	Local authority/Police	Level 1
48	Failure by hackney carriage proprietor to produce hackney carriage driver's licence	Magistrates' court	Level 1
52	Failure to display hackney carriage plate	Local authority/Police	Level 1
53	Refusal to take a fare	Local authority/Police	Level 2
54	Charging more than the agreed fare	Local authority/Police	Level 1

55	Obtaining more than the legal fare	Local authority/Police	Level 3 and 1 month imprisonment until the excess is refunded
56	Travelling less than the lawful distance for an agreed fare	Local authority/Police	Level 1
57	Failing to wait after a deposit to wait has been paid	Local authority/Police	Level 1
58	Charging more than the legal fare	Local authority/Police	Level 3
59	Carrying other person than the hirer without consent	Local authority/Police	Level 1
60	Driving a hackney carriage without proprietor's consent	Local authority/Police	Level 1
60	Allowing another person to drive a hackney carriage without proprietor's consent	Local authority/Police	Level 1
61	Drunken driving of hackney carriage	Local authority/Police	Level 1
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Local authority/Police	Level 1
62	Driver leaving hackney carriage unattended	Police	Level 1
64	Hackney carriage driver obstructing other hackney carriages	Local authority/Police	Level 1

**ENFORCEMENT TABLE – HACKNEY CARRIAGE PROVISIONS
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

Section	Offence	Enforcement – Local authority/ Police	Maximum penalty
49	Failure to notify transfer of hackney carriage proprietor's licence	Local authority/Police	Level 3 (by virtue of Section 76)
50(1)	Failure to present hackney carriage for inspection as required	Local authority/Police	Level 3 (by virtue of Section 76)
50(2)	Failure to inform local authority where hackney carriage is stored if requested	Local authority/Police	Level 3 (by virtue of Section 76)
50(3)	Failure to report an accident to local authority	Local authority/Police	Level 3 (by virtue of Section 76)
50(4)	Failure to produce hackney carriage proprietor's licence and insurance certificate	Local authority/Police	Level 3 (by virtue of Section 76)
53(3)	Failure to produce hackney carriage driver's licence	Local authority/Police	Level 3 (by virtue of Section 76)
57	Making false statement or withholding information to obtain hackney carriage driver's licence	Local authority/Police	Level 3 (by virtue of Section 76)
58(2)	Failure to return plate after notice has been given after expiry, revocation or suspension of hackney carriage proprietor's licence	Local authority/Police	Level 3 plus daily fine of £10
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Local authority/Police	Level 3 (by virtue of Section 76)

64	Permitting any vehicle other than hackney carriage to wait on a hackney carriage stand	Local authority/Police	Level 3 (by virtue of Section 76)
66	Charging more than the meter fare for a journey ending outside the district, without proper agreement	Local authority/Police	Level 3 (by virtue of Section 76)
67	Charging more than the meter fare when hackney carriage used as private hire vehicle	Local authority/Police	Level 3 (by virtue of Section 76)
69	Unnecessarily prolonging a journey	Local authority/Police	Level 3 (by virtue of Section 76)
71	Interfering with a taximeter	Local authority/Police	Level 3 (by virtue of Section 76)
73(1)(a)	Obstructing an authorised officer or constable	Local authority/Police	Level 3 (by virtue of Section 76)
73(1)(b)	Failure to comply with requirements of authorised officer or constable	Local authority/Police	Level 3 (by virtue of Section 76)
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Local authority/Police	Level 3 (by virtue of Section 76)

ENFORCEMENT TABLE – PRIVATE HIRE PROVISIONS – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Offence	Enforcement – Local authority/ Police	Maximum penalty
46(1)(a)	Using an unlicensed hire vehicle	Local authority/Police	Level 3 (by virtue of Section 76)
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	Local authority/Police	Level 3 (by virtue of Section 76)
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	Local authority/Police	Level 3 (by virtue of Section 76)
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	Local authority/Police	Level 3 (by virtue of Section 76)
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	Local authority/Police	Level 3 (by virtue of Section 76)
46(1)(f)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	Local authority/Police	Level 3 (by virtue of Section 76)
48(6)	Failure to display private hire vehicle plate	Local authority/Police	Level 3 (by virtue of Section 76)
49	Failure to notify transfer of private hire vehicle licence	Local authority/Police	Level 3 (by virtue of Section 76)
50(1)	Failure to present private hire vehicle for inspection as required	Local authority/Police	Level 3 (by virtue of Section 76)
50(2)	Failure to inform local authority where private hire vehicle is stored if requested	Local authority/Police	Level 3 (by virtue of Section 76)
50(3)	Failure to report an accident to local authority	Local authority/Police	Level 3 (by virtue of Section 76)

