

# SCRUTINY COMMITTEE FOR LEISURE AND COMMUNITY

## 15 SEPTEMBER 2015

### Agenda item 5 refers – Urgent Business

#### 5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

REPORT OF: Lynne Standing, Head of Housing, Environmental Health and Building Control  
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Wards Affected: ALL  
Key Decision: No  
Report to: Scrutiny Committee for Leisure and Community  
15 September 2015

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#### Purpose of Report

1. To allow Committee to consider the response to the consultation on the Draft Hackney Carriage and Private Hire Licensing Policy before it is considered by full Council on 23 September 2015.

#### Recommendations

2. **The Committee is recommended to:**
  - (i) **note the response to the public consultation on the Draft Hackney Carriage and Private Hire Licensing Policy; and**
  - (ii) **endorse the Draft Hackney Carriage and Private Hire Licensing Policy at Appendix 1.**

#### Background

3. At its meeting on 23 June 2015, this Committee considered and endorsed the Draft Hackney Carriage and Private Hire Licensing Policy so that it could be made available for public consultation.
4. The draft Policy was published for an 8 week consultation period from 29 June 2015  
The list of consultees included the following:
  - Local Authorities that border Mid Sussex District Council
  - West Sussex County Council
  - Elected Members of the Council
  - The hackney carriage and private hire trade licensed by the Council
  - Parish and Town Councils
  - Sussex Police
  - The Members of Parliament for the District
  - Social Services Child Protection Office
  - DVSA (Driver and Vehicle Standards Agency )
  - Local Bus and Rail operators
  - Organisations representing local businesses
  - Members of the public via the Council's web site, the local libraries and help points
  - Age UK
  - Women's Institute

- Fawcett Society
  - Local disability groups
5. Officers have requested that this report be made available to Scrutiny Committee to enable it to consider the responses to that consultation prior to full Council considering the report at its meeting on 23 September 2015.

### **Main issues arising from the consultation**

6. Responses were received from the Mid Sussex Taxi Association (MSTA), Haywards Heath Town Council, East Grinstead Town Council and Hassocks Parish Council. Comments were not restricted to the changes to the policy considered by this Committee in June, but related to the policy overall. Inevitably therefore a number of the points raised are ones which have been previously considered by this Committee.
7. Age of vehicles. The policy states that from 1 October 2017 the Council should not license vehicles over 10 years old. Whilst MSTA responded that age should not be a factor and that instead more regular vehicle tests could ensure that the vehicles were fit for purpose, other respondents either welcomed the age restriction or felt it did not go far enough.
8. Colour of vehicles. There was a similar split of responses to the requirement for hackney carriages to be white by 1 October 2022 and for private hire vehicles to be any colour other than white. MSTA felt this was unnecessary whilst another respondent felt the lead-in period was too long.
9. Members will recall that when the current policy was introduced they debated these points extensively and endorsed the approach taken. It remains officers' view that our policy achieves a reasonable balance between ensuring the safety of the public whilst giving the trade ample notice to enable them to plan ahead with regard to the purchase of their vehicles.
10. Drivers' ability to communicate in English was raised by a number of respondents. As Members are aware, this is an issue we are considering. We already test drivers' knowledge of the area through a written test in English, but will continue our research into how a requirement to communicate well in spoken English could be fairly and effectively tested. To date we have not found any local authority in West Sussex who include such tests but have sought advice from the National Association of Licensing and Enforcement Officers. Should such a change to our requirements then be considered feasible and desirable this would result in a change to our pre-licence conditions for drivers, and would therefore be brought before Licensing Committee for its consideration. Any such change would of course still need to be subject to public consultation.
11. East Grinstead Town Council in particular felt that the taxi service in their area was not professional and that the Council should be enforcing stricter standards of driver fitness, dress and command of spoken English.
12. One respondent wanted further conditions to be included regarding requirements of wheelchair accessible vehicles to ensure passenger safety. In practice different wheelchair accessible vehicles will have different features to meet the needs of customers with a range of disabilities and particular requirements, and customers will tend to book with those whose vehicles best meet their needs. However, should there be evidence that some wheelchair users' needs are not being met through the current fleet then this will be given further consideration.

13. A number of other points were raised, some simply requiring clarification, which will be provided. Other points are either covered by legislation and therefore do not need to be included in our licensing policy (e.g. around drink driving); where the Council has no discretion, such as the length of licences (now determined by the Deregulation Act); and areas such as our response to driver convictions, where the Council is already following national guidance and where it would be inadvisable to act outside of that guidance.
14. No changes to the policy considered by this Committee on 23 June 2015 are being proposed, but as explained in paragraph 10 a report on testing drivers' ability to communicate orally in English will be brought to Licensing Committee.

### **Policy Context**

15. The Licensing Policy is produced pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

### **Financial Implications**

16. None arising from the consultation.

### **Risk Management Implications**

17. In accordance with the Council's risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. It is suggested that the main risk is that if the Council fails to revise the Licensing Policy it may be open to legal challenge.

### **Equality and customer service implications**

18. None arising from changes to the draft policy at Appendix 1, but an equality impact assessment would need to be undertaken if an English language test was to be included in any future amendments to policy.

### **Background Papers**

19. None.



MID SUSSEX DISTRICT COUNCIL

DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING POLICY

COMMENCES 1 October 2015

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## **SECTION 1: AIMS AND OBJECTIVES OF THE POLICY**

### **1.0 Introduction**

1.1 Mid Sussex District Council's (the Council) statement of main purpose is: -

**'Working together for a Better Mid Sussex'**

The Council's Environmental Health Section has an essential role to play in achieving this aim, as its Licensing services seek to secure healthier and safer places for people to work and live. The Environmental Health Section's key objective is to: -

**'Proactively promote and enforce good environmental health, housing and licensing standards, in order to maximise the quality of life for those living in, working in, and visiting Mid Sussex'.**

The Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the District. The Hackney Carriage and Private Hire trade are vital when other means of public transport are not available, such as in the more rural areas of the District.

### **1.2 Purpose of the Policy**

The policy covers the licensing of:

- Hackney carriage vehicles (sometimes known as "taxis" in legislation) which are able to wait at ranks and pick up people in the street (ply for hire).
- Private hire vehicles, which can only be booked through an operating centre (pre- booked only) and who otherwise are not insured for their passengers.

### **1.3 Aims of the policy**

The Council's aim in licensing is to protect the public and to ensure the public have reasonable access to hackney carriage and private hire services. The main purpose is to prevent licences being given to or used by unsuitable people, taking into account their driving record, their mental and physical fitness to drive and their honesty, and to ensure that they are people who would not take advantage of their position as drivers to abuse or assault the public who use their vehicles.

The Council's powers are used to ensure that hackney carriage and private hire vehicles that operate within the District are safe and operate in compliance with National and European legislation.

This policy has taken into account the Guidance document provided by the Department of Transport -Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2010.

The Council recognises its duty with regard to Safeguarding and procedures are in place to ensure licences are only issued to fit and proper drivers.

#### 1.4 Powers and Duties

This Statement of Licensing Policy has been produced pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

#### 1.5 Objectives

The Council seeks to promote the following objectives:

- The protection of public health and safety;
- The establishment of a professional hackney carriage and private hire trade;
- Access to an efficient and effective public transport service; and
- The protection of the environment.

Through the licensing process the Council aims to regulate the hackney carriage and private hire trade in order to promote these objectives.

#### 1.6 Status of the Policy

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out in 1.5 above.

Notwithstanding this policy and any other relevant Council policy, each licensing application or enforcement measure will be considered on its own merits. When it is necessary for the Council to depart from this policy, reasons will be given for so doing.

### **SECTION 2: CONSULTATION**

We have consulted with the following Statutory Bodies, companies and groups. All of their comments have been considered in finalising the Policy:

- *Local Authorities that border Mid Sussex District Council*
- *West Sussex County Council*
- *The Members of the Council*
- *The hackney carriage and private hire trade licensed by the Council*
- *Parish and Town Councils*
- *Sussex Police*
- *The Members of Parliament for the District*
- *Social Services Child Protection Office*
- *DVSA (Driver and Vehicle Standards Agency )*
- *Local Bus and Rail operators*
- *Organisations representing local businesses*
- *Members of the public via the Council's web site, the local libraries and help points*
- *Age UK*
- *Women's Institute*
- *Fawcett Society*
- *Local disability groups*

### **SECTION 3: IMPLEMENTATION**

- 3.0** This Policy will come in to force on the X October 2015 and remain in force for five years unless fundamental changes to it are required as a result of legislative changes.

### **SECTION 4: HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

#### **4.1 Limitation of Numbers**

At present the Council limits the number of hackney carriages it licenses to 154. The number in Mid Sussex has been restricted since 2003.

#### **4.2 Specifications and Conditions**

The Council has wide discretion over the types of vehicles that they can license as hackney carriage or private hire vehicles.

Appendices 2, 3 and 4 set out the minimum standards which will apply in respect of all licensed vehicles.

##### **Livery**

From 1<sup>st</sup> October 2022 the Council will require all licensed Hackney Carriage vehicles to be the colour white.

This would require that all Hackney carriage vehicles would be white and marked with the Mid Sussex District Council logo, and that, to distinguish them from private hire vehicles, the latter could not be white. The purpose of this proposal is to help protect the public. At present it is difficult for the public to distinguish between the two types of vehicles. If a member of the public inadvertently uses a private hire vehicle that has not been pre-booked the vehicle is not insured. The distinction would also help the Council in its role of enforcing licence conditions and identifying out of area licensed hackney vehicles operating in our district, an issue that the Hackney Carriage trade has often raised.

