



Public Document Pack

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25 August 2022

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in **The Council Chamber at The Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF on Friday 9 September 2022 at 9.30 am** and you are requested to attend.

Members: Councillors Roberts (Chair), Cooper (Vice-Chair), Blanchard-Cooper, Clayden, Daniells, Gregory, Hamilton, Kelly, Northeast, Oliver-Redgate and Worne

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's [Committee pages](#).

1. Where a member of the public wishes to attend the meeting or has registered a request to take part in Public Question Time, they will be invited to submit the question in advance of the meeting to be read out by an Officer, but of course can attend the meeting in person.
2. We request members of the public do not attend any face to face meeting if they have Covid-19 symptoms.

Any members of the public wishing to address the Committee meeting during Public Question Time, will need to email Committees@arun.gov.uk by 5.15 pm on **Thursday 1 September 2022** in line with current Committee Meeting Procedure Rules.

It will be at the Chief Executive's/Chair's discretion if any questions received after this deadline are considered.

For further information on the items to be discussed, please contact Committees@arun.gov.uk

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. MINUTES

(Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 17 June 2022 and to note the Minutes from the meeting of the Licensing Sub-Committee held on 15 August 2022, as attached.

4. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

5. PUBLIC QUESTION TIME

To receive questions from the public (for a period of up to 15 minutes).

6. KEY PERFORMANCE INDICATORS 2022-2025 - QUARTER 1 PERFORMANCE REPORT FOR THE LICENSING COMMITTEE FOR THE PERIOD 1 APRIL TO 30 JUNE 2022

(Pages 7 - 12)

This report updates the Committee with the Q1 Performance Outturn for the Key Performance Indicators for the period 1 April 2022 to 30 June 2022.

7. TAXI POLICY REVISION

(Pages 13 - 154)

The Hackney Carriage and Private Hire Licensing Policy was last reviewed and approved in 2017. Several pieces of statutory and non-statutory guidance have been released as well as the introduction of new pieces of relevant legislation since this time.

The policy should be reviewed periodically and at least every five years. There is also, because of the policy revision, a requirement to amend the current Hackney Carriage Byelaws so that they align with the policy proposals. This report seeks the Committee's approval to publish the draft revised policy for consultation and agree to advertise and consult regarding amending the Hackney Carriage Byelaws.

8. WORK PROGRAMME

(Pages 155 -
156)

The Committee is requested to note its Work Programme for 2022/23.

Note: If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note: Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link - [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

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Agenda Item 3

Subject to approval at the next Licensing Committee meeting

45

LICENSING COMMITTEE

17 June 2022 at 9.30 am

Present: Councillors Roberts (Chair), Cooper (Vice-Chair), Gregory, Kelly and Oliver-Redgate

The following Member was absent from the meeting during consideration of the matters referred to in the Minutes indicated:-
Councillor Oliver-Redgate – Minute 66 to Minute 71 [part].

Apologies: Councillors Blanchard-Cooper, Daniells, Northeast and Worne

66. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

67. MINUTES

The Minutes of the previous meeting held on 11 March 2022 were approved by the Committee and signed by the Chair. The Minutes of the Licensing Sub-Committee held on 7 March 2022 were also noted by the Committee.

68. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent items.

69. PUBLIC QUESTION TIME

The Chair confirmed that there had been no questions from the public submitted for this meeting.

70. START TIMES

It was proposed and seconded that the start time for the remaining meetings of Licensing Committee for 2022/23 be 9.30am.

The Committee

RESOLVED

That the start time of all remaining meetings of the Committee for 2022/23 would be 9.30am.

Licensing Committee - 17.06.22

71. MOBILE HOMES SITE LICENSING DETERMINATION POLICY

[Councillor Oliver-Redgate arrived during this item.]

Upon the invitation of the Chair, the Environmental Health Team Manager presented the report which recommended adoption of a revised Mobile Homes (Site Licensing Applications) Determinations Policy, which set out the arrangements in place to deal with applications for site licences for relevant protected sites, following a review. He advised that if adopted by Committee, the Policy would take immediate effect.

Members then took part in a full debate on the item where a number of points were raised. Clarity was sought over 'protected residential sites' under 4.8.12 of the policy [on page 23 of the Agenda Pack] and whether there should be a comment inserted into the policy about the need to not create homelessness. The Environmental Health Team Manager clarified that the policy was how the Council would make determinations on licensing applications and that it did not deal with the homelessness that might be created as a result of site loss. Also raised were concerns over locked gates and emergency services vehicular access within Appendix C of the policy [on page 25 of the Agenda Pack]. The Environmental Health Team Manager confirmed that any new applications would involve appropriate consultation with the relevant emergency services and that he was not aware of any existing sites with locked gates but that he would explore the situation further.

The Chair and Vice-Chair thanked the Officers involved in what they recognised was an ongoing process. The recommendations were then proposed and seconded.

The Committee

RESOLVED – That

1. The Mobile Homes (Site Licensing Applications) Determination Policy be adopted;
2. Authority be delegated to the Group Head of Technical Services to make minor amendments to the Policy.

72. REVIEW OF MOBILE HOMES LICENSING FEES POLICY

Upon the invitation of the Chair, the Environmental Health Team Manager presented the report which recommended adoption of a revised Mobile Homes Licensing Fees Policy, which set out the fee arrangements Arun charged to reclaim the costs of administering and monitoring site licences for relevant protected sites since 2015. The fees policy was first published in 2015 and last reviewed and revised in 2016. He highlighted that changes had mainly been made to fee calculations and in particular the annual fee owing to the implementation of a risk-based inspection frequency approach and a resultant reduction in costs. He advised that if adopted by Committee, the Policy would take immediate effect.

Members then took part in a full debate on the item where a number of points were raised including the percentage increase on fees payable in the revised policy and clarification that fees were set on a cost recovery basis. The Environmental Health Team Manager confirmed that the fees were set on a cost recovery basis and illustrated the changes in fees with the examples of new Band A 2-5 licences which would increase from £539 to £554 and the annual fee for the same band which would decrease from £414 to £310.

The recommendations were then proposed and seconded.

The Committee

RESOLVED – That

1. The Mobile Homes Licensing Fees Policy be adopted
2. Authority be delegated to the Group Head of Technical Services in conjunction with the Section 151 Officer to make minor amendments to the Policy.

73. WORK PROGRAMME

The Committee noted the Work Programme.

(The meeting concluded at 9.44 am)

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Public Document Pack

Subject to approval at the next Licensing Sub-Committee meeting

1

LICENSING SUB-COMMITTEE

15 August 2022 at 9.30 am

Present: Councillors Cooper, Gregory and Roberts.

12. ELECTION OF CHAIR

The Sub-Committee

RESOLVED

That Councillor Roberts be Chair for this meeting.

13. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

14. EXEMPT INFORMATION

The Sub-Committee

RESOLVED

That under Section 100a (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

15. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

Members were asked to consider the matter of an application for a hackney carriage/private hire driver licence from an applicant.

In discussing the matter, the Licensing Officer drew Members' attention to the two references that had been received on behalf of the applicant and checked that all Members had had sufficient time to read the information. He then advised Members that the applicant did have a rehabilitation period that would be in place until 2026 and this need to be considered by Members before any decision was made.

Licensing Sub-Committee - 15.08.22

The Licensing Officer also reminded Members of Section 34 of the Policy which confirmed that the licensing authority was required to ensure that an applicant was a 'fit and proper' person to hold such a licence and the factors to be considered were whether there were any previous convictions, warnings, cautions or charges.

Having considered the Licensing Officer's report and representation from the applicant, Members were satisfied the applicant had met the fit and proper test and confirmed with the applicant the full reasons of why they had reached their decision.

The Sub-Committee

RESOLVED

To allow the application to continue and grant the licence, subject to a new DBS check with no convictions other than those stated, knowledge test, medical and driving assessment, being completed to the satisfaction of the officers, but with a strict warning for a 6-month period from the date the licence is granted. Officers to reject the application if other convictions are found. Full reasons for departing from the relevant parts of the Taxi Policy were provided.

(The meeting concluded at 10.10 am)

Arun District Council

REPORT TO:	Licensing Committee – 9 September 2022
SUBJECT:	Key Performance Indicators 2022-2026 – Quarter 1 Performance Report for the period 1 April 2022 to 30 June 2022.
LEAD OFFICER:	Jackie Follis – Group Head of Organisational Excellence
LEAD MEMBER:	Councillor Shaun Gunner
WARDS:	N/A
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The Key Performance Indicators support the Council's Vision and allows the Council to identify how well we are delivering across a full range of services.	
DIRECTORATE POLICY CONTEXT:	
This report is produced by the Group Head of Organisational Excellence to give an update on the Q1 Performance outturn of the Key Performance Indicators.	
FINANCIAL SUMMARY:	
Not required.	

1. PURPOSE OF REPORT

- 1.1. In order for the Committees to be updated with the Q1 Performance Outturn for the Key Performance Indicators for the period 1 April 2022 to 30 June 2022.