50(4)	Failure to produce private hire vehicle licence and insurance certificate	Local authority/Police	Level 3 (by virtue of Section 76)
53(3)	Failure to produce private hire driver's licence	Local authority/Police	Level 3 (by virtue of Section 76)
54(2)	Failure to wear private hire driver's badge	Local authority/Police	Level 3 (by virtue of Section 76)
56(2)	Failure by private hire operator to keep records of bookings	Local authority/Police	Level 3 (by virtue of Section 76)
56(3)	Failure by private hire operator to keep records of private hire vehicles that they operate	Local authority/Police	Level 3 (by virtue of Section 76)
56(4)	Failure to produce private hire operator's licence on request	Local authority/Police	Level 3 (by virtue of Section 76)
57	Making false statement or withholding information to obtain private hire driver's or operator's licence	Local authority/Police	Level 3 (by virtue of Section 76)
58(2)	Failure to return plate after notice has been given after expiry, revocation or suspension of private hire vehicle licence	Local authority/Police	Level 3 plus daily fine of £10
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Local authority/Police	Level 3 (by virtue of Section 76)
64(2)(a)	Driving a private hire vehicle with a roof sign that contravenes Section 64(1)	Local authority/Police	Level 3

64(2)(b)	Causing or permitting a private hire vehicle to be driven with a roof sign that contravenes Section 64(1)	Local authority/Police	Level 3
67	Charging more than the meter fare when hackney carriage used as private hire vehicle	Local authority/Police	Level 3 (by virtue of Section 76)
69	Unnecessarily prolonging a journey	Local authority/Police	Level 3 (by virtue of Section 76)
71	Interfering with a taximeter	Local authority/Police	Level 3 (by virtue of Section 76)
73(1)(a)	Obstruction of authorised officer or constable	Local authority/Police	Level 3 (by virtue of Section 76)
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Local authority/Police	Level 3 (by virtue of Section 76)
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Local authority/Police	Level 3 (by virtue of Section 76)

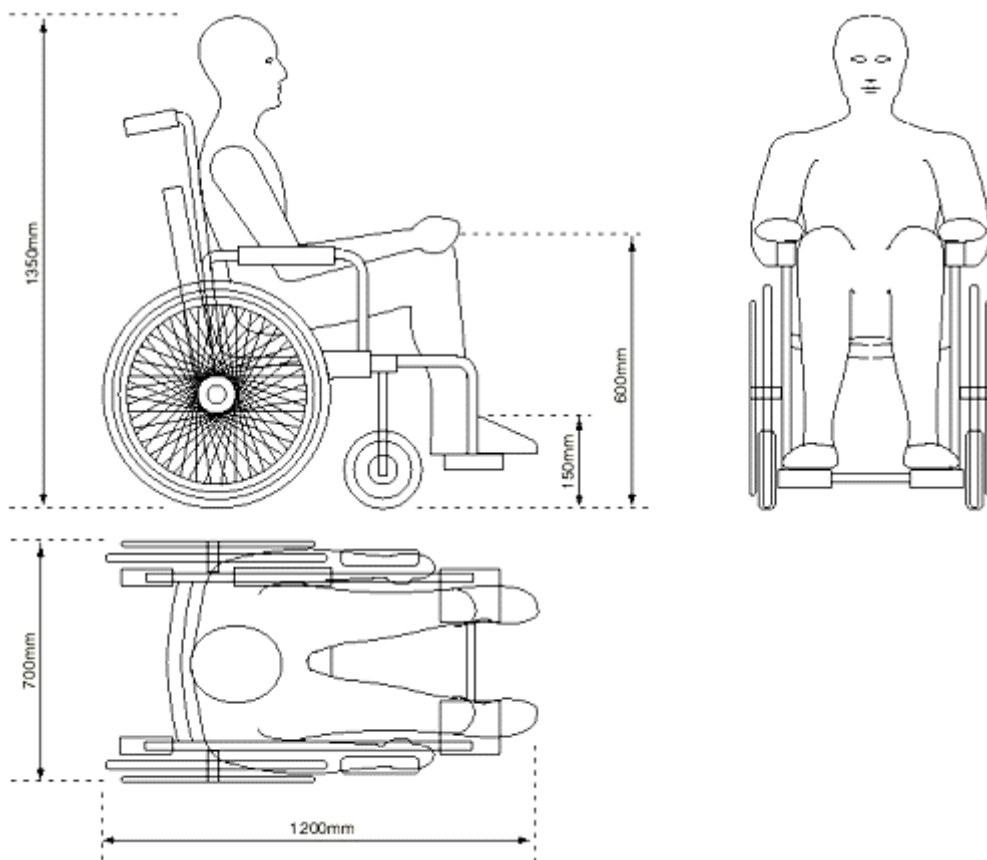
SUMMARY OF SEAT-BELT REGULATIONS
including new child restraint law 17th September 2006

This table summarises the main legal requirements for wearing seat belts in cars, vans and goods vehicles.