##### **Vehicle age restrictions**

From 1<sup>st</sup> October 2017 the Council will not license any vehicle over 10 years of age from the date of initial DVLA registration.

Whilst it is recognised that all licensed vehicles require regular maintenance it is accepted that the older a vehicle the more wear and tear it will have and the frequency of maintenance needs to be increased. It is also recognised that newer cars have improved safety features. Restricting the licensable age allows for a more modern fleet with greater safety features and reduces the likelihood of badly maintained vehicles.

#### **4.3 Vehicle Testing**

All new vehicles and vehicles with up to 10,000 miles on the odometer will be presented to the Licensing Officer by prior appointment for examination.

All vehicles with more than 10,000 miles on the odometer and which are up to three years of age from the date of first registration will be subject to an annual vehicle fitness test.



All vehicles aged from 3 years will be subject to two fitness tests a year (at 6 monthly intervals).

The test must take place at a testing station approved by the Council. These requirements are in addition to a MOT which we require for all licensed vehicles over 12 months old.

These tests are required to ensure that any vehicles licensed to carry members of the public are safe and comfortable.

#### **4.4 Signage and Advertising**

To help identify vehicles that are licensed by the Council both hackney carriage and private hire vehicles are required to display a plate at the rear of the vehicle and also in the windscreen.

All Private Hire Vehicles must carry signage on the side of the vehicle, to a design approved by the Council, to indicate that they must be pre-booked. The signage may be magnetic or a transfer. The purpose is to clearly distinguish private hire vehicles to prevent a customer inadvertently travelling in a vehicle which has not been pre-booked and which is not insured to carry them.

All signage must comply with conditions specified in Appendices 2 and 3.

#### **4.5 Exception from display of private hire plate**

There are exemptions from carrying or displaying a licence plate if a vehicle is used exclusively for a wedding ceremony or funeral.

There are also occasions where a vehicle is used for executive purposes, where the bulk of the work is subject to contract by companies for transporting their employees and business clients. In these circumstances it would not be appropriate for a Private Hire plate to be displayed on the vehicle. Application must be made in writing and a certificate of exemption may be granted before the plate may be removed from the rear of the vehicle. The plate must be carried in the vehicle at all times along with the exemption certificate. All other signs must be removed in these circumstances. The driver's identity badge must be carried in the vehicle and produced on demand.

#### **4.6 Use of CCTV**

The Council does not consider that the installation and use of CCTV products in licensed vehicles should be compulsory as part of the licensing regime. This aspect is left to the licensed drivers and operators to decide. However if a licensed driver installs CCTV in a vehicle the proprietor of the vehicle must prior to installation provide details of what CCTV equipment is being used and how the data recorded will be stored and for how long. This is to ensure the storage and use of personal data complies with any current legislative requirements.

#### **4.7 Grant and Renewal of Licences**

From the 1<sup>st</sup> October 2015 all hackney carriage driver licences and private hire driver licences will be granted for 36 months from the date of issue. In cases where the licence holder is working under visa conditions attached to their passport the licence will only cover up to the expiry date on the visa.

For first time applicants they will have the option to be licensed for one year or three years. This option is to allow new drivers a chance to decide whether the job is suitable for them.

All current Hackney Carriage and Private Hire drivers renewing between 1<sup>st</sup> October 2015 and 30<sup>th</sup> September 2016 will have the option to renew for one year or three years. All renewals after that will be for three years.

It is the responsibility of the existing driver to ensure their licence is renewed. Application forms, appropriate fees and supporting documentation must be submitted at least 14 days prior to the expiry of the previous licence.

#### **4.8 Stretched Limousines**

At present the Council only licenses vehicles that carry up to 8 passengers. We do not license stretched limousines but this practice will be reviewed if there is a change in the legislation.

### **SECTION 5: DRIVERS**

#### **5.1 Parallel Procedures**

The statutory and practical criteria and qualifications for a private hire driver are in most respects identical to those for a hackney carriage driver. The following sections will therefore apply equally to both private hire and hackney carriage drivers. Appendices 5 and 6 specify the conditions.

#### **5.2 Dual Licences**

The Council will issue separate licences for private hire and hackney carriage drivers. The driver is required to complete both application forms.

#### **5.3 Age and Experience**

A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who is under 18 years of age and has not held a full driving DVLA licence for a period of 12 months or longer.

#### **5.4 Driver Test**

Hackney carriage and private hire drivers need to have a good working knowledge of the district.

The Council expects persons applying to become hackney carriage and private hire drivers to be a 'fit and proper person'. This will include the ability to provide a quality service to the public. In order to maintain standards the Council will take steps to determine applicants' fitness. The applicants will be required to undertake the following tests to demonstrate their knowledge of:

- Knowing the local area
- The Hackney Carriage and Private Hire Licensing Law
- Road Traffic Legislation

## **5.5 Driving Proficiency**

All new drivers must complete successfully a Driving Standards Agency (DSA) assessment. An additional assessment by the DSA is required for drivers of wheelchair accessible vehicles. These assessments show that their driving skills are at a nationally acceptable level.

## **5.6 Medical Examination**

A medical examination by a GP or another Doctor at the practice where the applicant is registered is required to assess an applicant's fitness to drive a licensed vehicle before a licence may be granted. A DVLA Group 2 standard of medical fitness for professional drivers is required.

The form requesting a medical examination for presentation to the GP is within the application pack. The applicant will be responsible for paying the fee for the examination to the relevant GP surgery. On completion of the medical examination, a confidential report will be submitted to the Licensing Office. Existing licence holders over the age of 45 will be required to produce a medical certificate every 5 years. Existing drivers over 65 must be examined annually.

Licence holders must advise the Council of any change or deterioration in their state of health that may affect their driving capabilities.

In the event of doubt as to the medical fitness of any applicant, the Council may require the applicant to undergo and pay for a further medical examination by a nominated GP or Surgery.

## **5.7 Disclosure Barring Service (DBS)**

As part of the application process all applicants for a driver's licence are required to disclose on the application form all convictions regardless of whether they would be regarded as spent under the Rehabilitation of Offenders Act 1974 as Amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

The failure to disclose a conviction may result in the immediate suspension of the licence pending investigation.

The Council is an approved Disclosure Barring Service (DBS) body; therefore checks are carried out through the Council and applicants will be charged the appropriate fee for any application for Disclosure.

An Enhanced DBS check of Criminal Convictions will be carried out by the Council every third year upon application for renewal. The Council can also request another disclosure at any time if a further check is considered necessary.

The Council will not divulge personal information disclosed by undertaking the DBS checks to any third party. The applicant for a licence will receive a separate disclosure report from the DBS. This will be sent to their home address and the Council will receive a copy of the report.

## **5.8 Relevance of Convictions and Cautions**

Please refer to Appendix 8 for the list of relevant convictions and the criteria for the grounds for refusal to issue or renew a licence. This is also the criteria used by the Council to consider whether or not to suspend or revoke a driver's licence.

In assessing whether an applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. They will take account of cautions and convictions, but only in so far as they are relevant to an application for a licence. Upon receipt of a DBS check, officers acting under delegated powers will assess whether any cautions or convictions are capable of having relevance to the issue of whether or not an applicant is a fit and proper person to hold a licence.

The Council will have regard to the type and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application. The Council will also consider the seriousness of a convicted offence as indicated by the penalty or sentence that was imposed.

The Officers may refer applications to the Licensing Sub-Committee where the applicant's records includes one or more of the following-

- Drunkenness
- Sexual offences
- Violence

## **5.9 Application Procedure and Considerations of Applications**

Please refer to Appendix 10 for the Taxi Licensing Charter.

The Council will consider each application on its own merits once the required completed application and ancillary documents are received.

## **5.10 Conditions of Licence.**

These are set out in Appendices 5 and 6 and are necessary and appropriate for all licensed drivers.

## **SECTION 6: PRIVATE HIRE OPERATORS**

### **6.1 Requirements**

Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for a private hire operator's licence.

A private hire operator must ensure that licensed private hire vehicles are driven only by licensed private hire drivers.

All new applications will be subject to the following checks:

- A fit and proper person to hold an operator's licence by undertaking a DBS check. In the case of a limited company all directors or persons controlling the company will be DBS checked. In the case of a partnership, all partners will be checked.
- Status of office accommodation e.g. planning permission.

## **6.2 Conditions**

The Council has the power to impose such conditions on an operator's licence as it considers necessary. The conditions are set out in Appendix 7.

## **6.3 Insurance**

The operator is required to produce evidence, upon request by an authorised officer of the Council or a Police Officer, that there is a certificate of motor insurance, which covers every private hire vehicle they operate. The operator is also required to have public liability insurance for their base premises.

## **6.4 Licence Duration**

Under the Deregulation Act, which takes effect from the 1<sup>st</sup> October 2015, an operator's licence will be issued for duration of 5 years. .

For new Private Hire Operators they will have the option to licence for one or five years. This one year option allows the operator an opportunity to develop their business. Thereafter on renewal they will be licensed for five years

All current licence holders renewing between 1<sup>st</sup> October 2015 and 30<sup>th</sup> September 2016 will have the option to renew for one year or five years. All renewals after the 30<sup>th</sup> September will be for five years.