2. RECOMMENDATIONS

- 1.2. As this report is an information paper, there are no recommendations for the Committee to consider. This report is to be taken as read only with Members having the opportunity to ask questions at the meeting on service performance. Members can also submit questions or comments on the indicators relevant to their Committee and these will be considered by the Policy and Finance Committee on 20 October 2022.

2. EXECUTIVE SUMMARY

- 2.1. This report sets out the performance of the Key Performance indicators at Quarter 1 for the period 1 April 2022 to 30 June 2022.

3. DETAIL

- 3.1. The Council Vision 2022-2026 was approved at Full Council in March 2022. To support the Vision, we need a comprehensive and meaningful set of performance measures which allow us to identify how well we are delivering across a full range of services. Two kinds of indicators were agreed at the Policy and Finance Committee on 17 March 2022. The first of these are annual indicators and will primarily update the progress against strategic milestones.

In addition to this 'key performance indicators' (KPIs) will be reported to committees every quarter. These KPIs are known as our Corporate Plan.

- 3.2. A short report and appendix will go to each of the other Committees in the cycle of meetings after each quarter has ended. This appendix will only contain the indicators which are relevant to each Committee.
- 3.3. A full report showing quarterly performance against all indicators (which are measured at that quarter) will go to the relevant Policy and Finance Committee meeting at the end of the cycle of the other Committee meetings. Members of the other Committees will be able to give comments or ask questions about the KPI indicators that are relevant to their Committee and these will be submitted to the Policy and Finance Committee for consideration.
- 3.4. This is the first quarterly report covering performance from 1 April 2022 to 30 June 2022 and will cover only those indicators that are due to be measured at this point.
- 3.5. Please note that the CMT Member shown on the appendix was as of the end of Q1. CMT Members have changed for some service areas following the Group Head restructure which took effect from 4 July 2022.
- 3.6. Thresholds are used to establish which category of performance each indicator is within.

Achieved target	100% or above target figure
Didn't achieve target but within 15% range	85%-99.9% below target figure
Didn't achieve target by more than 15%	85% or less target figure

- 3.7. There are 42 Key Performance indicators. 1 indicator relates to this Committee and this indicator is measured at Q1.
- 3.8. This report gives the status of this indicator at Q1, which may be different to the status for June. To view the status of indicator for June please see Appendix A. This appendix gives full commentary for this indicator and notes any action to be taken to address any under performance.

Status	Number of Key Performance indicators in this category
Achieved target	1
Didn't achieve but within 15% range	0
Didn't achieve target by more than 15%	0
TOTAL	1

4. CONSULTATION

- 4.1. No consultation has taken place.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. To review the report

5.2. To request further information and/or remedial actions be undertaken

6. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT/SECTION 151 OFFICER

6.1. None required.

7. RISK ASSESSMENT CONSIDERATIONS

7.1. None required

8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

8.1. None required

9. HUMAN RESOURCES IMPACT

9.1. Not applicable.

10. HEALTH & SAFETY IMPACT

10.1. Not applicable.

11. PROPERTY & ESTATES IMPACT

11.1. Not applicable.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

12.1. Not applicable.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

13.1. Not applicable.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. Not applicable.

15. HUMAN RIGHTS IMPACT

15.1. Not applicable.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. Not applicable.

CONTACT OFFICER:

Name: Jackie Follis

Job Title: Group Head of Organisational Excellence

Contact Number: 01903 737580

BACKGROUND DOCUMENTS: *None*

No.	Indicator	Council Vision Theme	Service Committee	Service Area	CMT Member for June data	Frequency data collected	Assess by	Target 2022-2026	June 22 Outturn (June only)	June 22 Outturn - Q1 (April-June)	June 22/Q1 Commentary	June 22 Status	Q1 Status
CP14	% of licence applications determined within the various statutory or service time limits	Improving wellbeing of Arun	Licensing	Environmental Health	Karl Roberts	Quarterly	Higher is better	90%	No June figure, see Q1 figure	98.95%	There are 4 outstanding apps - 1 we are awaiting co-operation from an external agency, 1 awaiting hospital to declare a person fit to drive, 1 has not passed Knowledge Test and 1 app on hold at the request of the applicant.	No status - quarterly indicator	Achieving

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Arun District Council

REPORT TO:	Licensing Committee - 9 September 2022
SUBJECT:	Taxi Policy Revision
LEAD OFFICER:	Karl Roberts – Director of Growth Nat Slade – Group Head of Technical Services
LEAD MEMBER:	Cllr Roberts
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>The draft revised policy supports three of the Council’s priorities of Improving the wellbeing of Arun, supporting our environment to support us and Fulfilling Arun’s economic potential.</p>	
DIRECTORATE POLICY CONTEXT:	
<p>The Directorate has an existing policy which was adopted in 2017. The revision of the existing policy is now due and is required to ensure that the service is delivered in accordance with updated government statutory and non-statutory guidance. It is good practice that policies are reviewed periodically, and that this policy should be reviewed at least every five years.</p>	
FINANCIAL SUMMARY:	
<p>It is anticipated that there will be some shortfall of income regarding the proposal to reduce fees for a fixed period for applications for Ultra Low Emission Vehicles. If this proposal is accepted, then Council will have to consider how this shortfall is funded.</p>	

1. PURPOSE OF REPORT

1.1 The current policy requires revision. The purpose of this report is to seek the Licensing Committee’s approval:

- to publish the draft revised policy for consultation and
- to agree to advertise and consult regarding amending the Hackney Carriage Byelaws

2. RECOMMENDATIONS

2.1 The draft revised policy is published for public consultation for a period of six weeks beginning 19 September 2022 until 31 October 2022. Comments will be brought back to committee for consideration.

2.2 The proposed Byelaws are advertised and consulted upon and brought back to committee for consideration.

3. EXECUTIVE SUMMARY

- 3.1 The taxi and private hire policy was last reviewed and approved in 2017. Several pieces of statutory and non-statutory guidance have been released as well as the introduction of new pieces of relevant legislation since this time. The policy should be reviewed periodically and at least every five years.
- 3.2 Because of the policy revision, there is also a requirement to amend the current Hackney Carriage Byelaws so that they align with the policy proposals.

4. DETAIL

- 4.1 Members are asked to consider the Statutory Taxi & Private Hire Vehicle Standards published by the Department for Transport with reference to section 3 which has commentary relating to council policies.
- 4.2 The primary purpose of the licensing regime is to ensure public safety; therefore, this becomes the primary consideration for the policy.
- 4.3 Officers have considered the practical application of the policy in the period it has been in effect as well as responding to changes in guidance and legislation with the proposed draft policy.
- 4.4 The policy has been reformatted and the wording simplified to make it more accessible.
- 4.5 Requirements in relation to wheelchair accessible vehicles (WAVs) have been updated in response to guidance which has been published in response to the commencement of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which amends the Equality Act 2010.
- 4.6 There are proposed changes to vehicle livery in the interests of public safety as well as ensuring compliance with licensed vehicle requirements (i.e., ensuring it is clear a vehicle is licensed for private hire only).
- 4.7 The vehicle emissions and age policy has been updated.
- 4.8 A new lost property procedure has been produced.
- 4.9 The convictions policy has been updated with a proposal to adopt the Institute of Licensing convictions guidance which seeks to achieve national consistent standards for the trade.
- 4.10 The dress code has been updated to ensure that a consistent standard is applied for appropriate dress also considering safety and hygiene.
- 4.11 It is proposed that CCTV is introduced in all vehicles. This is for purposes of prevention and detection of crime. Other authorities have reported positively after the introduction of this measure.

- 4.12 The penalty points system has been reviewed and updated.
- 4.13 Information relating to delegations and decision-making processes has been clarified and amplified.
- 4.14 The draft details information relating to further checks that the council is now considered to undertake upon receipt of applications and throughout the life of licences.
- 4.15 In addition to the policy revision, there are proposed changes to the relevant byelaws to ensure the two tools align.
- 4.16 Details of the proposed amendments to the byelaws are attached to this report for consideration. The first byelaws were made in 1984, they have been reviewed several times in the intervening period but require updating for consistency and clarity. The changes are not considered to be extensive.

5. CONSULTATION

- 5.1 It is proposed that a six-week public consultation period is undertaken. Questions will be asked of consultees to gauge views on the proposed changes. The list of proposed questions is appended to this report.
- 5.2 A list of consultees is included with the draft policy.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 The purpose of the consultation is to help generate any options or alternatives which will be reported when the consultation is complete.

7. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT/SECTION 151 OFFICER

- 7.1 Income from licensing assists the Council in balancing its budget. Taxi licensing realises approximately £75,000 per annum. In the current financial circumstances, it is preferable to realise maximum levels of income to the Council to allow it to deliver services.
- 7.2 While green issues and climate change initiatives are supported, the fee structure recommended should recognise these and not lead to significant reductions in income. It is noted that a further report will be submitted to Members following the consultation process. The full implications will be reviewed at that stage and the financial effects considered in the preparation of the 2023/24 budget.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1 Not applicable

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. The Secretary of State has issued guidance. The document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017. The document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their functions. These functions include developing, implementing, and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion. However, it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters considering the relevant law. This consultation document is intended to allow the Council to reach its own decision.