From 18th September 2006	Front seat	Rear seat	Who is responsible?
Driver	Seat belt must be worn if fitted, <i>unless exempted</i>		Driver
Child under three years old	Correct child restraint <i>must</i> be used	Correct child restraint <i>must</i> be used. If one is not available in a taxi/private hire vehicle, or minibus with an unladen weight of 2,540kg or less, child may travel unrestrained	Driver
Child aged three, up to 135cm (4'5 inches) tall (or up to twelfth birthday, whichever they reach first)	Correct child restraint <i>must</i> be used	Where seat belt fitted, correct child restraint <i>must</i> be used. If the correct child restraint is not available in a taxi/private hire, adult belt must be used	Driver
Child over 135cm (approx 4'5 inches) tall, or aged 12 or 13	Seat belt <i>must</i> be worn if available	Seat belt <i>must</i> be worn if available	Driver
Adult passenger (ie, 14 years and older)	Seat belt <i>must</i> be worn if available	Seat belt <i>must</i> be worn if available	Passenger

For more information about the law relating to seat belts for children, visit www.childcarseats.org.uk

REFERENCE WHEELCHAIR



GUIDELINES AS TO THE SUITABILITY OF A VEHICLE FOR LICENSING AS A PRIVATE HIRE VEHICLE OR HACKNEY CARRIAGE

1. **Registration marks and number plates**

Front and rear registration marks must conform to the regulations.

2. **Obligatory lighting**

Lights must be tested individually in the following order. Tested lamps must stay switched on throughout the examination.

When assessing whether the lamp is visible at an angle, at least 50 per cent of the lamp lens **must** be visible to pass the examination.

Front sidelights

Number – two

Colour – white

Angles of visibility – 80 degrees outward and 45 degrees inward

Indicators

Front indicators

Colour – amber

Angles of visibility – 80 degrees outward and 45 degrees inward

Side repeater indicators

Number – at least one per side

Colour – amber

Angles of visibility – between 5 degrees and 60 degrees to the rear

Rear indicators

Colour – amber

Angles of visibility – 80 degrees outward and 45 degrees inward

No rear indicator should be fitted to a boot lid or to any other moveable part of the vehicle.

Outline lamps

All lamps fitted to the side of a vehicle that are not a side repeater indicator must be amber or permanently disconnected.

Stop lamps

No stop lamp should be disconnected or rewired to serve as a different class of lamp.

Angles of visibility – 45 degrees outward and 45 degrees inward

Fog lamps

Distance between stop lamps and a rear fog lamp should be no less than 100mm or 4 inches.

Number – one or two

Location – on the centre line or offside (if one lamp is fitted); one on either side (if two lamps are fitted)

3. **Vehicle weight**

You must produce evidence of the unladen weight of the vehicle. You need to provide a **certificate of weight** dated within the previous seven days. The weight of the vehicle must be tested using the following conditions:

- no passengers on board
- engine switched off
- handbrake not set
- vehicle in neutral gear.

We will not consider the weight of the vehicle until you have produced the certificate of weight.

The vehicle's manufacturers plate must also be checked to find out the vehicle's gross vehicle weight and train weight. The following allowances apply:

- 75kg per 'seat' (see later)
- 75kg for the driver
- 75kg for fuel and other sundry items.

The total of this weight must be added to the unladen weight on the certificate of weight.

If this figure is greater than the vehicle's gross weight, you will forfeit one passenger allowance until the figure is within the prescribed limit.

4. **Seating capacity**

Rear seat (width)

The width of the rear seat is measured in a straight line using a tape measure, from door panel to door panel on the front of the seat. This measurement must allow at least 400mm (16 inches) per person.

Seats (depth)

The depth of the rear seat is measured in a straight line, from the backrest to the front edge of the seat. This measurement must not be less than 457mm (18 inches).

Knee space

The measurement between the rear of the front seats and the backrest of the rear seat must not be less than 762mm (30 inches) with the front seat at its centre point (that is, midway on its runners).

- The measured width of total available seating should be divided by 400mm to find out the seating capacity.
- This figure will be used as the total possible seating capacity.
- This figure will help determine the number of passengers that the vehicle licence will allow.