It is the licence holder's responsibility to ensure that their operator's licence is renewed.

## **6.5 Address from which the Operator may operate**

Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. The operator must notify the Council in writing of any changes to their address during the period of the licence, prior to changing the address. A business cannot legally operate from an address not specified on its licence.

## **6.6 Bases Outside Mid Sussex District Council Area.**

The Council will not grant a Private Hire Operator Licence for an operator with an operating base that is outside Mid Sussex District Council's area. This is to ensure that proper regulation and enforcement measures may be taken.

## **SECTION 7: DISCIPLINARY AND ENFORCEMENT MEASURES**

### **7.1 Enforcement**

The Council's role in the licensing of all drivers, owners and operators of licensed vehicles is to ensure high standards are achieved and this will be done in a consistent and open manner. The standards are defined in legislation, the licence conditions and codes of practice.

The Council will operate a consistent but firm disciplinary and enforcement regime. The Council believes this is the best way of ensuring it undertakes its role of ensuring public safety. The Council will seek to balance the promotion of public safety with the

needs of the taxi trade and the individuals working within it. Therefore the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives set out in section 1.5 of this policy.

Where necessary, enforcement action will be taken in accordance with the principles of the Enforcement Concordat and the Council's Enforcement Policy for Environmental Health. To this end the key principles of consistency, transparency and proportionality will be maintained. Mid Sussex District Council's Environmental Health Enforcement Concordat can be viewed at [www.midsussex.gov.uk](http://www.midsussex.gov.uk) (Click on Environment and Planning – Environmental Health).

As part of its role to ensure public safety, the Council will, in liaison with the police, DVSA and other relevant agencies, undertake roadside spot-checks of licensed vehicles and their drivers.

To promote the licensing objectives the Licensing Authority will share information with other enforcement agencies such as UK Border agency, DVSA, Inland Revenue, Police, Trading Standards, Customs and Excise and Benefit Agencies. Information will also be shared with internal departments within the Council, such as Parking Services, Revenue and Benefits and Planning Sections.

When undertaking its enforcement role the Council may liaise with other public bodies such as other Local Authorities and the Police.

## **7.2 Disciplinary Hearings**

Any disciplinary matters that could result in the revocation or suspension of a licence will be referred to the Licensing Sub-Committee, who will decide the appropriate action. In exceptional cases Officers may need to revoke or suspend a licence if a Committee cannot be convened at short notice. There is a right of appeal to the Magistrates Court on all disciplinary decisions made by the Licensing Committee

## **7.3 Scope of Council Powers**

The Council may take any of the steps outlined below upon receipt of evidence that an offence or breach of the conditions has been committed in respect of any of the licences it issues:

- prosecution;
- revocation of the licence;
- suspension of the licence;
- add conditions to an existing licence;
- issuing of warnings or cautions.

## **7.4 Prosecution**

In accordance with the Environmental Health Enforcement Policy the Council may prosecute licence holders in the following circumstances:

- where the allegation is of a serious nature or is a repeated offence;
- where the Council proposes to caution the licence holder, but the offence is not admitted, nor a caution accepted.

## 7.5 Revocation

Where a licence holder has been convicted of a serious criminal offence the Licensing Sub-Committee may revoke or suspend the licence.

## 7.6 Suspension

### a) Vehicles

Hackney carriage vehicles and private hire vehicles must be kept in a safe condition, suitable for the purpose of carrying passengers. Where it is found that a vehicle is not being properly maintained and has defects that may put the public safety at risk then the Council will serve a stop notice on the proprietor of the vehicle. The use of the vehicle will remain prohibited until the defects have been remedied and the vehicle has been inspected by the authorised vehicle fitness centres and has been passed as fit for use as a hackney carriage or private hire vehicle. The testing of the vehicles will be at the proprietor's expense.

### b) Drivers

The Council may exercise its discretion to suspend a driver's licence. The decision to suspend a driver's licence can be made under delegated powers in exceptional circumstances when it is believed the offence is serious enough that the public safety concerns outweigh the individual's right to work.

The Councillors at a Licensing Sub-Committee hearing may also exercise their discretion to suspend a driver's licence.

#### ➤ Add Conditions to an Existing Licence.

The Licensing Sub – Committee following a hearing may decide that it is appropriate to add to a driver's licence further conditions to their existing licence.

#### ➤ Issuing of Warnings and Cautions

This is a method of addressing less serious offences. The Council will issue warnings and cautions as are appropriate based on all the circumstances.

Cautions may be issued in the following circumstances;

- There is sufficient evidence to justify a prosecution;
- The licence holder admits their guilt;
- The licence holder agrees to be cautioned.

Warnings will be issued by an officer acting under delegated powers or as requested by the Licensing Sub-Committee.

## **SECTION 8: DELEGATED POWERS**

### 8.1 Licensing Committee

The Licensing Committee is responsible for the management of the licensing regime in the district under the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Sub Committee will hear all applications and disciplinary matters referred to it by the Licensing Team.

The Council's Business Unit Leader for Environmental Health Services has delegated responsibility, in so far as it relates to hackney carriage or private hire, in respect of the licensing and registration functions of the Council listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) for-

- Deciding applications for authorisations, dispensations, exemptions, licences or certificates of approval;
- Serving notices and taking consequential action;
- Issuing simple cautions;
- Instructing the Council's Legal Services to commence legal proceedings;
- Authorising officers to exercise statutory functions (including powers of entry and obtaining warrants);
- Granting, suspending, refusing or revoking licences;
- Instigating prosecution wherever appropriate.

## **SECTION 9: FARES**

### **9.1 Prescribed Rates (only applies to Hackney Carriage)**

A hackney carriage driver must not charge more than the fare rate prescribed by the Council. However there are no provisions within the legislation or this policy, which prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter. In addition to the normal fare, a fuel surcharge rate may be agreed by the Council to enable drivers to charge more when fuel prices exceed a given level.

### **9.2 Table of Fares (only applies to Hackney Carriage)**

A table showing the correct prescribed fares must be displayed in each vehicle so that all hirers are able to see it.

### **9.3 Review of the Prescribed Fares (only applies to Hackney Carriage)**

Fare rates will be reviewed by the Council annually if requested by the Mid Sussex Hackney Carriage Association.

### **9.4 Receipts**

If requested by a passenger, a driver must provide them with a written receipt for the fare paid.



## **SECTION 10: OUR COMMITMENT TO EQUALITY**

- 10.1** The Equalities Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons based on race, gender, disability, age, sexuality (lesbian, gay, bisexual), transgender, pregnancy, religion or belief.
- 10.2** The Council is committed to ensuring that it is delivering services in a non-discriminating way and that equality is at the heart of service provision throughout the Authority. The Council recognises that discrimination and exclusion can occur for many reasons including but not confined to race, language, age, gender, disability and poverty and is fully committed to overcoming such exclusion and discrimination.
- 10.3** In carrying out its duties the Council will have due regard for the need:
- To eliminate unlawful discrimination
  - To promote equality of opportunity and good relations between people, including those in the groups protected by the Equality Act 2010 and listed in 10.1.
- 10.4** This policy has been subject to an equality impact assessment. In formulating this policy we have in particular had regard to the need to provide for disabled people and to protect vulnerable groups. To that end 20% of hackney carriage vehicles are currently wheelchair accessible and the unmet demand survey indicates that this is sufficient to meet current needs. The conditions relating to licensed vehicles, operators and drivers are intended to protect all passengers, and especially those who are most vulnerable.

**Glossary of Terms**

- 'Licensed Vehicle ' means both a Hackney Carriage and Private Hire Vehicle
- 'Hackney Carriage' means a vehicle licensed for standing or applying for hire
- 'Private Hire Vehicle' means a licensed vehicle constructed or adapted to seat fewer than 9 passengers and which can only carry those passengers who have pre-booked.
- 'Private Hire Vehicle Operator' means a person licensed to make provision for bookings for a private hire vehicle
- 'Certificate of Compliance' means a certificate confirming that a licensed vehicle has passed the Council's vehicle test
- 'Stop Notice' means a notice prohibiting further use of a licensed vehicle until such time as a defect has been remedied to the satisfaction of the Council
- 'Defect Notice' means a notice identifying a defect to a licensed vehicle which must be remedied to the satisfaction of the Council (issued under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976)
- 'Faresmeter' means a device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle
- 'Delegated Powers' means the scheme of delegated powers as referred to in the Council's Constitution
- 'The Guidance ' means The Department for Transport- Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2010

## MID SUSSEX DISTRICT COUNCIL

### Conditions relating to the issue of this Private Hire Vehicle Licence.

**NOTE: - These conditions are to be read in conjunction with The Local Government (Miscellaneous Provisions) Act 1976 and any other relevant legislation.**

**All Private Hire Vehicles will be right hand drive. From 1 October 2017 Private Hire vehicles of 10 years of age or over may not be licensed. From 1 October 2022 they may not be white in colour.**