10. HUMAN RESOURCES IMPACT

- 10.1 No specific requirements identified.

11. HEALTH & SAFETY IMPACT

- 11.1 No specific requirements identified at this stage

12. PROPERTY & ESTATES IMPACT

- 12.1 No specific comments identified

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 13.1 Section 149 of the Equality Act 2010 sets out the Public sector equality duty. The public sector equality duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 (“the 2022 Act”) has made amendments to the Equality Act 2010. Government guidance provides both statutory and non-statutory guidance on the duties and offences under the taxi and private hire vehicle sections in the Equality Act 2010
- 13.2 The draft policy has considered needs of those with disabilities in accordance with the relevant statute and guidance and lays out requirements for wheelchair accessible vehicles (WAVs) as well as how individuals with needs are assisted. We do acknowledge that there may be circumstances where wheelchairs may

be too big to fit into WAVs or there may times when a vehicle is not available. This could be mitigated by pre-booking.

13.3 It is recognised that taxi and PHV's provide an essential means of transport for many people in outer lying areas and those with vulnerabilities and special needs. Drivers are all required to undertake training in relation to this.

13.4 The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 has been considered and applied in revising the draft policy.

13.5 A preliminary equality impact assessment has been prepared for the purposes of consultation and will be reviewed when all the consultation responses are received.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 Proposals have been made to encourage a more environmentally friendly fleet.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 The statutory guidance issued by the Department of Transport states that there is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers. Accordingly, this new policy has had regard to this guidance as set out below.

15.2 The proposed introduction of CCTV is to be used as a measure to prevent and detect crime.

15.3 All drivers receive training which includes sex exploitation and modern slavery issues.

15.4 Revised vehicle livery for public safety reasons and to ensure that private hire vehicles are clearly visible as such.

15.5 The convictions policy has been updated, with a proposal to adopt Institute of Licensing convictions guidance.

16. HUMAN RIGHTS IMPACT

- 16.1 It is acknowledged that the right to privacy would be impacted because of the installation of CCTV in vehicles. Passengers would be alerted to CCTV before entering the vehicle by the display of signage visible from inside and outside of the vehicle. Access to recordings will be restricted and only viewed for specified purposes.
- 16.2 The policy ensures that applicants and licence holders have the right to a fair hearing whilst ensuring that the overarching duty to protect public safety is achieved.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

- 17.1 The policy outlines how data will be stored in relation to CCTV requirements. The Annexe to the Statutory guidance notes that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data
- 17.2 The Home Office 'Surveillance Camera Code of Practice' sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the Protection of Freedoms Act 2012, licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

CONTACT OFFICER:

Name: Sarah Meeten
Job Title: Licensing Manager
Contact Number: X37680

BACKGROUND DOCUMENTS:

- Draft policy
- Current hackney carriage byelaws [Byelaws | Arun District Council](#)

- Current policy [Taxi licensing policy | Arun District Council](#)
- [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)Access to taxis and private hire vehicles for disabled users - GOV.UK \(www.gov.uk\)](#)
- Equality Impact Assessment
- Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 effective from 28 June 2022[Most significant change to taxi and private hire vehicle accessibility legislation in 12 years - GOV.UK \(www.gov.uk\)](#)
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
- [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022 - GOV.UK \(www.gov.uk\)](#)
- [Update to Surveillance Camera Code of Practice - GOV.UK \(www.gov.uk\)](#)

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Hackney Carriage and Private Hire Licensing Policy and Handbook



V1.5.2022 (Draft)

Contents

Introduction	4
Definitions	6
General principles	7
Decision Making	7
Appeals.....	8
Fees	8
Fares.....	8
Licensing arrangements.....	8
Taxi ranks.....	8
Lost property	10
Complaints	10
Driver requirements	11
Suitability	11
Applications	11
Right to work.....	12
HMRC checks.....	13
Fitness and health	13
Disclosure and Barring Service (DBS).....	14
Age and experience.....	15
Knowledge tests.....	15
Driving standards and qualifications	15
Behaviour	16
Concerns raised by other authorities about Arun licensed drivers	17
Fit and proper	18
Smoking in vehicles.....	19
Duty to provide assistance	19
Renewals	21
Conditions and Byelaws.....	21
Vehicles	21
Applications	21
Vehicle specifications	22
Vehicle age and emissions.....	22
Age policy.....	22

Vehicles in exceptional condition.....	22
Emissions policy.....	23
Wheelchair Accessible Vehicles (WAV's)	23
Vehicle requirements.....	24
Vehicle livery and signage.....	26
Maintenance of livery and signage.....	26
Signs	26
Vehicle proprietors.....	27
Fit and proper	27
Grant of vehicle licences.....	28
Horse drawn carriages	28
Antique, vintage, classic or similar vehicles.....	28
Private Hire Operators	29
Applications	29
Fit and proper	29
Determination, compliance, and enforcement	31
Offences	31
Powers.....	31
Delegations.....	32
Issuing of warnings and cautions	34
Prosecution.....	34
Appeals Against Decisions.....	34
Compliance.....	34
Enforcement	35
Penalty points scheme	36
Hackney Carriage byelaws.....	37
Standard dual driver conditions	37
Dress code.....	37
Appendix 1 Standard Dual Driver Licence conditions (Private Hire and Hackney Carriage)	37
Appendix 2 Convictions, cautions, endorsements, and other factors	42
Appendix 3 Standard CCTV Conditions applicable to all vehicles from 1 April 2024	49
Appendix 4 Licensed driver dress code.....	51
Appendix 5 Penalty points system	52

Appendix 6 Standard Private Hire Vehicle Conditions	56
Appendix 7 Safety Screens	60
Appendix 8 Advertising on vehicles	61
Appendix 9 Required vehicle signage	63
Appendix 10 Conditions applicable to all wheelchair accessible vehicles.....	67
Appendix 11 Conditions applicable for licensing and use of trailers	69
Appendix 12 Additional conditions applicable to limousines	71
Appendix 13 Conditions applicable to TukTuks and Quadcycles	72
Appendix 14 Standard conditions for Private Hire Operators	73
Appendix 15 Guidance for the vehicle compliance test (in addition to the MoT standard) and vehicle specifications	77
Appendix 16 – Standard vehicle specification for hackney carriages	84
Appendix 17 – Standard vehicle specification for private hire vehicles	89
Appendix 18 Seating arrangements.....	93
Appendix 19 Dual driver licence application process	96
Appendix 20 Vehicle licence application process	104
Appendix 21 Byelaws	107

This policy supersedes all previous policies in relation to taxi and private hire licensing

In revising this policy, Arun District Council ('the council') consulted with the following organisations and bodies:

- | | |
|---|--|
| The hackney carriage and private hire trade licensed by the council | Parish and Town councils |
| Arun hackney carriage offices | Local Bus and Rail operators |
| Guide Dogs for the Blind | Organisations representing local businesses |
| Neighbouring Local Government Authorities | Members of the public via the council's web site and libraries |
| Local Children's Safeguarding Board | Local Members of Parliament |
| West Sussex County Council | |
| Sussex Police | |
| The Members of the council | |

1.0 Introduction

1.1 The taxi and private hire licensing regime exist for the purposes of public protection. It is recognised that a driver alone in a taxi or private hire vehicle with an individual, including those who are vulnerable is a position of great responsibility. This policy is intended to provide guidance on the licensing requirements in the Arun District.

The principal legislation relevant is:

- The Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976

The council will comply with obligations under relevant legislation including:

- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Health Act 2006
- Human Rights Act 1998
- Immigration Act 2016
- Road Traffic Acts
- The Police and Crime Act 2017
- The Taxis and Private Hire Vehicles (safeguarding and Road Safety) Act 2022
- Town Police Clauses Act 1889
- Transport Act 1985
- Transport Act 2000

There are five types of licence within the two regimes: hackney carriage driver, private hire driver, hackney carriage vehicle, private hire vehicle and private hire operator.

This document sets out the policy that the council will apply when making decisions about new applications and licences currently in force. This policy applies to:

- Hackney Carriages: being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public, or undertake pre-booked work
- Private Hire vehicles: licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street.
- Private Hire operators
- Hackney Carriage and Private Hire drivers

Arun District Council as the licensing authority only issue dual driver

licences. This means that a driver can drive a hackney carriage or private hire vehicle. Throughout this policy, the term ‘taxi driver’ will be applied in respect of both hackney carriage and private hire drivers.

- 1.2 This document is not intended to be exhaustive or definitive in terms of the law, it is designed to provide transparency and consistency in approach. We recommend all licence holders familiarise themselves with the provisions of the relevant acts, local byelaws, and conditions.

Minor changes to the policy may be made by officers in consultation with the Licensing Committee Chairman and the Group Head of Technical Services. Examples of minor changes would include amendments to correct any administrative errors, inconsequential changes to make clarifications and changes to include any relevant factors with interacting legislation.