For every 'seat' there must be a seat belt or restraint. If you do not have a three-point seat belt, you must fit a static belt.

Internal height

The measurement from the top of the rear seat cushion where it meets the backrest

vertically must be not less than 813mm (32 inches).

5. **Tyres and wheels**

Tyres

All the information from the tyre wall must be recorded. This should include the following:

- section width
- aspect ratio
- speed rating
- load index or weight index
- maximum load and configuration.

Information that is shown, as a load index must be checked against the gross vehicle weight. The load index or maximum load must be equal to or greater than the gross vehicle weight.

Wheels

All vehicles must have a minimum of four wheels. They must also carry a spare wheel of the same specification as the road wheels, a space-saver wheel or any approved manufacturer's device.

6. **Steering**

The steering wheel must be on the right-hand side of the vehicle.

7. **Doors**

All vehicles must have at least four doors, excluding any tailgate.

Sliding doors must be fitted with a warning device to show when they are open. You must be able to lock them in the open position when loading and unloading.

7a. **Door fittings**

You must be able to open passenger doors quickly from the inside and outside of the vehicle by one operation of the lock mechanism.

Approved central locking systems are allowed.

Double catches of an approved type must be fitted to all doors.

See pages 27& 28 Section 13, **Doors** for additional information.

8. **Brakes**

All parts of every braking system must be in good and efficient working order.

The pedal-operated braking system must be designed so that if the brakes on any pair of wheels fail, either on one axle or diagonally opposite, the brakes on the other pair of wheels can bring the vehicle to rest within a reasonable distance.

9. **Suspension**

Every vehicle must be fitted with an efficient suspension system that has been designed and constructed so that there is no excessive roll or pitch.

10. **Electrical equipment**

All electrical leads and cables must be adequately insulated. If they are likely to be affected by exposure to water, diesel, petrol or oil, they must be adequately protected.

11. Suitable fuses must protect all electrical circuits.

Batteries must be positioned and protected so that they are not dangerous.

Batteries must be secured to the battery carrier.

12. **Body**

The body must be of a fixed-head type. A manufacturer-approved sunroof can be fitted.

13. **Window/glass**

Windows must be provided at the front, sides and at the rear of the vehicle.

The passenger must be able to operate the rear passenger-door windows easily when they are sitting down.

The windscreen and all windows must be safety glass, in accordance with the appropriate British Standard at the time of approval.

No tinted windows are allowed, other than at the legal level specified in Regulation 30 & 32 of the Construction & Use Regulations 1986. The visual transmission of light is 75 per cent for the front windscreen and 70 per cent for the front passenger and driver's-side windows.

14. **Heating and ventilation**

An adequate heating and ventilation system must be fitted for the driver and passengers.

15. **Mirrors**

Licensed vehicles should be fitted with a mirror or mirrors according to the class and date of the vehicle and when it was first used. Any fitted mirror, whether it is needed or not, must comply with the requirements of Regulation 33 Road Vehicles (Construction & Use) Regulations 1986:

- Internal mirrors must have their edges protected.
- Each mirror must be fixed so that it remains steady under normal driving conditions.
- The driver must be able to see any external mirrors.

This page has been left blank intentionally

DRIVER ASSESSMENT TRAINING

1. A policy for driver training has been adopted. This was agreed at the Administration Committee meeting held on 23rd March 2006.
2. The policy covers drivers who accumulate nine or more current penalty points, and a driver assessments will be done by all new applicants, It includes the following conditions:
 - An allowance of two months in which affected drivers can take this training
 - The Assistant Head of Legal and Democratic Services (Litigation) can appoint the local training provider (currently Mr Peter Garvey) to carry out the training.

HACKNEY CARRIAGE TARIFF CHART


**HACKNEY CARRIAGE
MAXIMUM TABLE OF FARES**
**FARES effective from
28th January 2008**

TARIFF 1 – Day rate Fares between 7am and 11pm (except for such periods as fall within Tariff 2 and Tariff 3) £2.20 flag and 1 st 94.66metres (1/17 th of a mile) £0.10p. Each following 94.66 metres or part.	TARIFF 2 – Night rate Fares between 11pm and 7am; Sundays; Bank holidays and from 8pm Christmas Eve and New Year's Eve. £2.60 flag and 1 st 134.11 metres (1/12 th of a mile) £0.20p. Each 134.11 metres or part.	TARIFF 3 – Fares during Christmas/Boxing Day and from midnight New Year's eve until 7am on New Years day are double tariff 1. £4.40 flag and 1 st 94.66 metres (1/17 th of a mile) £0.20p. Each 94.66 metres or part.
---	--	---

Extras	
£0.20	Waiting time Tariff 1 - Each period of one minute or part.
£0.25	Waiting time Tariff 2 - Each period of one minute or part.
£0.30	Waiting time Tariff 3 - Each period of one minute or part.
£1.00	For each person in excess of four travelling in a multi-seater and London taxi-type vehicle
£65.00	Soiling Charge.
(NOTE: Any toll or congestion charge shall be added to the fare)	

The meter should not record any fare when you enter the vehicle. The driver will then switch on the meter and it must correspond with the fares table opposite.