1. Any seats or seating over and above the number for which this vehicle is licensed shall be removed before the vehicle is used to carry passengers for hire or reward.
2. The private hire licence plate provided by the Council for display outside the vehicle must be firmly fixed in a prominent position on the rear exterior surface below the rear window. The plate is to be kept clean and legible at all times.
3. The private hire licence plate provided by the Council for display inside the vehicle must be fixed to the front windscreen of the vehicle in a position where it may be conveniently read by passengers travelling in the vehicle.
4. The proprietor shall ensure that any person driving the vehicle to which this licence relates is the holder of a current private hire driver's licence issued by Mid Sussex District Council.
5. The Proprietor shall ensure that any person employed by him/her or permitted by him/her to use the vehicle as a private hire vehicle is fully conversant with the conditions of his/her driver's licence.
6. The proprietor shall ensure that the driver only carries passengers who have pre-booked their journey(s) via the holder of the Operator's Licence.
7. The proprietor must ensure that the vehicle is capable of satisfying the Council's mechanical and structural inspection at any time during the period for which the licence is in force.
8. Any authorised officer of the Council or any Police Officer shall have power at all reasonable times to inspect and test any private hire vehicle. If not satisfied as to its fitness, the officer may require the vehicle to be further inspected at the testing station approved by the Council. If the vehicle fails to meet the necessary requirements the licence will be suspended until such time as the requirements are met. If the authorised officer or Police Officer is not so satisfied before the expiration of a two month period the licence shall be deemed to have been revoked.
9. A first aid kit and fire extinguisher must be carried on the vehicle at all times and be readily accessible to the driver.  
The First Aid Kit must be a Travel First Aid Kit which complies with BS 8599. The fire extinguisher must comply with BS EN 3 and should be fitted with a gauge indicating the level of contents. The First Aid Kit and the Fire Extinguisher shall be clearly marked with a permanent marker with the licence number of the vehicle.

10. The proprietor or driver shall not carry or permit to be carried in the vehicle any greater number of passengers than the number of persons specified in this licence.
11. The proprietor shall report to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
12. The proprietor shall deposit a copy of the vehicle licence issued by the Council with the private hire operator for whom the vehicle is being used during the time it is so used for that operator.
13. The proprietor shall notify the Council in writing of any change in his/her address within 7 days of such change.
14. The proprietor shall within seven days disclose to the Council in writing details of any conviction including any fixed penalty notice (endorsable or non endorsable), any Criminal Behaviour Order or any High Court or County Court judgement recorded against their name during the period of the licence and any Police Caution.
15. The proprietor must notify the Council of any change of operator he/she may make.
16. The proprietor or driver shall not tout or solicit on a road or public place any person to hire or be carried for hire in any private hire vehicle. The proprietor shall not cause or procure any other person to tout or solicit on a road or public place any person to hire or be carried for hire in any private hire vehicle.
17. The driver will not park a Private Hire Vehicle on the highway in company with other licensed Private Hire Vehicles unless it is engaged in collecting or delivering pre booked passengers.
18. The driver will not park a Private Hire Vehicle near to or be in sight of a Hackney Carriage Rank, a Railway Station or a Bus Station unless engaged in the collection or delivery of a pre booked passenger.
19. Private hire vehicles may display a roof sign subject to the following conditions:
  - (a) The roof sign may not exceed a size of 46 cm in width and 16 cm in height.
  - (b) The roof sign must include the words "advance bookings only" in letters not less than 2.5cm in height display to front and rear.
  - (c) The name of the company or trading name and/or telephone number may appear on the sign. The size of the lettering shall not exceed a ratio of 1.5 to 1 in relation to the size of the words "advance booking only".
  - (d) All lettering displayed on the sign must be black and all words printed in the same font style and same degree of boldness.
  - (e) The words taxi, cab or hire must not appear on the sign, even if it forms part of the company name.
  - (f) If the sign is capable of illumination it shall not be so illuminated until the vehicle is stationary having arrived at a destination for a pre-booking.
20. Vehicles must carry signage on the side of the vehicle to a design agreed with the Council to indicate that they must be pre-booked.

- 21 The company name and telephone number may be displayed in the rear windscreen in letters and figures not exceeding 5cm in height. Such letters and figures shall not be illuminated. The words taxi, cab or hire must not appear even if it forms part of the company name.
- 22 The company or trading name and telephone number may be displayed on the external surface of the two front doors:
- (a) The words "advance booking only" must be included in lettering no less than 5cms in height in close proximity to any other wording.
  - (b) The company name or trade name and/or telephone number in lettering no greater than 16cm in height.
  - (c) All wording must be printed in the same font style and same degree of boldness and in a contrasting colour to the background. The words taxi, cab or hire must not appear on the sign even if it forms part of the company name.

When advertisements other than those mentioned as above are displayed on the vehicle then:

- (a) Those advertisements shall be of a permanent nature and
  - (b) Before the advertisements can be displayed on the vehicle prior approval must be sought from the authorised Officer.
  - (c) There shall be displayed the words "Private Hire Vehicle" on the surface of the vehicle in letters no less than 5cm in height and not exceeding 16cm in height. This shall be by prior approval by the authorised Officer.
- 23 No other advertisement save as mentioned in conditions 15, 16, 17, 18 or 19 above may be displayed on the vehicle.
- 24 Where a vehicle displays any sign permitted by these conditions there shall be displayed in the vehicle, in a position where it may be read by passengers, a notice bearing the following wording:  
**WARNING – YOU MUST HAVE PRE-BOOKED THIS VEHICLE. IT IS AN OFFENCE FOR THE DRIVER TO PICK UP PASSENGERS WITHOUT A PRE-BOOKING HAVING BEEN MADE. IN THE EVENT OF A COMPLAINT PLEASE CONTACT:- HACKNEY CARRIAGE/PRIVATE HIRE LICENSING OFFICER, MID SUSSEX DISTRICT COUNCIL TEL 01444 477335**
25. A vehicle will not be deemed suitable for licensing as a private hire vehicle unless:
- (a) It has at least four doors of which three are readily accessible by the passengers.
  - (b) It is capable of comfortably seating its passengers in addition to the driver and for that purpose:-  
the rear seat of the vehicle shall measure at least 122cm (48") ( to allow 16" per person) at its widest part and the headroom from the centre of the back seat to the roof lining shall measure at least 86cm (34"); and
  - (c) Provision is made for the carriage of luggage that is commensurate with the number of persons that the vehicle is conveying.
  - (d) It is fitted with a seat belt for each passenger seat to conform to the current British Standards.
  - (e) The steering wheel is located on the right side of the vehicle (off side).
  - (f) The engine capacity shall not be less than 1290cc.
  - (g) On reaching the first anniversary of the date of first registration (as shown on DVLA V5 Registration Document) the vehicle becomes subject to annual MOT testing.

26. The proprietor shall ensure that no material alteration or change in the specification, design, condition, appearance or use of the vehicle is made without the approval of the Council at any time whilst the licence is in force.
27. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire be kept in a safe, tidy and clean condition, maintained in satisfactory mechanical order, body condition and overall appearance and must comply with all relevant statutory requirements. In particular the exterior of the vehicle shall:-
- be free from dents and damage to body parts and trim;
  - be free of areas of rust and/or damaged paintwork;
  - have all factory fitted bumpers and body mouldings in place and be in good order and repair; and
- the interior of the vehicle shall:-
- be free from stains, tears, cuts and/or cigarette burns;
  - have all door and window mechanisms in good working order and the boot and luggage space must be kept clear for use by the passengers with certain exemptions (e.g. spare wheel and jack).
28. A vehicle must not carry any child below the age of twelve years in the front of the vehicle other than in accordance with the Road Traffic Act 1988 and subsequent regulations.
29. All new vehicles and vehicles with up to 10000 miles on the odometer will be presented to the Licensing Officer by prior appointment for examination.
- All vehicles with more than 10000 miles on the odometer and which are up to three years of age from date of first registration will be subject to an annual fitness test.
- All vehicles aged from 3 years will be subject to two fitness tests a year (at 6 monthly intervals).
- The test must take place at a testing station approved by the Council. These requirements are in addition to a MOT which we require for all licensed vehicles over 12 months old. These tests are required to ensure that any vehicles licensed to carry members of the public are safe and comfortable
30. A copy of the current insurance certificate or cover note must be carried in the vehicle at all times. The certificate or cover note must state the names of all drivers entitled to drive the vehicle. Should proof of insurance cover not be available or the driver at the time is not shown on the insurance document then the vehicle licence will be immediately suspended.
31. A Council approved CCTV system may be fitted to the vehicle provided that system complies with current regulations.
32. Where a taxi meter is fitted to the vehicle the taximeter and all the fittings shall be fitted to the carriage with seals or other appliances so that it is not practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. The meter shall be an approved calendar meter and be sealed and calibrated by a company authorised by the Council.
33. A tariff card showing the current rates of fare must be displayed inside the vehicle in such a position that it can be read by fare paying passengers.

- 34 Where the licensed vehicle is a wheelchair accessible vehicle that is fitted with a lift, that lift must be thoroughly examined every six months and a certificate as to its fitness be produced.
- 35 Where a vehicle is to be powered by LPG (Liquefied Petroleum Gas), before the vehicle is fitted with an LPG Tank, the vehicle must be inspected by the Council's licensing officer, to establish that the position of the tank will not reduce the luggage capacity of the vehicle. All work to a licensed vehicle must be carried out by a qualified LPG Association approved installer, who must hold a valid certificate as an LPG Approved Installer. Proof of registration on the [www.drivelpg.co.uk](http://www.drivelpg.co.uk) website must be produced by the vehicle proprietor to the Council once an installation is complete.
- 36 Licensed vehicles may be fitted with Dark tinted Windows (Manufacturers standard fit) All vehicles are to comply with the Road Vehicle (Construction and Use) Regulations 1986 Regulation 32 (10).
- 37 No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Licensing Authority. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle. The contents of such trailer must be secured and covered in a proper manner so as to be water tight. Any trailer used must comply with regulations in all aspects and where required the driver must hold the appropriate towing licence as issued by the Driving Standards Agency.