- 1.3 The council will use the policy to set a high standard of professional behaviour and to ensure that vital matters such as safeguarding issues are explored, and that signs and reporting mechanisms are made known to the trade. The policy will seek to ensure that relevant persons can be held accountable for their behaviour. The policy also seeks to ensure that disreputable persons do not have a place in the local licensed trade.

- 1.4 This policy will be reviewed at least every 5 years or sooner if legislative or guidance change make it appropriate to review it sooner.

Public consultation took place between XXXX and XXXX regarding this policy before it was approved. Views expressed in relation to the consultation have been considered as well as current legislation, guidance, and case law relevant to hackney carriage and private hire licensing.

- 1.5 This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the council will have regard to this policy document. However, each application or decision to take enforcement action will be determined on its own merits considering the full relevant information and supporting evidence available.

1.6 Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) and the Town Police Clauses Act 1847 provide the regulatory framework for the council as the Local authority (the “Authority”) to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.

Hackney Carriage. A vehicle licensed by the authority to ply for hire. It must have no more than 8 passenger seats. It may stand at ranks, be hailed on the street by the public or undertake pre-booked work.

Limousine. Limousine means a luxury vehicle of high quality generally driven

by a chauffeur and with a partition between the driver and passenger compartment.

Private Hire Vehicle. A vehicle licensed by the authority to undertake pre-booked work. It must have no more than 8 passenger seats. Bookings must be made in advance via an operator licensed by the authority. It cannot ply for hire.

Private Hire Operator. A private hire operator licence is required to permit the making of private hire bookings and the despatch of private hire vehicles. Licences relate to the address of a booking office. A licence can be issued to an individual or a company.

Drivers. An individual that is licensed to drive a Hackney Carriage or Private Hire Vehicle.

Proprietor. The holder of a vehicle licence issued by the council granted under section 37, Town Police Clauses Act 1847 (hackney carriage) or section 48, Local Government (Miscellaneous Provisions) Act 1976 (private hire).

2.0 General principles

2.1 The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public. The aim of this policy is to provide a fair, open, and transparent framework to ensure that hackney carriage and private hire services in the Arun District continuously demonstrate that they meet or exceed the standards set by the council.

In exercising the principle of protecting the public, the council will undertake its function with a view to promoting:

- public confidence in the trade through the setting of high standards and encouraging a professional approach
- the safeguarding of children, young and vulnerable persons
- the prevention of crime and disorder
- the safety and health of drivers and the public
- encouraging environmental sustainability

These aims and objectives will be considered when making decisions. It is recognised that licensing is just one means of achieving these aims and the council will work with partners to deliver positive outcomes for the local community.

We expect all licence holders and applicants to act appropriately in their dealings with us. Where licence holders and applicants do not uphold the expectations placed upon a professional licensed service, consideration will be given to suspending or revoking their licence or refusing their application. Such examples of unsuitable behaviour can include, but are not limited to, licence holders who are rude and confrontational to staff, not complying in a timely manner with reasonable requests of the council, avoiding their responsibilities, or any example of other, similar

unprofessional conduct towards the council or others.

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2.2 Decision Making

Except where indicated in the policy, Officers will normally make decisions under delegated authority whether to grant, refuse, suspend or revoke a licence, or grant any form of exemption.

In cases where revocation of a licence is considered, there will be a clear separation between the investigation of licensing concerns and the management of the licensing decision making process. In addition, the council has arrangements for dealing with serious matters that may require the immediate revocation of a licence by delegation of these powers to a manager with responsibility for the licensing service.

We aim to inform applicants and licence holders of decisions within 10 working days from the date we deem an application to be complete. If an applicant or licence holder has convictions, cautions, or other relevant information the process may delay a decision. If a decision is made to refer a matter to a Sub-committee the process will take longer. The decision to refer a matter to Sub-committee is at officers' discretion.

2.3 Appeals

Where a decision made by the Licensing Authority is appealed, the council will normally defend the decision and seeks its costs of doing so in full, from the appellant.

2.4 Fees

Fees will be reviewed annually and approved by the Licensing Committee. They are set with a view to recovering costs. Licences will not be issued until fees have been paid in full. There will be no refunds for any part of the fees if a licence is surrendered, suspended, or revoked.

2.5 Fares

Fares will be set by Licensing Committee on an annual basis or more frequently should there be appropriate circumstances such as significant change to fuel prices.

2.6 Licensing arrangements

Every driver of a Hackney Carriage or a Private Hire vehicle licensed by Arun District Council must also hold a driver's licence issued by Arun District Council. The same principle applies to Private Hire Operators who must operate Arun licensed vehicles and drivers.

This is to ensure that there is transparency in arrangements, and the council can uphold the high standards which it expects of the trade.

Persons who are or were licensed by multiple authorities are expected to inform Arun District Council what relevant licences they hold or have held, and which authority issued them. There is also a requirement to disclose any refusal (or revocation) of authorities to issue a licence.

There is also a requirement to inform the council of any change to licensing status. Applicants and licence holders should expect officers to make enquiries and exchange information in relation to this and general conduct of applicants and licence holders. Any changes in respect of licence status with other authorities must also be disclosed to Arun District Council (any failures may result in action being taken against the applicant).

2.7 Taxi ranks

The licensing authority may appoint taxi ranks for the whole or part of any day in any highway in the district and on any land with the permission of the landowner and may vary the number of hackney carriages permitted at each stand.

No taxi rank shall be appointed so as:

- a) To be unreasonable to allow access to any premises.
- b) To impede the use of any points authorised to be used in connection with a road service licence as points for picking up or setting down passengers, or in such position to interfere unreasonably with access to any station or depot of any road transport operator.
- c) On any highway except with the consent of the highway authority.

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

Ranks have been designated by Arun District Council at the following locations:

Bognor Regis

London Road
High Street
West Street
Waterloo Square/Esplanade (7p.m to 7a.m)

Barnham

Barnham Road (outside Railway station)

Littlehampton

2 x East Street
Surrey Street

Rustington

Churchill Parade

Provision of stands will be reviewed again when there are significant changes to town centre development, or as any other pressing need is identified.

Railway Stations

Ranks have not been designated at any of the railway stations in the Arun district.

However, the landowner has provided waiting and pick-up/drop-off areas at the stations. These areas are under the control of Network Rail and permission from them must be sought before hackney carriages can ply for hire on the land.

Stations where waiting and pick-up/drop-off areas are available are:

Bognor Regis

Barnham

Arundel

Angmering

Littlehampton

2.8 **Lost property**

It is a condition that lost property left in vehicles is handed to the council.

Items of lost property will be handed into the licensing team by appointment. Appointments and enquiries regarding lost property should be made to licensing@arun.gov.uk. Contact must be made with the licensing team within 24 hours of the property being found.

Perishable goods will not be taken, these should be disposed of in an appropriate manner.

A record of lost property handed in will be maintained for a period of 6 years from the date of handing in.

Where an owner can be identified (and verified by the production of identification) for items, contact will be made with the owner by whatever means possible requesting a response by a specified date one month from the date of notification. If posting of items is required, this will be paid by the owner of the property prior to posting. If no response is received, then the items will become the property of the council. If it is not possible or appropriate to post specific items, it will be the responsibility of the identified property owner to collect them.

Where an item can be identified but the owner cannot, for example a bank card, this will be returned to the relevant business or authority.

Where items are not claimed they can be disposed of appropriately or handed to a charity.

Items considered to be of a value of greater than £50 and unclaimed will be notified to the Group Head of Technical Services to ensure that there is agreement as to the method of disposal for unclaimed items. This will be recorded on the lost property log.

2.09 Complaints

The public can submit service requests / complaints / concerns about licensed drivers and operators. This is accessible via the submission of a report form via the council's website. In deciding the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be considered.

In addition, if anyone wishes to complain about the service provided by the council there is a Complaints procedure available on the website.

3.0 Driver requirements

3.1 Suitability

To ensure that licences are not issued to unsuitable persons and to safeguard the public, the following will be considered when assessing suitability of applicants:

- a) That the applicant has held for at least 12 months a UK full driving licence for manually operated or automatic motor cars
- b) That there are no endorsed driving licence penalty points
- c) Be physically and mentally fit
- d) Applicant criminality
- e) General conduct of the applicant, including online/social media behaviour and the conduct of the applicant during the process (false declarations)
- f) Be deemed by the licensing authority a fit and proper person
- g) That the applicant has passed a driving standard test applicable to taxi drivers
- h) That the applicant has passed a knowledge test set by the council
- i) The completion of an approved safeguarding course
- j) Undertaken any other training that the council determines relevant
- k) Be permitted to work in the UK
- l) Have registered for tax purposes with HMRC
- m) Previous licensing history including history of licensing with other authorities and history of other types of licence held (including operator or proprietor)

3.2

Applications

Every application for a dual driver licence must be accompanied by satisfactory evidence of the following (applications that are incomplete will not be deemed to have been made until such time as all the information required has been provided) -

- That the applicant has the right to live and work in the UK and that they have registered for tax purposes with HMRC
- An enhanced Disclosure and Barring Service (DBS) check and evidence that they are not on a child and/or vulnerable adult barring list
- A certificate of their current medical fitness [to Group 2 standard]. This must be carried out by their own GP or medical practice that has full access to the individuals' medical records
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive
- That the applicant has a minimum of 12 months post-qualification UK driving experience and there shall be no points on the licence within 12 months of the date of application
- That the applicant has adequate literacy and numeracy skills to provide the service for which they wish to be licensed
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service for which they wish to be licensed
- That the applicant has completed and passed the knowledge test set by the licensing authority
- For persons who seek to be authorised to drive a wheelchair accessible vehicle: that the applicant can safely load and unload wheelchair users and secure wheelchair users in a wheelchair accessible vehicle whilst in their chair. Officers may require applicants to take a test to ensure the applicant is capable of this.