Good/Bad service? Tell us! We want to help. Contact the Licensing Section. Telephone: (023) 8068 8000. Fax: (023) 8062 9277. Email: licensing@eastleigh.gov.uk

KNOWLEDGE TEST INFORMATION

1. All **new** hackney carriage and **new** private hire drivers must pass a knowledge test. The only current exception is for private hire drivers who will only be employed on contracted school runs.
2. Knowledge tests will take place on the first working Monday of every month (unless it falls on a bank holiday) at 9.50am. If you are late, you will not be allowed to take the test. The test will last for approximately 60 minutes, and we will let you know the results as soon as possible. You must bring a valid type of photographic identification with you.
3. In exceptional circumstances, we may conduct the test verbally. Otherwise, the test will be written. We will provide all the materials you need.
4. You will be allowed three attempts to pass the test. If you fail these, you must wait six months before you can re-sit the test.
5. Your application fee includes the first test fee. If you fail the test, subsequent tests will cost £4.75 each.
6. The private hire test consists of, 6 picture questions relating to driving theory and 10 multiple choice questions on legislation and conditions relating to private hire driving. This is followed by 60 topography questions covering all major locations in the Eastleigh area, major airports, ferry ports and other services outside the borough. We will provide a map of the Borough.
7. The hackney carriage test consists of 20 topography questions that will ask you to provide the details of the route from one location to another. We will not provide a map.
8. The pass mark for both tests is 75 per cent.
9. If you talk or cheat during the test, you will be disqualified.

ADVERTISING

Before agreeing any advertising, we consider the following guidelines

A vehicle must not display any advert or mark under any circumstances, before we have given formal approval.

Procedure for obtaining approval for advertisements

1. Please approach the Licensing Section with proposals for the style, content and materials. Ideally, we would like to see the proposed artwork.
2. We will give approval, when the Assistant Head of Legal and Democratic Services is satisfied that the proposals meet our criteria and requirements.
3. Once we have granted approval, the adverts can be displayed. The Licensing Section must inspect the vehicle again and will issue written approval
4. At all stages before we have granted written approval, you must accept the costs involved in not meeting these criteria or requirements.

Criteria and requirements

Adverts must be of professional standard and quality.

All adverts must comply with the British Code of Advertising Practice (BCAP). The agency or individual seeking approval from the Licensing Section must make sure that this is the case.

No adverts, printed materials, marks or signs must use or include the words 'taxi', 'taxis', 'cab' or 'cabs', or any word with a similar meaning that would suggest that the vehicle is a hackney carriage.

A vehicle shall not be permitted to bear any sign or advertisement of any business to such an extent that the vehicle might reasonably be mistaken for a courtesy vehicle provided by that business.

All vehicles can now carry third-party advertising, as long as the above conditions on approval are followed.

The company name, telephone number and/or email can only be displayed along the top 75mm or bottom 50mm of the rear windscreen.

The company name/telephone number can be displayed along the top 75mm of the front windscreen on the nearside.

We will consider the size, colour and position of adverts on a case-by-case basis.

No sign or advertisement shall be located on, or next to any sign or advertisement required by law or local conditions in such a close proximity that the sign or advertisement required by law or local condition is obscured, or could be mistakenly assumed to be part of that sign or advertisement.

In addition to the relevant conditions for Hackney Carriages and Private Hire Vehicles regarding signage and advertising, no vehicle shall be permitted to bear any sign or advertisement in any form that might cause offence to any member of the public.

All signs and advertisements must directly relate to a local business, club or service.

Political parties, charities and other organisation may be represented so long as the sign or advertisement does not convey any political message.

All signs and advertisements, if written in any foreign language, must be exactly reproduced in all aspects with the exception of the language, which must be English.

The English version must be displayed in an area with equal prominence and visibility as the foreign version.