## MID SUSSEX DISTRICT COUNCIL

### Conditions relating to the issue of a Hackney Carriage Vehicle Licence

**NOTE: - These conditions are to be read in conjunction with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Transport Act 1985, the current bye-laws in force within the district and any other relevant legislation.**

**All Hackney Carriages shall be right hand drive vehicles.**

**From 1 October 2017 Hackney Carriages of 10 years of age or over may not be licensed.**

**From 1 October 2022 they shall be white in colour and front door plates must display the MSDC logo, with the words “licensed Taxi” and licence number.**

1. Any seats or seating over and above the number for which the vehicle is licensed shall be removed before the vehicle is used to carry passengers for hire or reward.
2. All hackney carriages (other than a London type taxi) shall be fitted with an illuminated roof sign showing the word TAXI in letters approximately 50mm - 150 mm high. The company name and telephone number may also be shown. The sign should be displayed transversely on or above the roof of the vehicle. The roof sign shall be wired to the taximeter so as to enable it to be extinguished during the carrying of a fare for which the meter is in operation.

Company or trading name and telephone number may be displayed on the external surface of the two rear doors. The letters may not exceed 16cm in height.

3. The proprietor must fit the external plate supplied by the Council in a prominent position below the rear window on the rear exterior surface of the vehicle. The plate is to be kept clean and legible at all times.
4. The proprietor must fit the internal plate supplied by the Council inside the front windscreen in a prominent position so that it is clearly visible to passengers being carried.
5. The proprietor must ensure that any person driving the vehicle to which this licence relates is the holder of a current hackney drivers licence issued by Mid Sussex District Council.
6. The proprietor must ensure that any person employed by him/her or permitted by him/her to use the vehicle as a hackney carriage is fully conversant with the current bye-laws in force in the district (Copies of the bye-laws are available on request).
7. The proprietor must ensure that the vehicle is capable of satisfying the Council's mechanical and structural inspection at any time during the period for which the licence is in force.



8. Any authorised officer of the Council or any Police Officer will have powers at all reasonable times to inspect and test any hackney carriage or taximeter. If he/she is not satisfied as to the fitness of either or both he may require the vehicle or meter to be further inspected at the testing station approved by the Council. If the vehicle or taximeters fail to meet the necessary requirements the licence will be suspended until such time as the requirements are met. If the authorised officer or Police Officer is not satisfied as to the road worthiness of a vehicle before the expiration of a two month period the licence will be deemed to have been revoked.
9. A first aid kit and fire extinguisher must be carried on the vehicle at all times and be readily accessible to the driver.

The First Aid Kit must be a Travel First Aid Kit which complies with BS 8599. The fire extinguisher must comply with BS EN 3 and should be fitted with a gauge indicating the level of contents. The First Aid Kit and the Fire Extinguisher shall be clearly marked with a permanent marker with the licence number of the vehicle.

10. The proprietor or driver of the hackney carriage must not carry or permit to be carried more passengers than the number of passengers specified in this licence.
11. The taximeter will be placed in a position that all letters and figures on the face/display are plainly visible at all times to passengers being conveyed in the vehicle, and for that purpose the letters and figures must be capable of being suitably illuminated during any period of hiring.
12. The taximeter and all the fittings shall be fitted to the carriage with seals or other appliances so that it is not practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. The meter shall be an approved calendar meter and be sealed and calibrated by a company authorised by the Council.
13. The proprietor must within seven days disclose to the council in writing details of any conviction including any fixed penalty notice (endorsable or non endorsable), any Criminal Behaviour Order or any High Court or County Court judgement recorded against their name during the period of the licence, and any Police Caution.
14. A vehicle will not be deemed suitable for licensing as a hackney carriage vehicle unless:-
  - (a) It has at least four doors of which three are readily accessible by the passengers unless a London style cab.
  - (b) It is capable of comfortably seating at least four passengers in addition to the driver and for that purpose.
    - the rear seat of the vehicle shall measure at least 122cm (48") (to allow 16 " per person) at its widest part and the headroom from
    - the centre of the back seat to the roof lining shall measure at least 86cm (34"); and
  - (c) Provision is made for the carriage of luggage that is commensurate with the number of persons that the vehicle is conveying.
  - (d) It is fitted with a seat belt for each passenger seat to conform to the current British Standards.
  - (e) The steering wheel is located on the right side of the vehicle (off side)
  - (f) The engine capacity shall not be less than 1290cc.

- (g) On reaching the first anniversary of the date of first registration (as shown on DVLA V5 Registration Document) the vehicle becomes subject to annual MOT testing.
15. The proprietor must ensure that no material alteration or change in the specification, design, condition, appearance or use of the vehicle is made without the approval of the Council at any time whilst the licence is in force.
16. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire be kept in a safe, tidy and clean condition, maintained in satisfactory mechanical order, body condition and overall appearance and must comply with all relevant statutory requirements.  
In particular the exterior of the vehicle must:-
- be free from dents and damage to body parts and trim;
  - be free of areas of rust and/or damaged paintwork;
  - have all factory fitted bumpers and body mouldings in place and be in good order and repair, and
- The interior of the vehicle must:-
- be free from stains, tears, cuts and/or cigarette burns;
  - have all door and window mechanisms in good working order and the boot and luggage space must be kept clear for use by the passengers with certain exemptions (e.g. spare wheel and jack).
17. A vehicle must not carry any child below the age of twelve years in the front of the vehicle other than in accordance with the Road Traffic Act 1988 and subsequent regulations.
18. When advertisements other than those mentioned in Condition 2 above are displayed on the vehicle then:
- (a) those advertisements must be of a permanent nature and
  - (b) before the advertisements can be displayed on the vehicle prior approval must be sought from the authorised Officer.
  - (c) the words "Taxi" must be displayed on the surface of the vehicle in letters not exceeding 16cm in height. This shall be by prior approval by the authorised Officer.
19. All new vehicles and vehicles with up to 10000 miles on the odometer will be presented to the Licensing Officer by prior appointment for examination.
- All vehicles with more than 10000 miles on the odometer and which are up to three years of age from date of first registration will be subject to an annual fitness test.
- All vehicles aged from 3 years will be subject to two fitness tests a year (at 6 monthly intervals)
- The test must take place at a testing station approved by the Council. These requirements are in addition to a MOT which we require for all licensed vehicles over 12 months old. These tests are required to ensure that any vehicles licensed to carry members of the public are safe and comfortable
20. The proprietor must ensure that a copy of the current fare table supplied by the Council is exhibited inside the carriage in such a position that it can be read by fare paying passengers.

- 21 The proprietor must report to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
- 22 A copy of the current insurance certificate or cover note must be carried in the vehicle at all times. The certificate or cover note must state the names of all drivers entitled to drive the vehicle.
- 23 Should proof of insurance cover not be available or the driver at the time is not shown on the insurance document then the vehicle licence will be immediately suspended.
- 24 A Council approved CCTV system may be fitted to the vehicle provided that system complies with current regulations.
- 25 A licence for a wheelchair accessible vehicle cannot be used for a vehicle which is not wheelchair accessible.
- 26 Where a wheelchair accessible vehicle is fitted with a lift, that lift must be thoroughly examined every six months and a certificate as to its fitness be produced.
- 27 Where a vehicle is to be powered by LPG (Liquefied Petroleum Gas) before the vehicle is fitted with an LPG Tank, the vehicle must be inspected by the Council's licensing officer, to establish that the position of the tank will not reduce the luggage capacity of the vehicle. All work to a licensed vehicle must be carried out by a qualified LPG Association approved installer, who must hold a valid certificate as an LPG Approved Installer. Proof of registration on the [www.drivelpg.co.uk](http://www.drivelpg.co.uk) website must be produced by the vehicle proprietor to the Council once installation is complete.
- 28 Licensed vehicles may be fitted with Dark Tinted Windows (Manufacturers standard fit). All vehicles are to comply with the Road Vehicle (Construction and Use) Regulations 1986 Regulation 32 (10).
- 29 No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Licensing Authority. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle. The contents of such trailer must be secured and covered in a proper manner so as to be water tight. Any trailer used must comply with regulations in all aspects and where required the driver must hold the appropriate towing licence as issued by the Driving Standards Agency.

## Appendix 4

### HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE FITNESS INSPECTION SCHEDULE

#### **The following vehicles will be subject to Fitness Testing:**

All vehicles with more than 10,000 miles on the odometer and which are up to three years of age from date of first registration will be subject to an annual fitness test.

All vehicles aged from 3 years will be subject to two fitness tests a year (at 6 monthly intervals).

Upon presentation for inspection, the exterior of the vehicle should be clean so that rust damage, dents and scratches can be clearly identified. Vehicle interiors should also be clean and tidy and free of accumulations of litter and rubbish. Exterior faults should be marked on the Inspection Schedule Sheet.

The vehicle is to be tested to a standard higher than that for a standard Department of Transport Test and testers' attention is drawn to items in the testers' manual that are advisory.