If an applicant has spent six continuous months or more overseas since becoming the age of 10 (the age of criminal responsibility), the licensing authority will expect to see evidence of a criminal record check or certificate of good conduct from the country/countries covering the relevant period before a licence application can be made.

If a certificate of good conduct is not provided in written English, the applicant will pay the cost of a certified translated copy.

The statutory and practical criteria and qualifications for a private hire driver are identical to those for a hackney carriage driver. Arun District Council

only issue dual licences.

The council will generally look to licence drivers for 3-year periods except for first-time applicants who may be invited to apply for a one-year licence. An option to be licensed for a one-year period remains if there are circumstances that make this the best option for the applicant.

In cases where a licence holder is working under the authority of a Visa, a licence will only be granted until the date of Visa expiry.

3.3 **Right to work**

The Immigration Act 2016 places duties upon local authorities to prevent illegal working in the taxi and private hire sector. If the requirements of the Act are not satisfied, the authority will not issue a licence. For more information. www.arun.gov.uk/Apply/A Licence/Licensing/Taxi and Private Hire Licensing/taxi driver licenses/right to work

3.4 **HMRC checks**

Applicants:

- renewing a licence
- applying for the same type of licence you previously held, that ceased being valid less than a year ago
- applying for the same type of licence you already hold with another licensing authority

are required to carry out a tax check.

You cannot ask a tax agent or adviser to do this on your behalf.

The tax check will ask questions about how you pay any tax that may be due on income you earn from your licensed trade.

After you have completed the tax check you will be given a 9-character tax check code.

You will need to give the code on your application to the licensing authority, so they can confirm you have carried out a tax check.

You will not be granted a licence if you do not give a tax check code to your licensing authority.

3.5 **Fitness and health**

Taxi drivers have an elevated risk of certain medical conditions as they spend considerably longer behind the wheel than normal domestic drivers.

New licence applicants must provide a Group 2 medical examination certificate in support of their application and at 5 yearly intervals from the age of 45 until they reach the age of 65.

Licence holders over the age of 65 are required to undertake annual Group 2 medical examinations.

Medicals must be carried out by their own GP or medical practice that has full access to the individuals' medical records. A form for completion by the applicants' doctor is provided. More information can be found at [www.arun.gov.uk/Apply/A Licence/Licensing/Taxi and Private Hire Licensing/taxi driver licences/medical](http://www.arun.gov.uk/Apply/A_Licence/Licensing/Taxi_and_Private_Hire_Licensing/taxi_driver_licences/medical)

The test applied is the DVLA Group II medical standard for HGV and PSV drivers.

It is a legal requirement that drivers must not refuse to carry assistance dogs. They are also required to carry and aid wheelchair users. If an applicant has a medical reason requiring them to be exempt from these requirements, medical evidence must be provided to the council for consideration. This may require referral to a medical advisor appointed by the council. A licence holder is not considered exempt from requirements until they have been issued with an exemption notice which is always displayed prominently in the vehicle.

Examination fees are the responsibility of the applicant/licence holder.

Licence holders must advise the council promptly of any deterioration in their health that may affect their driving capabilities. They may be referred for an independent assessment if officers consider it appropriate. An officer will decide if a matter may affect driving capabilities, therefore drivers should contact an officer for a confidential discussion if they have a condition and are unsure if they are required to declare it. Action will be taken for non-compliance with this requirement.

If at any time a driver fails to meet the current medical standards, the licence may be suspended/revoked in line with the advice given in the medical standards of fitness report or by the council's medical advisor.

3.06

Disclosure and Barring Service (DBS)

Criminal records checks are required on a minimum of a six-monthly basis.

The Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 specifies both Hackney Carriage and Private Hire drivers as being exempt. This means that all applicants will be asked to disclose any caution or conviction even if it is spent for other purposes. Any such information will be revealed on the DBS certificate.

The council will only accept certificates that are applied for by the council's appointed agent or via the council's licensing service. If a DBS has been

issued to another local authority for the same purposes within the last four weeks, this will be accepted. The certificate must be enhanced level and in relation to child and adult workforce employment and specified as such on the certificate. Applicants must pay the cost of the certificate.

All applicants must declare all cautions, convictions and fixed penalty notices received before licensing and during the licensed period.

A licence will not be granted if an enhanced DBS certificate has not been provided to the council.

It is required that the council undertake checks of licence holders DBS status at a frequency of not less than every 6 months. This can be achieved via subscription to the update service. If changes are indicated, then a full check will be required.

If a driver has spent 3 continuous months or more outside of the UK during a licence period, they are required to provide evidence of a criminal record check/certificate of good conduct from the countries that they have resided in during the period they were overseas.

3.07 **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.

A licence will not be granted to anyone 18 years of age or over, who has not held a full UK driving licence for a period of 12 months or more. The applicant must not have any points issued on the DVLA driver licence within the 12 months prior to application.

3.08 **Knowledge tests**

Taxi and Private Hire drivers need a good working knowledge of the area for which they are licensed. New applicants are required to pass a test of local and industry related knowledge as a condition of first grant of a licence. The test is in electronic test format with multiple choice questions. The applicant will need to show their knowledge of the local geography, local businesses, awareness of public safety, customer service, highway code, legislation, safeguarding and equality and disability. More information can be found at <https://www.arun.gov.uk/taxis-taxi-drivers>

If the applicant fails the first knowledge test, they must book a subsequent test within one month of the failure. Applicants may take additional tests at their own expense as many times as they wish during the 12-month application period. A minimum of one test per month should be taken.

The authority may require drivers to pass further tests or attend training, or both in relation to a specific subject area as a condition of renewal if it believes it is in the interests of public safety. For example, a condition of renewal may be that a driver is required to undertake a training module related to increasing

awareness of Child Sex Exploitation or identifying signs of modern slavery.

Applicants cancelling a test with less than 24 hours' notice will not be refunded the fee which is payable at time of booking.

3.09 **Driving standards and qualifications**

Each applicant for the grant of a first licence must undertake and pass a driving assessment to demonstrate that they are competent, safe and have sufficient experience and knowledge of driving on UK roads and that their driving is of a nationally acceptable level. The driving assessment must be undertaken with the authorised driving instructor or organisation. More information can be found at <https://www.arun.gov.uk/taxis-taxi-drivers>

Existing drivers whose licence is reviewed following motoring convictions, or other evidence of poor driving standards, may be required by officers or the licensing subcommittee to pass the driving assessment again prior to being permitted to continue driving.

Vocational qualifications for the taxi and private hire trades, which cover customer care, including how best to meet the needs of people with disabilities and vulnerable persons, are considered desirable.

Drivers of Wheelchair Accessible Vehicles may be required to undertake an additional assessment if requested by an officer.

3.10 **Behaviour**

Any offences or behaviour not expressly covered by this Policy may still be considered in appropriate circumstances. The decision whether to consider any information will be with the overarching regard to ensure public protection.

Existing holders of driver's licences are required to notify the council in writing within 48 hours of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction, or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 48 hours of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty and integrity of the licence holder and will be considered as part of any subsequent renewal applications.

What about notice of intended prosecution?

Conviction's guidelines are appended to this policy. The guidelines will be applied when considering applications and licences.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required in the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false

declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

- 3.11 A high standard of conduct is expected from licensed drivers who should be prompt, polite and helpful in their dealings with the public. Instances of improper conduct will be viewed very seriously, and a record will be maintained of complaints relating to individual drivers. Consideration may be given to enforcement action or other sanctions in view of a driver's record.

Drivers need to take extra care when transporting children and vulnerable adults. Care must be taken not to appear to be over familiar in conversation or any other form of communication.

Drivers must not misuse passenger contact details e.g., unsolicited text messaging or other forms of communication.

Drivers should ensure that they always look smart and clean. Drivers must not dress in a manner likely to cause embarrassment or offence to passengers. Clothing must cover the shoulders and torso and above the knee. Appropriate footwear which allows for safe driving must be worn.