We consider each proposal on its merits but **we will not approve** the following adverts, always subject to the provisions of the Human Rights Act 1998 and any other law:

- a) those with ethnic, religious, sexual or controversial text
- b) those for escort agencies, massage parlours or gaming establishments
- c) those displaying nude or semi-nude figures
- d) those likely to offend public taste
- e) those promoting the sale or consumption of tobacco or cigarette products
- f) those promoting claims of effectiveness
- g) those contrary to the BCAP code.

If advertising is no longer needed, or we have withdrawn consent for it, the proprietor of the licensed vehicle must re-spray the vehicle to its original manufacturer's colour.

We will consider adverts on the other windows on a case-by-case basis. Our main concern will be to make sure that the driver and passengers can see clearly.

The Council shall have no responsibility to either the organisation represented or the vehicle owner, operator, proprietor or driver, should any situation occur whereby the actions or omissions of the parties has a detrimental effect on the other party, or on the other party's good name or reputation.

The Council shall not intervene, should either party wish to prematurely end any agreement.

The Council may intervene if any advertised organisation, for any reason, comes to the attention of the Council, and it is subsequently decided that it would not be proper for that organisation to be connected to the Council by means of advertisements on a vehicle licensed by the Council.

COMPLAINTS

1. We receive a number of complaints that relate to carrying out our licensing functions. The Assistant Head of Legal and Democratic Services (Litigation) will consider any written complaint that relates to our regulatory functions, and will investigate it on our behalf. If the Assistant Head thinks that the complaint is frivolous, vexatious or unreasonable, for example, because of the amount of time that has passed since the incident that then results in a complaint, the Assistant Head may not consider it further.
2. If the complaint is from a member of the public who does not want their identity or address to be disclosed, details of the incident that they are complaining about will be sent to the person who is being complained about, without revealing the other person's identity or address.
3. The Licensing Enforcement Officer will:
 - (a) confirm or clarify any matters with the person making the complaint (the complainant)
 - (b) collect evidence from any witnesses, for example, taking statements from or speaking to witnesses or other third parties
 - (c) interview the person complained about.

If the complaint is serious, the Head of Legal and Democratic Services or the Assistant Head of Legal and Democratic Services may also join the interview and ask questions.
4. If you are interviewed about the complaint, you can bring a friend or advisor with you to support you or to protect your interests.
5. If you made any notes at the time of the incident, or if you have any other documents that may help with the investigation, please bring these to the interview.
6. All interviews will be taped recorded, which means that the interviews are formal and that anything said in them will be tape-recorded and may be referred to at a later date. The interviews will be held in private. The Licensing Enforcement Officer or Licensing Officer will ask the questions. If the complaint is serious, the Assistant Head of Legal and Democratic Services may also join the interview and ask questions.
7. If an offence has occurred, the defendant will be interviewed according to the Police and Criminal Evidence Act 1984. The interview will be conducted under the codes of practise for PACE (Police and Criminal Evidence Act 1984).
8. We will then submit a file to our Legal Department to see whether there is enough evidence to prosecute. In certain circumstances, the Assistant Head of Legal and Democratic may offer the defendant a 'formal' caution. If the defendant does not accept this, they may be prosecuted.
9. The person complained about will be given the chance to ask the complainant questions if the Assistant Head of Legal and Democratic Services thinks this is appropriate and is in the interests of justice.
10. At the end of an investigation, the Assistant Head of Legal and Democratic Services will decide what action should be taken. If disciplinary action is needed, such as suspending or revoking licences, the Chair of the local area committee (LAC) for the area where the complaint happened must be consulted first.

11. Regular updates on the progress of the investigation will be sent out to the complainant.
12. We will write to the complainant and the person complained about to let them know the outcome of any investigation.
13. If you have any questions, please do not hesitate to contact the Assistant Head of Legal and Democratic Services on 023 8068 8127, or one of the Licensing Officers on 023 8068 8109/ 023 8068 8349 or the Licensing Enforcement Officer on 02380 688128
14. If at any stage you are unhappy with the way that you, or your complaint, have been dealt with, we have a procedure to make sure that this is dealt with properly. Please ask for an information leaflet and we will send this to you.

Date: August 2006

COMPLAINT STICKER

1. All licensed vehicles **must** display the yellow complaint sticker below.
2. The sticker will be issued when the plate is renewed. It must be displayed in the vehicle in a prominent position so that passengers can see it easily.
4. If you need more stickers, contact the Licensing Section on 023 8068 8109 or 023 8068 8349.