**If in the testers' opinion any items or vehicle defects affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein, the items or item should be noted on the inspection schedule and the vehicle failed. Should it be considered by the tester that the vehicle is unsafe to be used to carry members of the public the tester is requested to inform the Council's Safety and Licensing Department on 01444 477335 immediately.**

#### **(a) EXTERIOR – Rust, Dents and Scratches.**

##### **(i) Rust**

Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed:

Any vehicle with more than three rust patches of more than 3cms in diameter or a single rust patch of more than 20 sq.cms should be failed.

##### **(ii) Dents**

Any vehicle with minor dents on three or more panels where such dents are more than 5 cms in diameter length or a single dent of more than 20cms in diameter/length should be failed.

##### **(iii) Scratches**

Any vehicle with unrepaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed.

##### **(iv) Paintwork**

All panels on the vehicle must be painted in colours consistent with the general colour scheme of the vehicle: panels with unmatched colours or in primer should be deemed as "failures".

**(b) INTERIOR**

**(i) Seats**

All seats, including the driver's, must be free from unrepaired cuts, tears or cigarette burns, except of very minor nature. Any repairs must have been carried out in a professional and neat manner.

**(ii) Carpets/Floor Covering**

All carpets and floor covering must be complete and free from cuts, tears or serious staining.

The driver's foot well must be clear and free of any obstructions (e.g. microphone, cash bag, torch etc.).

**(iii) Headlining and other Trim**

All interior trim, including headlining, must be clean, complete, properly fitted and free from serious cuts, tears or major soiling.

**(iv) Window Operation**

All passengers, excepting those occupying a middle seat, must be able to open adjacent windows without difficulty

**(v) Tinted Windows**

The windscreen and the front side windows to either side of the driver's head must not be tinted to a degree that exceeds the limits as laid out in the Road Vehicles (Construction and Use) Regulations 1986, as amended.

**(c) Boot/Luggage Compartment**

When presented for inspection, the boot/luggage compartment should be empty, except for a full size spare wheel, essential tools and first aid kit. The compartment should be clean and any coverings free from major cuts, tears and other damage.

**(d) Taxi Meter**

All hackney carriages must be fitted with a calendar taxi-meter calibrated to the current rate of hire charges.

**(e) Roof Signs**

All vehicles that normally display a roof sign capable of illumination must be presented for the test with that sign in place and in working order. All signs that are capable of being illuminated must illuminate and in the case of a Hackney Carriage the sign must be wired to the taximeter so as to enable it to be extinguished while the meter is in operation. Vehicles with meters/signs not complying shall be failed.

**(f) Auxiliary Electrical Equipment**

All auxiliary electrical equipment fitted to the vehicle (e.g. roof box, radio, aerials etc.) must be securely wired into the vehicle's electrical system and fused where appropriate.

All auxiliary wiring passing through the vehicle's bodywork must be adequately insulated (preferably through a grommetted hole). All auxiliary wiring must be kept away from fuel lines.

**(g) Fire Extinguisher /First Aid Kit**

All vehicles must carry a fire extinguisher and first aid kit. The First Aid Kit must be a Travel First Aid Kit which complies with BS 8599. The fire extinguisher must comply with BS EN 3 and should be fitted with a gauge indicating the level of contents. The

First Aid Kit and the Fire Extinguisher shall be clearly marked with a permanent marker with the licence number of the vehicle.

**(h) Mirrors**

All vehicles must be fitted with off-side AND nearside door or wing mirrors in addition to an interior mirror.

**(i) Spare Wheel**

A spare wheel must be carried on the vehicle and the tyre must be legal. Where the manufacturer does not supply a vehicle with a spare wheel a manufacturer supplied and approved Emergency Tyre Repair Kit may be carried in lieu of a spare wheel and must be used in accordance with the manufacturer's instructions. Where a vehicle has had an LPG conversion and the space provided for the spare wheel is used to locate the gas tank then an Emergency Tyre Repair Kit may be carried in lieu of a spare wheel. All components of the Emergency Tyre Repair Kit must be within its use by date if applicable.

**(j) Seat Belts**

All vehicles must be fitted with front and rear seat belts.

**Proprietors are particularly reminded that:-**

- (1) They should arrange for their vehicles to be inspected as soon as possible prior to the current fitness certificate expiry date. However in line with M.O.T. tests the Fitness test can be carried out not more than one month before the old certificate expires, the expiry date on the new certificate can be entered as 12 months from the expiry date on the old certificate. To take advantage of this extension to the expiry date, you must show your current certificate to the tester before he/she issues the new one.
- (2) Apart from new vehicles mentioned at 3 below all vehicles over one year old being tested for a hackney carriage certificate and a private hire licence must first have a current MOT certificate.
- (3) The Contractor will be carrying out inspection work only. Under no circumstances will any repair work be undertaken. The Contractor's inspection will not only cover the mechanical condition of the vehicle but also its interior and exterior condition and appearance. All vehicles must obtain a Certificate of Fitness. The certificate will be issued from X upon vehicles being passed as fit to be licensed.

The inspection fee must be paid when the vehicle is presented for inspection. A receipt will be given.

- (4) No application for either a hackney carriage or private hire vehicle licence will be considered without a Certificate of Fitness. The Certificate of Fitness is valid only for the duration as specified on the certificate.

**Appeal procedures for vehicles failing the Council's fitness test**

Where a vehicle fails the fitness test the vehicle proprietor has a right of appeal.

The proprietor must inform the Licensing Officer in writing within seven days of the original test, that an appeal test is required. The appeal test will be conditional that

the vehicle shall have covered no more than 250 miles and that no repairs or adjustments are made to the item(s) or system(s) which are subject of the appeal.

An Inspector from the DVSA will conduct the appeal test at the Council's current vehicle testing station.

The vehicle proprietor along with his/her engineer, the tester who failed the vehicle and the owner or a representative of the testing station will be given the opportunity to attend the appeal test.

**The adjudication of the appeal Inspector will be final.**

NB Proprietors are reminded that a fee will be charged if an appointment is broken or cancelled with less than 48 hours' notice.  
In your own interests please ensure that your vehicle is in a clean and roadworthy condition before making the appointment for a test.

**The above testing is in addition to the requirements for normal MOT Certificates. However, if required X will issue a VT20 Ministry of Transport Certificate for a reduced fee if requested at the time of the Council Test. (Council is currently tendering for Fitness Testing Stations)**

## MID SUSSEX DISTRICT COUNCIL

### Conditions relating to Private Hire Drivers' Licences

1. Private Hire driver's licences shall be in force for a period of 12/36 (delete as appropriate) months unless suspended or revoked.
2. Each person issued with a driver's licence will be issued with a badge in such form as prescribed by Mid Sussex District Council and when acting as the driver of a licensed vehicle must wear the badge in such position and manner as to be plainly and distinctly visible. The badge must be worn on the person. An additional driver's badge issued by Mid Sussex District Council must be displayed on the interior surface of the front windscreen of the vehicle visible to passengers.
3. The driver must at all times be clean and respectable in his/her dress and person, not dressing in a manner likely to embarrass or offend passengers. Appropriate footwear must be worn during the period of hire and whilst the vehicle is in motion. The drivers must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of the passengers carried in or getting in or out of the vehicle. The driver must ensure that when driving a licensed vehicle that the vehicle is clean and tidy at all times and that the Private Hire plate is clean and legible.
4. The driver, when hired to drive to any particular destination will, subject to any directions given by the passenger, proceed to that destination by the shortest possible route.
5. The driver will not allow there to be carried in the front of the vehicle:
  - a) any child below the age of 12 years.
  - b) more than one person above that age.
6. The driver will not permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence and on the licence plate for the vehicle.
7. Drivers must not smoke tobacco or any other smoking mixture in the vehicle.
8. Drivers must not eat or drink whilst carrying passengers.
9. A driver will not whilst hired carry any person or persons other than the hirer or hirers.
10. The driver must notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to drive.
11. The driver will upon the expiry (without immediate renewal) revocation or suspension of the licence immediately return to the Council the driver's badge issued to him/her by the Council when the licence was granted.
12. The driver will notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.
13. (a) The driver must immediately after the termination of any hiring of the vehicle or as soon as practicable thereafter search the vehicle for any property which may have been accidentally left behind by the passenger.



- (b) If any property accidentally left in a vehicle by any passengers is found by or handed to the driver he shall deliver it to the custody of the police within 24 hours.
14. The driver of a private hire vehicle will, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by sufficient cause.
  15. The driver will within seven days disclose to the Council in writing details of any conviction including any fixed penalty notice (endorsable or non endorsable), any Criminal Behaviour Order or any High Court or County Court judgement recorded against their name during the period of the licence, and any Police Caution.
  16. The licensee will allow the carriage of a disabled passenger's assistance animal (e.g. guide or hearing dog) allowing it to remain with the passenger in the vehicle, and shall not make any additional charge for so doing.
  17. Any animal belonging to or in the custody of any passenger, which in the driver's discretion (other than animals referred to in 16), may be carried, should only be carried in such a way as to avoid any distraction to the driver.
  18. Drivers must not use a mobile telephone handset or radio communication device whilst the vehicle is moving unless it is capable of hands free operation. Other communication devices may be used if the vehicle is stationary and parked on a highway.
  19. A copy of the Private Hire Vehicle and Private Hire Drivers licence must be deposited with the operator for the duration of their employment.
  20. The driver will ensure that a copy of the current insurance certificate or cover note is carried in the vehicle at all times.
  21. The driver will not park a Private Hire Vehicle on the highway in company with other licensed Private Hire Vehicles unless it is engaged in collecting or delivering pre booked passengers.
  22. The driver will not park a Private Hire Vehicle near to or be in sight of a Hackney Carriage Rank, a Railway Station or a Bus Station unless engaged in the collection or delivery of a pre booked passenger.