3.12 **Concerns raised by other authorities about Arun licensed drivers**

If the council receives information from another licensing authority relating to safeguarding and road safety concerns about a driver it licenses, it will consider the information within 20 working days. The reporting authority will be advised of the outcome together with reasons.

The Taxis and Private Hire Vehicles (safeguarding and Road Safety) Act 2022 defines what would constitute safeguarding and road safety concerns that would include information indicating that the person:

- committed a sexual offence (regardless of whether the person was charged with, prosecuted for, or convicted of the offence)
- harassed another person
- caused physical or psychological harm to another person (regardless of whether the person was charged with, prosecuted for, or convicted of the offence)
- committed an offence that involves a risk of causing physical or psychological harm to another person
- committed an offence under section 165, 168 or 170 of the [Equality Act 2010](#) (regardless of whether the person was charged with, prosecuted for, or convicted of the offence)
- did anything that constitutes unlawful discrimination or victimisation against another person for the purposes of the Equality Act 2010
- threatened, abused, or insulted another person
- poses a risk to road safety while driving

- may be unsuitable to hold a taxi or PHV driver's licence for other reasons related to the safeguarding of passengers or road safety

Furthermore, attempting to or conspiring to commit the above offences also constitutes a valid safeguarding or road safety concern.

If the council has information relating to the conduct of drivers licensed by other authorities and officers consider that information may have led them to consider further action, the information will be shared with the relevant authority within 10 working days so that they may determine what action that they need to take, if any. The Taxis and Private Hire Vehicles (safeguarding and Road Safety) Act 2022 compels the sharing of such information.

Before a determination is made to grant or renew any application, the council will search the national refusals, suspensions and revocations database for any entry relating to the applicant. If the search reveals any relevant information this will be considered as part of the determination process.

3.13

Fit and proper

All applicants must satisfy the council that they are fit and proper to hold a licence. The requirement also remains during the period of licensing.

Applicants are expected to act with honesty and integrity during and after the application process. They are expected to act professionally. All relevant information should be disclosed in a timely and accurate manner. Those found not to disclose relevant information or to be considered to mislead the council will have applications refused.

Similarly, those already licensed should expect to have their licences revoked. It is of utmost importance that high standards are held within the industry.

There is no judicially approved test of fitness and propriety, however those making determinations can ask the following question of themselves to establish if a person meets the test:

“Would you (as a person charged with making a determination, without prejudice and based on the information before you) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

If the answer to this question (or a similar test) is an unqualified ‘Yes’ then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver's licence.

Licensing authorities must make difficult decisions as to whether a licence should be granted (or retained) but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probabilities. This means that **an applicant or licensee will not**

be ‘given the benefit of the doubt’. If the committee or delegated officer have any doubt as to whether the applicant or licensee is ‘fit and proper’, they should not hold a licence.

To assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Period of holding a driver’s licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct and standards of behaviour including online behaviour
- The conduct of individual, including but not limited to complaints and other information received during the application process or course of the licence. This includes honesty and integrity of the individual during the application period and/or period of licensing
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Whether the applicant has had a licence suspended, refused, or revoked by another licensing authority
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

In addition, the council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies, and other information/complaints received.

If a driver, acting in their capacity as the holder of a different licence (for example vehicle proprietor’s licence or private hire operator’s licence) fails to comply with the byelaws or conditions attached to that licence, or has that licence revoked for reasons of being unsuitable to hold that licence, the council will consider this to reflect on their character as a licensed driver and they should expect to have their licence to drive a vehicle suspended or revoked.

3.13

Smoking in vehicles

No smoking of any type of tobacco product, e-cigarettes, vapes or any other type of substitute cigarette is permitted in any Arun licensed vehicles at any time. This being for the safety and comfort of passengers as well as compliance with relevant laws and to promote a professional image of the trade.

The Health Act 2006 prohibits the smoking of tobacco or any other substance

by anyone in a licensed hackney carriage or private hire vehicle. This is always applicable when the vehicle is licensed, not just when it is occupied by customers.

Every licensed hackney carriage and private hire vehicle is required to display appropriate smoke free signage. Further information is provided in the appendices of this document.

3.14 **Duty to provide assistance**

Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing, and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so

It is best practice to ask the passenger where they would like to sit in the vehicle.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their suitability to hold a licence considered.

There will be a zero-tolerance policy where access has been refused to a disabled person. All reports will be investigated with a view to pursuing enforcement action.

The council may undertake test purchasing with assistance dog owners to ensure licensing requirements are being complied with.

Relevant questions may be included within the knowledge test which include the subject or disability equality including the carriage of assistance dogs.

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty to carry guide, hearing, or other assistance dogs on medical grounds. If no exemption has been applied for, then drivers must carry assistance dogs.

The Licensing Authority will make it a condition of the licence that the notice of exemption must be exhibited in the vehicle by fixing it in a clearly visible position, for example on the windscreen or in a prominent position on the dashboard.

An exemption certificate will only be issued when a medical condition is confirmed by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

The same applies about passengers with other disabilities. Drivers are obliged to offer help to disabled persons, the nature of the disability is irrelevant, the driver must act on needs of the passenger after asking them what assistance they require. Examples of reasonable assistance could include, but is not limited to, opening the passenger door, folding manual wheelchairs, and placing them in the luggage compartment, installing boarding ramps, securing of a mobility aid within the passenger compartment. Depending on the weight of the wheelchair or mobility aid and the capability of the driver, reasonable mobility assistance could also include, but is not limited to pushing a manual wheelchair, or light electric wheelchair up a ramp. Or stowing a light electric wheelchair in the luggage compartment. Drivers should however only assist if the user gives permission for them to do so. We expect drivers to communicate with passengers when providing assistance as this is key to assisting with what they need.

3.15 **Renewals**

Applicants for renewals must continue to meet the same criteria as those applying for the grant of a new licence.

3.16 **Conditions and Byelaws**

Every driver and proprietor are expected to be familiar with their licence conditions and relevant byelaws. Those who do not comply with the relevant conditions and byelaws can expect enforcement action to be taken against them.

The council may attach conditions to a driver's licence as it consider reasonably necessary. The council's standard conditions can be found at **appendix 1**.

The council has made byelaws that are applicable to hackney carriage drivers and proprietors. These are reviewed and amended periodically. The byelaws can be found at **appendix 21**.

4.0 **Vehicles**

4.1 **Applications**

Applications are made via the council's website and will not be deemed complete until they are accompanied by the following:

- a fully completed form
- payment by credit or debit card
- payment of the relevant fee
- a valid certificate of motor insurance or a cover note for the proposed vehicle covering hire and reward. The policy must be valid for the date the licence will be issued
- a copy of the garage test certificate showing the vehicle has been inspected by a council approved centre and passed the vehicle test
- photographic identification of the proprietor(s), if applicable. The only

forms of ID that will be accepted are valid passport or DVLA driving licence

- a basic DBS for each proprietor dated within the last 6 months if the proprietor is not a licensed driver with the council. If a person ceases to be a licensed driver with the council, the DBS requirements are reinstated. This does not apply to temporary vehicles licensed by insurance companies.
- the V5/V5C DVLA registration document for the proposed vehicle. At least one of the proprietors must be the registered keeper of the vehicle. If the vehicle has been recently purchased and the new V5/V5C has not yet been issued, the tear off slip is acceptable
- a valid MOT certificate (if a Hackney Carriage is more than 12 months old or a Private Hire Vehicle is more than 3 years old).

Local authorities have a wide range of discretion over the types of vehicles that they can licence as taxis or private hire vehicles (PHVs). Where certain requirements are specified, or made the subject of conditions, this is based on protecting public safety, satisfying environmental requirements or best practice, or ensuring a taxi and private hire fleet reflects the district's needs.

4.2 Vehicle specifications

4.3 Vehicle age and emissions

Part IV Environment Act 1995 requires local authorities to review and assess air quality on a regular basis. Arun District Council is committed to ensuring that air quality levels within the district remain good and that it will do all it can to prevent the need to declare an Air Quality Management Area (AQMA). The council is also committed to improving the standards of its vehicle fleet by setting minimum emissions standards for vehicles licensed in the district. It is recognised that high mileage and wear and tear on vehicles used for such professional purposes will have an impact on their serviceability over time. In the interests of public and passenger safety and comfort the council sets standards by applying emissions and vehicle age standards for its licensed vehicles. It is viewed as justifiable to ensure sustained improvement of the vehicle fleet and the impact on the health and environment in the district.

4.4 Age policy

From 1 April 2024:

Licences (new and renewals) will not be granted for vehicles that were first registered (or in the case of imported vehicles, manufactured) more than 10 years prior to the date that the application was made

ULEV vehicles may be registered up to 15 years of age

A vehicle may be considered for licensing beyond these age limits if it is in 'exceptional condition'. The criteria are defined below.