  **Eastleigh Borough Council**
Licensing Section, Civic Offices,
Leigh Road, Eastleigh Hampshire

**ARE YOU HAPPY WITH THE SERVICE
AND DRIVER OF THIS VEHICLE?**

**IF YOU HAVE A COMPLAINT CONTACT THE
LICENSING SECTION AS DETAILED BELOW:
PLEASE ENSURE YOU OBTAIN THE PLATE No. OF THE VEHICLE.**

Telephone: 023 8068 8000
email: licensing@eastleigh.gov.uk

POLICY ON LICENSING INSULIN-DEPENDANT DIABETICS AS HACKNEY CARRIAGE OR PRIVATE HIRE DRIVERS

If you have insulin-treated diabetes, we will consider the following points when dealing with your application:

If you are applying for a hackney carriage or private hire driver's licence:

you must satisfy our Licensing Section that you meet the medical requirements that would allow us to issue a private hire/hackney carriage or restricted private hire driver's licence.

You will need to provide a medical report from a **hospital consultant** specialising in diabetes, confirming that:

- you have been receiving insulin treatment for over four weeks
- for a year before the date of your application, you have not suffered a hypoglycaemic episode while you were driving, which meant you needed somebody to help you
- you have a history of responsible diabetic control and are at minimal risk of having a hypoglycaemic attack that will incapacitate you.

You must also provide a signed declaration that:

- you will comply with the directions for treatment from the doctor supervising your treatment
- you will immediately write to our Licensing Section, telling them of any change in your diabetic condition
- as and when necessary, you will provide our Licensing Section with evidence that you are monitoring your blood glucose levels at least twice a day, and, if required by your consultant or doctor to do so, at appropriate times while you are working, provided the vehicle is stationary and parked in a safe place while you are carrying out the test.

If you are renewing your hackney carriage or private hire driver's licence:

You must provide a medical report from a hospital consultant specialising in diabetes confirming:

- that during the last year, you have not suffered a hypoglycaemic episode while you were driving, which meant you needed somebody to help you
- you have a history of responsible diabetic control and are at minimal risk of having a hypoglycaemic attack that will incapacitate you.

You must follow the requirements you agreed to when you signed the declaration when we issued your licence.

Date: June 2006

LIMOUSINE POLICY

1. An operator, the driver and the vehicle need to be licensed.
2. There are three ways of operating legally:
 - (i) The vehicle can be licensed as a Private Hire Vehicle, **and** the driver as a PHV driver, **and** the operator as a PHV operator.
 - (ii) The vehicle and the driver and the operator can all be licensed as restricted Passenger Carrying Vehicle/driver/operator by VOSA in which case the operator is allowed a maximum of two Passenger Carrying vehicles).
 - (iii) If a vehicle is exempt under the Local Government (Miscellaneous Provisions) Act 1976 then neither vehicle nor driver nor operator need a licence. Section 75(1)(b) of that Act provides an exemption of operators, drivers and vehicles from the general licensing scheme where the vehicle in question carries passengers for hire and reward under an exclusive contract for hire for seven days or more. A growing number of "car clubs" seeks to take advantage of this exemption. In January 2008 Section 75 of the Miscellaneous Provisions Act 1975 will be repealed because the Government's view is that the exemption created risks to public safety, particularly where children or vulnerable adults are being carried in unlicensed vehicles by unlicensed drivers.
3. Eastleigh Borough Council currently licences private hire vehicle vehicles, drivers and operators as in (i) above.
4. In order to be licensed as a driver, the applicant must pass a driving test, an enhanced Criminal Records Bureau check, a medical, a DVLA driving licence history check and a local knowledge ("topography") test covering Eastleigh and the four nearest airports.
5. In order to be licensed as a vehicle, among other conditions the vehicle needs to pass an inspection by an engineer, evidenced by the engineer's report. If this inspection is carried out by the Council, the Council can issue a certificate of compliance, which means that the vehicle does not need an MOT.

Driver conditions

6. For the majority of PHV drivers, the topography test is important because they transport passengers mainly around the borough. It is not so important for drivers of stretched limousines, fire engines, vintage cars and similar however, which generally go to a small number of local venues or to a venue out of the borough. And a stretched limousine or a fire engine can seldom physically enter many of the roads included in the topography test; their drivers usually have a set route to follow, and always have a set fare, generally paid in advance.
7. It is therefore requested that drivers of such vehicles, in order to be licensed, the applicant, must pass the same driving test, enhanced Criminal Records Bureau check, medical and DVLA driving licence history check, but not the topography test.