## MID SUSSEX DISTRICT COUNCIL

### Conditions relating to Hackney Carriage Drivers' Licences

1. A Hackney Carriage driver's licence will be in force for a period of 12/36 (delete as appropriate) months unless suspended or revoked.
2. Each person issued with a driver's licence will be issued with a badge in such form as prescribed by Mid Sussex District Council and when acting as the driver of a licensed vehicle must wear the badge in such position and manner as to be plainly and distinctly visible. The badge must be worn on the person. An additional driver's badge issued by Mid Sussex District Council must be displayed on the interior surface of the front windscreen of the vehicle visible to passengers.
3. The driver must at all times be clean and respectable in his/her dress and person, not dressing in a manner likely to embarrass or offend passengers. Appropriate footwear must be worn during the period of hire and whilst the vehicle is in motion. The driver must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons carried in or getting into or out of the vehicle. The driver must ensure that when driving the licensed vehicle that the vehicle is clean and tidy and that the Hackney plate is clean and legible at all times.
4. The driver, when hired to drive to any particular destination must, subject to any directions given by the passenger, proceed to that destination by the shortest possible route.
5. The driver should not allow there to be carried in the front of the vehicle:
  - a) any child below the age of 12 years.
  - b) more than one person above that age.
6. The driver will not permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence and on the licence plate for the vehicle.
7. Drivers must not smoke tobacco or any other smoking mixture in the vehicle.
8. Drivers must not eat or drink whilst carrying passengers.
9. A driver will not whilst hired carry any person or persons other than the hirer or hirers.
10. The driver must notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to drive.
11. The driver will upon the expiry (without immediate renewal) revocation or suspension of the licence immediately return to the Council the driver's badge issued to him/her by the Council when the licence was granted.
12. The driver must notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change-taking place.

13. (a) The driver will immediately at the completion of any hiring of the vehicle or as soon as practicable search the vehicle for any property which may have been accidentally left by a passenger.  
  
(b) If any property accidentally left in a vehicle by any passenger is found by or handed to the driver he/she shall deliver it to the custody of the police within 24 hours.
14. The driver of a hackney carriage vehicle will, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by sufficient cause.
15. The driver will within seven days inform the Council in writing details of any conviction including any fixed penalty notice (endorsable or non endorsable), any Criminal Behaviour Order or any High Court or County Court judgement recorded against their name during the period of the licence, and any Police Caution.
16. The licensee must allow the carriage of a disabled passenger's assistance animal (e.g. guide or hearing dog) allowing it to remain with the passenger in the vehicle, and shall not make any additional charge for so doing.
17. Any animal belonging to or in the custody of any passenger, which in the driver's discretion (other than animals referred to in 16), may be carried, should only be transported in such a way as to avoid any distraction to the driver.
18. Drivers must not use a mobile telephone handset or radio communication device whilst the vehicle is moving unless it is capable of hands free operation. Other communication devices may be used if the vehicle is stationary and parked on a highway.
19. The driver will ensure that a copy of the current insurance certificate or cover note is carried in the vehicle at all times.

## MID SUSSEX DISTRICT COUNCIL

### Conditions relating to Private Hire Vehicle Operators' Licences

**The premises relating to this licence must be within the boundaries of the Mid Sussex District Council and must have a dedicated land line telephone number(s) that is specific to that address.**

**Where an operator is also licensed with another authority and has Private Hire Vehicles working in the Mid Sussex District Council area then the operator shall ensure that those vehicles comply with condition 7 of this licence.**

1. The holder of this licence will keep a clearly legible record of the particulars of any private hire vehicle operated by him/her under the licence, pursuant to Section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, and contain the following particulars, namely :-
  - Make and type of vehicle
  - Registration No.
  - Owner
  - PHV Licence No.
2. The holder of this licence will keep a clearly legible record of every booking of a private hire vehicle invited or accepted, pursuant to Section 56(2) of The Local Government (Miscellaneous Provisions) Act 1976, and contain the following particulars, namely:-
  - Date and time of hiring
  - Location of pick-up point and destination
  - Name of hirer
  - Name of driver
  - Vehicle
3. All records kept by the operator must be retained by him/her for at least twelve months and be readily available for inspection by any authorised officer of the Council or constable at any time.
4. The Operator may not operate more vehicles than the number for which this licence has been issued.
5. This licence authorises the holder to operate private hire vehicles only. It does not give the holder or any other person authority to operate from any premises unless any requisite planning permission has been obtained.
6. This licence must be returned to the Council on suspension, revocation or expiry.
7. A private hire operator will not permit vehicles operated by him/her to be stationed on the highway together unless they are actually at that moment in use for the purpose of carrying passengers for which a hire has been agreed. If it is necessary for a single private hire vehicle to wait on a road (other than awaiting a pre-booked passenger) it may not stand near or within sight of a hackney carriage rank, a railway station, or a bus or coach station.

8. The holder of this licence is responsible for ensuring that all vehicles operated by him/her are licensed by the Council under Section 48 of the 1976 Act.
9. The holder of this licence is responsible for ensuring that all drivers employed by him/her or driving vehicles operated by him/her are licensed by the Council under Section 51 of the 1976 Act.
10. The holder of this licence is responsible for ensuring that there is in force in relation to all vehicles operated by him/her a policy of insurance or such security as complies with the requirements of the relevant law applicable in Great Britain. A copy of all valid insurance certificates will be held by the operator.
11. This licence must be produced for inspection if requested by any authorised officer of the Council or any constable.
12. The holder of this licence must notify the Council of any convictions recorded against him/her. If the licensee is a company then any of the partners or directors must notify the Council of any convictions recorded against him/her.
13. The holder of this licence must notify the Council of any changes relating to the licence this includes company name, ownership, telephone numbers and premises.
14. When the operator accepts a booking he/she will unless prevented by some reasonable cause ensure that a licensed private hire vehicle attends at the appointed time and place. The vehicle and driver despatched shall both be licensed by Mid Sussex District Council. When the operator accepts a booking he/she shall immediately prior to the commencement of the journey enter all details of the hiring in the form prescribed at 2 above.
15. The operator will retain a copy of the private hire vehicle and private hire driver licences issued by the Council all the time they are controlled or employed by the operator. The operator will notify the council of any changes as and when they occur.
16. The operator will notify the Council of any vehicle and driver which is taken out of his employ as and when they occur. .
17. The operator will not:-
  - a) Tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle; OR
  - b) Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.

## Appendix 8

### CONSIDERATION OF GROUNDS FOR REFUSAL TO ISSUE OR RENEW, OR TO SUSPEND OR REVOKE A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE.

Section 51 of Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall not grant a licence to drive a private hire vehicle unless they are satisfied that the applicant is a fit and proper person, in addition to being medically fit and being the holder of a suitable driver licence. Section 59 states likewise in respect of a hackney driver licence.

Each case must be decided on its merits. All applicants must be checked by the police on initial application and then every third year on renewal. Authority for this is given under Section 47 of Road Traffic Act 1991.

Consideration must be given to the Rehabilitation of Offenders Act 1974 as reformed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the Human Rights Act 1998. The rehabilitation period depends on the sentence for the original offence. Some sentences carry fixed rehabilitation periods. The main ones are:-

Prison sentence :more than 30 months up to and including, 48 months	7 years from the end of the sentence (including time on licence)
Prison sentence : more than 6 months up to, and including, 30 months	4 years from the end of the sentence (including time on licence)
Prison sentence : 6 months or less	2 Years from the end of the sentence (including time on licence)
Probation Order	12 months from the end of the order
Community Order	12 months from the end of the order *
Fine	1 year from the date of conviction
Conditional Discharge Order	The last day on which the order has effect.
Compensation	Once the compensation is paid in full.
Absolute Discharge	No rehabilitation period

\*Where the order does not specify the last day on which the order is to take effect, the rehabilitation period is 2 years from the date of conviction

Note: Suspended sentences count as if the term of imprisonment had been served.

A sentence of more than 48 month can never be spent.

#### Servicemen:

Same as in civilian life.

## **GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS**

### **General Policy.**

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of convictions for at least 3 to 5 years. **The overriding consideration should be the protection of the public.**

The following examples afford a general guide where convictions are admitted.

### **A) Minor traffic offences**

Convictions for minor traffic offences should not prevent the issue of a licence.

If 6 points or more have been accrued the applicant should be warned as to future conduct. The warning should be recorded.

If an applicant has been disqualified under the totting up procedure he should be warned as to future conduct.

If his DVLA licence shows more than one disqualification for whatever period or reason (other than a drink drive offence) then he should not be issued a licence unless and until a period of at least 2 years free of convictions has elapsed since the expiry of his last period of disqualification.

### **B) Major traffic offences**

An isolated conviction for reckless driving or driving without due care and attention should not bar the issue of a licence. The applicant should be warned that a second conviction within two years would lead to his licence being revoked.

More than one conviction for a similar type of offence within the last two years should merit refusal and the applicant informed that no further application will be considered until a period of at least two years free from convictions (of any kind) has elapsed.