4.5 Vehicles in exceptional condition

A vehicle may be considered 'exceptional condition' if all the following apply:

- the vehicle must not have failed the council's vehicle inspection or MOT during the previous 5 years. An advisory on more than one occasion relating to the same item will also constitute a fail
- the vehicle passes the council's inspection at first presentation
- the bodywork is in near perfect condition and there are no other factors which detract from the overall appearance of the vehicle
- the general paint condition, livery and signage are not showing signs of fading, discolouration or mismatching that detract from the overall appearance of the vehicle
- the interior of the vehicle will be in excellent condition, clean and free from damage, damp, bad odours, and discolouration, this includes the boot space
- the vehicle is in excellent mechanical condition, safe and roadworthy with no signs of corrosion to mechanical parts, chassis, underside, or body work
- a complete service record must accompany the vehicle to evidence that it has been properly maintained in accordance with the manufacturer's specification throughout the life of the vehicle.

It is an officer's professional opinion based on the above as to whether a vehicle can be considered 'exceptional condition'. An officer's decision is final. It is accepted that few vehicles will meet these criteria.

4.6 Emissions policy

From the date this policy becomes effective, all new vehicles must exceed Euro 6 emission standards (Euro 6 compliant being registered on or after 6 February 2014).

From 1 April 2026 the council will only licence new vehicles which are Ultra Low Emission Vehicles (ULEV) as defined by the Vehicle Certification Agency [Zero & Ultra Low Emission Vehicles \(ULEV\) | Vehicle Certification Agency \(vehicle-certification-agency.gov.uk\)](https://www.vehicle-certification-agency.gov.uk)

In recognising the importance of its vehicle fleet switching towards more environmentally friendly vehicles, from the date of the introduction of this policy until 31 March 2028 financial incentives will apply to the licensing of zero, low emissions and ultra-low emissions vehicles for vehicles approved by the Vehicle Certification Agency [CO2 Emissions : Directgov - Find new cars by fuel economy \(vehicle-certification-agency.gov.uk\)](https://www.vehicle-certification-agency.gov.uk)

4.7 Wheelchair Accessible Vehicles (WAV's)

Conditions relating to WAV's are appended to this policy at **appendix 10**

Passengers may not be charged an additional fee for using a WAV.

WAV's may be side or rear loading.

A WAV is defined as a vehicle which can accommodate at least one wheelchair (reference wheelchair) of the following dimensions as a minimum standard.

- 700mm wide
- 1200mm in length
- 1350mm in height

It is recognised that some chairs and mobility aids may be unable to access some WAVs. The Equality Act 2010 recognises this possibility.

Upon receiving a vehicle application, if a vehicle meets the criteria, it will be defined as a WAV. The details of the vehicle will be added to a list of WAVs which will be published via the council's website. Details that will be published are:

- Make and model of vehicle
- Licence number
- Whether vehicle is taxi or PHV
- Name of vehicle operator and contact details
- Information about size and weight that can be accommodated if outside of minimum standards
- Information on numbers of wheelchairs that can be accommodated in vehicle

In accordance with Equality Act 2010, a hard copy of the list can be made available upon request.

Appeals

Section 172 of the Equality Act 2010 enables an appeal against the decision of the council to include a vehicle on the designated list. The appeal should be made to the magistrate's court and must be made within 28 days of the vehicle in question being included on the list.

Driver Exemptions

Some drivers may have a physical condition or medical grounds which make it impossible or unreasonably difficult for them to provide the sort of physical assistance which the mobility assistance duties on the Equality Act 2010 require. Exemptions may be issued for a length of time considered as appropriate by the licensing authority.

An application form for exemption is available on the council's application portal. An officer will need to consider additional information and reports as relevant to decide regarding an application. The driver may be required to undertake an independent test at their own expense with specially trained professionals. In the case of allergies, a medical report needs to be provided.

When an exemption is granted, a certificate and notice will be provided. The notice must be always displayed in the vehicle. If the application is declined, reasons will be provided. There is a right of appeal to magistrate's court within 28 days of the decision.

If a booking is taken, operators should ask if there are any accessibility

requirements in relation to the booking and send an appropriate vehicle or advise the requestor that one is not available. Booking websites should also be updated to accommodate this information.

4.8 Vehicle requirements

All applications will be based upon the requirements of this policy. Upon application and renewal, applicants for vehicle licences will be expected to show:

- the vehicle meets the council age and emissions policy
- the vehicle complies with the council's livery and signage policy
- the vehicle can carry up to a maximum of 8 passengers (max number of passengers will be specified on licence)
- the vehicle is right hand drive
- a purpose-built full hybrid, or plug in hybrid must have a minimum range of 10 miles using battery power only
- a fully electric vehicle must have a minimum range of 100 miles
- if the vehicle is a saloon/estate type it has four side opening doors
- if the vehicle is a minibus, transit, or people carrier it has at least 3 doors not including the rear door
- the vehicle has a usable seatbelt for each passenger. Each seatbelt must be fully compliant with Euro NCAP standards
- the interior offers enough space for passengers and luggage to be transported in comfort and safely
- the vehicles windscreen and front side windows comply with the national legal tint specifications. All other windows to be compliant with manufacturers standard
- the vehicle is not designed in a way which prevents a person in the vehicle communicating with the driver
- Documents to show the vehicle has been repaired to a roadworthy condition, after being categorised as a write off under category C, D, N and S (see below)
- has not been an insurance write-off under category A and B

Category	Repairing the vehicle	Using the vehicle
A	Cannot be repaired	Entire vehicle has to be crushed
B	Cannot be repaired	Body shell has to be crushed, but you can salvage other parts from it
C	Can be repaired, but it would cost more than the vehicle's worth	You can use the vehicle again if it is repaired to a roadworthy condition

D	Can be repaired and would cost less than the vehicle's worth, but other costs (such as transporting your vehicle) take it over the vehicle's value	You can use the vehicle again if it is repaired to a roadworthy condition
N	Can be repaired following non-structural damage	You can use the vehicle again if it is repaired to a roadworthy condition
S	Can be repaired following structural damage	You can use the vehicle again if it is repaired to a roadworthy condition

Keeping the vehicle

If you want to keep a vehicle in category C, D, N or S, the insurance company will give you an insurance pay out and sell the vehicle back to you.

To keep a category C or S vehicle, you also need to:

- send the complete logbook to your insurance company
- apply for a free duplicate logbook using [form V62](#)

DVLA will record the vehicle's category in the logbook.

You can keep the logbook if you want to keep a category D or N vehicle

4.9

Vehicle livery and signage

There is currently no prescribed colour code for taxis or private hire vehicles.

Advertising is permitted on hackney carriages and private hire vehicles in accordance with policy with prior written permission from the council.

Conditions relating to what can be advertised and the position of the advert on the vehicle are contained in **appendix 8**.

4.10

Maintenance of livery and signage

The specification of vehicle livery and signage is mandated as a licence condition on all hackney carriage and private hire vehicle licences. The licence conditions require vehicles to be maintained to a good standard, and this includes the livery and vehicle signage which like vehicle paintwork and bodywork should be free from scratches, tears, dents and be securely fitted.

Signage must be always displayed on the vehicle it is licensed and not be removed. Once the vehicle is licensed it always remains a taxi or private hire vehicle and therefore must always comply with the council's policy. Removing the plate or top sign does not make the vehicle unlicensed.

Licensed vehicles must have always specified livery and signage for public safety reasons. Once the vehicle ceases to be licensed all identifying signage must be immediately removed. Failure to do so may result in the proprietor

being deemed unsuitable to hold further licences with the council. This includes a driver's licence.

4.11 Signs

The licensing authority will provide those signs appropriate to the licence of the vehicle. The council will not provide roof signs.

All signage issued by the council remains the property of Arun District Council. All signage must be returned to the council within 7 days, when no longer required.

The vehicle plate appropriate to the licence for the vehicle must be securely fixed on the outside rear of the vehicle.

The signs inside your vehicle must be clearly and permanently displayed to be viewed by passengers in your vehicle

The vehicle plate and signs must be maintained in a sound and clean condition, must not be altered and unobstructed, such that the sign information can be easily read by passengers.

If a plate is lost or stolen, it must be reported by the driver to the council within 72 hours of such loss.

Where any plate, sign or fixing is lost, damaged or stolen then a replacement must be obtained and fitted at the proprietor's own expense without delay.

If the vehicle licence expires, is revoked, or suspended, the proprietor shall return the vehicle plate to the council within seven days of notice being served on them.

An authorised officer of the council or a police constable may immediately remove and retain the vehicle plate where the licence has been revoked or suspended.

Where a licence renewal application is being made the old plate must be returned upon expiry. A new plate will not be issued if an expired plate is not returned.

4.12 Vehicle proprietors

The council acknowledges that vehicle proprietors are in a position of trust as they are responsible for ensuring the maintenance of vehicles that are used to transport members of the public. Licensed vehicles can be used as a cover for illegal transportation. Therefore, it is not only essential that the proprietor of a vehicle ensures that it is roadworthy, but they are also responsible for ensuring that it is not used for criminal or unacceptable purposes.

4.13 Fit and proper

In determining if a person is suitable to hold a vehicle proprietors' licence, the following question should be asked:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she

would maintain it to an acceptable standard throughout the period of the licence?”