Vehicle conditions

8. Some stretched limousines have less than four doors because passengers leave these vehicles only on the pavement side. It is therefore recommended that any vehicle that has no doors on the non-pavement side should be exempt from the requirement to have four doors but must have at least two doors on the pavement side.
9. Stretched limousines by their nature have side-facing seats; they come with tinted rear windows; and they tend to be imported from America and thus be left hand drive. If we insisted on the three conditions that these are not permitted, no stretched limousines could be licensed by us and they would continue to act illegally and outside our control. It is therefore recommended that stretched limousines be exempt from these conditions.
10. Stretched limousines cannot be inspected to meet the condition set out in para 10 at any Council premises, including the Hedge End Depot, due to their size and construction. This means that it is not possible for the Council to issue certificates of compliance to stretched limousines. An engineer's report will therefore need to be obtained as present from a VOSA approved garage along with a suitable current MOT.

EXECUTIVE CAR POLICY

Private hire vehicles that need not display a plate

The council can allow some private hire vehicles to work without displaying a plate (the private hire vehicle licence identification plate issued by the council) and their drivers to drive without displaying the identification badge. This is set out in the Local Government (Miscellaneous Provisions) Act 1976.

The council, as the Licensing Authority, does this by granting an exemption to the licensed private hire vehicle.

Eastleigh Borough Council has decided to do this – in other words, to grant an exemption – for vehicles that offer an executive/chauffeur service **only**. The Head of Legal & Democratic Services must agree each case, taking into account the vehicle and the level of service.

To ask for an exemption, apply in writing by letter or email (there is no special form), sending your application to... You need to say what sort of vehicle(s) you use and what sort of service they offer, and explain why you believe the vehicle(s) are eligible for the exemption.

The Head of Legal & Democratic Services will consider your application. If they agree, the Council will send a formal notification of exemption, the 'Exemption Notice', to the proprietor.

Exemption Notices will last a year (or less in special circumstances). They expire when the private hire vehicle licence expires.

The conditions for vehicles with an Exemption Notice are set out on the next page. Except for these, all the other rules about licences and conditions set out in the Local Government (Miscellaneous Provisions) Act 1976 still apply. If you have an Exemption Notice and you break any of the standard conditions, the council may take away the Exemption Notice.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES INSPECTIONS

From 1 July 2007, there are two ways for checking that **hackney carriages and private hire vehicles** are inspected and meet Eastleigh Borough Council's standard.

Each vehicle must have:

- **Either** a certificate of compliance **or**
- An MOT **and** an engineer's report.

A vehicle does not need an MOT if it has a valid certificate of compliance.

A certificate of compliance is only valid while the vehicle is registered as a licensed hackney carriage or private hire vehicle. If it stops being registered, it **must** have an MOT like any other car.

How to get a Certificate of Compliance

1. Make an appointment at the Council's depot in Hedge End for the vehicle inspection.
2. After the inspection, take or send the pass certificate to the licensing team at the Civic Offices. They do not need an appointment. They will issue a certificate of compliance, either on the spot or by post depending on officer time.

How to get an MOT and Engineer's Report

1. Get a blank engineer's report from the licensing team at the Civic Offices.
2. Arrange for any garage in the borough of Eastleigh, which is authorised by VOSA to do MOTs to test the vehicle in line with the instructions on the engineer's report. Please note that you **cannot** have the vehicle tested by the same garage that sold you the vehicle.
3. The garage must complete, sign and stamp the engineer's report to show that the vehicle meets the standard.
4. Get a MOT certificate. This is not the same as the engineer's report. Of course you can arrange for the garage to do an inspection for the MOT and the engineer's report at the same time if you want.
5. Take the engineer's report and the MOT to the licensing team at the Civic Offices in Leigh Road straight away. The licensing team will update the system accordingly.

More information from Eastleigh Borough Council Licensing Team, Legal & Democratic Services, Civic Offices, Leigh Road, Eastleigh S050 9YN Telephone 02380688349 /8109 email graham.morey@eastleigh.gov.uk or joe.folland@eastleigh.gov.uk fax 02380 629277

MEDICAL SCREENING QUESTIONNAIRE

1. In July 2005 the Council adopted a medical examination procedure for applying for a licence as a Hackney carriage or a Private hire driver. It is that they must pass a medical assessment done by a doctor who is registered at the surgery where the applicant is registered, every 5 years or annually upon reaching 65 years of age.
2. On 19th February 2008 the Council adopted a medical screening questionnaire. The assessment should consist of two parts: a medical screening questionnaire and a medical examination.
3. The applicant will can complete the medical screening questionnaire and that a doctor from the applicant's surgery will certify if their statements are true or false.
4. The applicant can then go to any doctor to have the full medical examination.
5. Any cost in the examinations will be borne by the applicant.