### **C) Drunkenness**

#### **(1) With Motor Vehicle**

A serious view must be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An isolated incident should not necessarily debar an applicant unless the applicant had been employed in duties as a taxi driver at the time of the offence. In that case the application should be refused.

At least three years should elapse after the restoration of a driving licence, following disqualification for an isolated offence of this nature.

If the applicant has more than one conviction for a drink/drive offence the application should be refused.

If there is any suggestion that the applicant is an alcoholic a special medical examination should be arranged.

If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further application is considered.

(2) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence.

If an applicant has just one conviction for drunkenness (other than with a motor car) then at least two years free of convictions should elapse before the application can be considered.

If an applicant has two convictions for drunkenness (other than with a motor car) then at least five years free of convictions should elapse before the application can be considered.

If an applicant has three or more convictions for drunkenness (other than with a motor car) then the application should be refused.

**D) Drugs**

If an applicant has one conviction for a drug related offence then he should be required to show a period of at least three years free of conviction before the issue of a licence is considered.

If an applicant has two convictions within the previous ten years then he should be required to show a period of at least five years free of convictions.

If applicant has three or more convictions for drug related offences then the application should be refused.

If the applicant is or has been a drug addict then he should be required to wait a period of 5 years after detoxification treatment before re-applying.

**E) Indecency Offences**

If an applicant has a conviction for any sexual offence the application should be refused.

**F) Violence**

Any conviction for violence should be considered very closely.

If the applicant has more than one conviction for violence within the preceding ten years then the application should be refused.

A conviction for Grievous Bodily Harm, Unlawful Wounding, Attempted Murder, Threats To Kill, or similar, should be considered by the severity of the sentence. In other words the rehabilitation periods under the Rehabilitation of Offenders Act 1974 as reformed should be used to justify the issue or refusal of a licence.



## **G) Dishonesty**

Taxis and Private hire cars are used frequently for conveying items of property for businesses.

Many foreigners and strangers to an area use the taxi/private hire cars and can therefore be easily tricked into paying more than the legal fares.

A serious view should therefore be taken of any conviction involving dishonesty.

In general a period of at least three to five years free of conviction should be required before entertaining an application.

If the applicant has several convictions of a similar nature then a longer period than the three to five year period should be considered before consideration of the application.

## **GENERAL CONSIDERATIONS**

It is considered that all criminal convictions will be relevant for the purposes of considering whether an applicant is a suitable person to be granted a licence or not, and the only question, in relation to these, that the issuing officer should consider is the amount of time that has elapsed since the offence was committed.

In many cases, one offence committed many years ago should not debar a person from holding a licence, but a more recent offence or a pattern of repeat offending would legitimately give cause for concern.

Spent convictions may be considered although an applicant could not be prosecuted for failing to declare a spent conviction.

In considering whether or not to refuse a licence, the provisions of the Human Rights Act 1998 should be taken into account. If an applicant is refused a licence for any reason whatsoever he/she must be given a notice in writing stating the reason(s) for refusal and information that they have a right of appeal.

The notice should also include the fact that all implications under the Human Rights Act 1998 have been considered.

**PROCEDURE AT THE HEARING BEFORE THE  
TAXI LICENSING SUB-COMMITTEE**

1. The Chairman will open the hearing and will introduce the members of the Sub-Committee and officers present.
2. The Chairman will then ask the Applicant and/or his /her representative to introduce himself/herself/themselves.
3. The Chairman shall then explain the procedure which will be followed at the hearing.
4. The Licensing Officer will present his/her report to the Sub Committee and call any witnesses he/she may have. The Chairman will invite members of the Sub Committee and Applicant/Driver/Representative to ask questions of the officer and any witnesses.
5. The Chairman shall invite the Applicant/Representative to present their case and to call any witnesses on behalf of the Applicant.
6. The Chairman will invite members of the Sub-Committee to put questions to the Applicant and/or witnesses
7. The Chairman shall invite the parties to respond to any points of clarification they require and give further information.
8. The Chairman will invite the Applicant and/or his/her Representative to sum up and confirm they have said all they wish to.
9. After hearing the representations the Chairman will require all parties to withdraw from the room in order to make its determination.
10. Once the hearing is reconvened the Chairman shall inform the parties of the Sub Committee's decision and where possible to give the reasons as to their decision. The Chairman will then inform the Applicant that they will receive the decision in writing from the Licensing Solicitor and their full information about the person's right of appeal to the Magistrates Court.

## MID SUSSEX TAXI AND PRIVATE HIRE SERVICE CHARTER

### INTRODUCTION

The aim of local authority licensing of the Taxi and Private Hire Vehicle trades is to protect the public. Mid Sussex District Council wants to ensure that the public should have reasonable access to Taxi and Private Hire services, because of the part they play in local transport provision.

There is a need for a balanced approach in licensing to ensure Public Safety, against restrictive conditions that impose unnecessary costs on current and prospective entrants to the trade. Mid Sussex District Council believes that working in partnership is the best way to achieve this balance.

Our Charter details the responsibilities of Mid Sussex District Council as the Licensing Authority, and the drivers as frontline service providers.

### MSDC - STANDARDS OF SERVICE

#### 1. Processing Applications:

It is the responsibility of the licence holder to be aware of the expiry date of their licences and to ensure that all necessary paperwork is sent to us in good time for the renewal process. We will send a reminder (5 weeks before) to the applicant when a licence is due for renewal.

We require the return of all completed paperwork and the fee with at least 14 days' notice. If these timescales are followed, we guarantee the new licence will be processed before the expiry date of your old licence. If we do not receive the paperwork within this time frame, we cannot guarantee the licence being ready in time. You will be unable to work if your licence has expired.

#### 2. Plating:

Plating of Hackney Carriage and Private Hire vehicles will take place on Friday mornings between 10:00 and 12:00. Paperwork for replacement plates must be with us by midday on Monday to guarantee your vehicle being included on a Friday of that same week.

In circumstances where companies who supply temporary replacement vehicles cannot always make it on Fridays separate arrangements will be made to plate the temporary vehicle.

#### 3. General level of service:

Whenever you contact us you can expect to be treated with courtesy and consideration, and to have your confidentiality respected.

We will endeavour to:

- Answer your telephone call within 6 rings during normal office hours. If we are unable to deal with your query directly we will put you in touch with someone who can.
- Return your voicemail messages by the end of the next working day and, if necessary, follow up with a full answer to your enquiry within 10 working days.
- Action 95% of all service requests within 5 working days.
- Reply to your letter within 10 working days, or acknowledge your letter within 3 working days explaining why more time is needed.
- Acknowledge e-mails by the end of the next working day and respond in full within 10 working days.

#### 4. Enforcement

The Environmental Health Enforcement Concordat endeavours to ensure the safety and well-being of residents & visitors when using Hackney Carriages and Private Hire vehicles that have been licensed by Mid Sussex District Council.

The Licensing Team undertake spot checks throughout the district, often in conjunction with the Police & Vehicle Inspectorate.

These checks could lead to the suspension of licences due to serious breaches of licensing conditions and offences under Road Traffic Statutes.

#### 5. Applications

To apply for a Hackney or Private Hire Licence, we supply a driver application pack. All forms included in the pack are available to print off on our website at: <http://www.midsussex.gov.uk>

or

you can contact our Customer Contact Centre on 01444 477335 to request that a pack be sent to you.

#### 6. Complaints

Complaints about the conduct or behaviour of Private Hire Operator/ Licensed Driver or condition of a Hackney Carriage or Private Hire Vehicle licensed by Mid Sussex District Council, should be made in writing.

Details of the incident, including time and date, and the vehicle or driver's details can be submitted using MSDC's complaints eform, post or email.

Disciplinary matters arising from complaints will be put before the Licensing Committee to determine sanctions.

#### **CONTACT US**

Where: Mid Sussex District Council is located at:  
 Oaklands  
 Oaklands Road  
 Haywards Heath  
 West Sussex, RH16 1SS.

When: Our opening hours are:  
Monday to Thursday 8.45 a.m. – 5.15 p.m.  
Friday 8.45 a.m. – 4.15 p.m.

Email: [taxilicensing@midsussex.gov.uk](mailto:taxilicensing@midsussex.gov.uk)

Useful telephone numbers:

Main reception: 01444 458166  
Contact Centre Number: 01444 477335

**Licensed Hackney Drivers, Private Hire Drivers & Private Hire Operators – Standards of service**

The Licensed Hackney Drivers, Private Hire Drivers & Private Hire Operators as frontline service providers have a responsibility to comply with the licence conditions from Mid Sussex District Council to ensure the public safety of all of their passengers.

The vehicles and drivers are subject to stringent tests and conditions, enforced by the Licensing Team, before they are able to obtain a licence. These include a driver knowledge test; vehicle fitness testing on application and renewal; medical fitness checks, Disclosure Barring Service checks (3 yearly) DVLA checks and DSA driving test.

The Private Hire Operators will ensure:

1. Compliance with the Private Hire Operators Licence obtained from Mid Sussex District Council;
2. That their Drivers are customer focussed;
3. That vehicles used by their company are fit for purpose, maintained and clean at all times;
4. That they actively deal with and resolve complaints received from the public.

Licensed Hackney Drivers and Private Hire Drivers will ensure that:

1. They comply with the Hackney Carriage or Private Hire Drivers' Licence obtained from Mid Sussex District Council;
2. They ensure their vehicle/s are fit for purpose, maintained and clean at all times;
3. They are customer focussed.