If the answer to the question is an unqualified ‘yes’, then the person can be suitable. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted or not.

The decision as to whether a licence should be granted or retained should be taken bearing in mind that the safety of the public is the foremost consideration. The decision as to the suitability of the applicant/licence holder should be taken on the balance of probabilities.

This means that an applicant or licence holder will not be ‘given the benefit of the doubt’. If a committee or an officer with delegated authority is in any doubt as to whether the applicant or licensee is suitable to hold a licence after considering the above test, then they should not hold a licence.

In the case that a company or partnership are proprietors of vehicles (or apply to be), the above test will be applied in respect of each director or partner.

To assess the suitability of applicants, the council will take into consideration the following:

- criminality
- right to work
- behaviour and conduct (including communications by electronic means and social media), both during the application period and throughout the life of the licence, including complaints made
- integrity of the applicant throughout the process including false declarations
- compliance with vehicle maintenance requirements including MOT and vehicle tests
- If the applicant has had a licence revoked, suspended, refused, or been prosecuted for offences by another licensing authority.

Further information relating to convictions is set out in the appendices of this policy.

4.14 **Grant of vehicle licences**

If application requirements are met, vehicle licences will be granted for a period of one year or less, commencing on the of issue.

Standard conditions attached to vehicle licences can be found in the appendices of this document.

Similarly, the council has made Hackney Carriage Byelaws which are appended to this document at **appendix 21**.

Proprietors who do not comply with requirements can expect to have their licence(s) revoked.

Applications to renew licences can be made via the council's website.

4.15 **Horse drawn carriages**

Arun District Council does not licence horse drawn carriages.

4.16 **Antique, vintage, classic or similar vehicles**

A vintage, classic or antique car is, in the most general sense, an old vehicle, and in the narrower senses of car enthusiasts and collectors. Such enthusiasts have categorisation schemes for ages of cars that enforce distinctions between antique cars, vintage cars, classic cars, and so on. The classification criteria vary, but consensus within any country is often maintained by major car clubs.

These vehicles are unlikely to meet the conditions for hackney carriages and private hire vehicles; however, this does not mean they cannot be licensed. They will only be licensed as a private hire vehicle following consideration of public safety and passenger comfort. The vehicle will still be required to comply with high vehicle standards regarding mechanical inspection and the vehicle conditions where appropriate, within this policy.

A proprietor of these types of vehicles should contact a licensing officer to discuss the matter in the first instance.

Drivers of these types of vehicles will still be required to hold a dual driver licence issued by the council.

5.0 **Private Hire Operators**

5.1 **Applications**

Applications are made via the council's website and will not be deemed complete until they are accompanied by the following:

- a fully completed form
- payment by credit or debit card
- payment of the relevant fee
- a basic DBS for the operator and office staff that may access records or process personal information dated within the last 6 months if the operator or staff are not licensed drivers with the council. If a person ceases to be a licensed driver with the council, the DBS requirements are reinstated

5.2 **Fit and proper** (as above at 3.13)

The council considers that licensed operators are in a position of trust. The council must ensure that applicants and licence holders are and remain fit and proper to hold a licence. This requirement is contained within Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term “Fit and Proper Person” for the purposes of Private Hire Operator licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining applications or being asked to consider if a licensed individual is fit and proper can ask themselves:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or other unacceptable purposes? Would I also be confident that this person would operate a professional and reliable service, at a time it is needed, and take reasonable steps to safeguard both passengers and the ability of the local licensing authority to protect the public if required?”

If the answer to the question is an unqualified ‘yes’, then the person can be considered fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

Licensing authorities must make difficult decisions as to whether a licence should be granted (or retained) but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probabilities. This means that **an applicant or licensee will not be ‘given the benefit of the doubt’**. If the committee or delegated officer have any doubt as to whether the applicant or licensee is ‘fit and proper’, they should not hold a licence.

To assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- General conduct / standards of behaviour including online behaviour
- The conduct as an individual holding a licence, including but not limited to complaints and other information received during the application process or course of the licence
- The conduct of the applicant in making the application (e.g., whether they have acted with honesty and integrity during the application process)
- The previous licensing history of existing / former licence holders (including honesty and integrity)
- Whether the applicant has had a licence suspended, refused, or revoked by another licensing authority
- Business practices demonstrated by the applicant (for example standard of record keeping, procedures, training and vetting of staff, compliance with other regulatory requirements, financial practices etc)

- Awareness of safeguarding, equalities and public safety matters, and procedures to ensure promotion of the same through the operation
- Policies and practices to promote the safety and welfare of drivers under their control

The council will also consider further information sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies, and other information/complaints received.

6.0 Determination, compliance, and enforcement

Should drivers, vehicle proprietors or operators commit an offence or breach licence conditions or rules set in statute or by the council, the persons involved may be asked to attend the council offices for an interview. When officers have completed investigations, a letter will be sent to relevant parties detailing the results of the investigation. This letter will be held on file as a permanent record and can be disclosed to other licensing authorities. Further action which may result from an investigation includes penalty points being awarded, a formal warning, or a referral to the Licensing Subcommittee and/or prosecution.

6.1 Offences

Offences in relation to private hire and hackney carriages are derived from the following sources:

- Town Police Clauses Act 1847 (Hackney only)
- Local Government (Miscellaneous Provisions) Act 1976 (Hackney and Private Hire)
- Transport Act 1980 (Private Hire Only)

Licence holders are expected to know and understand the requirements imposed upon them by these Acts and by their licence conditions which are set out in this policy and its appendices.

6.2 Powers

The licensing authority may take any of the measures outlined below if it believes an offence or breach of conditions has been committed or if it does not find a licence holder to be 'fit and proper':

- Prosecution
- Revocation of licence
- Suspension of licence
- Addition of conditions
- Issuing warnings, cautions, or penalty points

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the licensing authority to consider all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a pattern of repeat offending.

In this policy the term "disqualification" refers to the period served, to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

6.3

Delegations

Licensing Committee

The Licensing Committee is responsible for the council's statutory powers and duties regarding hackney carriages and private hire vehicles, hackney carriage and private hire drivers and private hire operators. This includes setting, reviewing, and adopting policy for this area, setting, and reviewing fare rates and licence fees, and any other matters considered to require the attention of the full committee.

Sub-Committee's

A Sub-Committee will deal with any contested matters referred to it and have responsibility for determining the fitness and propriety of a driver when matters are referred by officers for consideration. For instance, a referral to a Sub-Committee may be made as the result of an accumulation of penalty points imposed on the licence. Details of the Penalty Points system can be found at **appendix 5**. The Sub-Committee have options available to them including:

- Grant or renew a licence
- Grant or renew a licence with additional conditions
- Grant or renew a licence for a reduced period
- Refuse to grant or renew a licence
- Suspend a licence
- Suspend a licence pending the holder satisfying additional conditions
- Revoke a licence
- Awarding of penalty points

The licence holder or applicant for a licence is permitted to speak at a hearing regarding their licence or application that has been referred to the Sub-Committee.

Matters are heard by a panel consisting of three elected members of the Licensing Committee. They are supported by a clerk and a legal advisor. Decisions are made in private by members. They may consult with the legal advisor, but the advisor will not participate in the making of the decision.

A decision made by the Sub-Committee may be appealed to the Magistrate's court.

Enforcement Review Panel (ERP)

The ERP (consisting of officers of management level and a legal advisor) reviews cases in circumstances where officers consider that consideration of court action or cautions may be a proportionate response to alleged offences or other relevant matters. The Panel will assess the evidence and determine if further action should be taken. The ERP may also refer matters to the Licensing Subcommittee if it feels this is appropriate.

Officers

Officers will normally undertake decisions under delegated authority whether to grant, refuse, suspend or revoke a licence, or grant an exemption. Officers may also issue warnings and penalty points.

Where cases of revocation are considered, there will be a clear separation between the investigation of the concerns and the decision-making process. Serious matters requiring immediate revocation of a licence are undertaken with the oversight of the manager responsible for the function.

Officers have delegated authority to refuse the grant of a licence or renewal where the applicant has a relevant conviction, knowingly omits material particular to an application or makes a false statement or declaration on an application and this policy dictates the authority will not normally grant a licence where the applicant fails to submit any mitigation to the authority in the requested time.

Officers may immediately suspend:

- A vehicle licence if we are informed that the vehicle has been stolen
- A vehicle licence if we become aware the vehicle insurance certificate is invalid
- A vehicle licence if a breach of conditions is not rectified within a time specified by us
- A vehicle if it is not kept in a road worthy, efficient, safe, tidy, and clean condition
- An operator's licence if the operator no longer has an interest in the business
- A driver licence where the driver has failed to undertake training or participate in learning as requested by the authority

Officers may revoke:

- Any licence where the holder fails to provide information to us (this includes failing to provide details of convictions and cautions)
- A driver's licence if we believe an action or information relating to the driver

brings into question public safety

- A driver's licence if we are told the driver has no right to work in the UK
- A driver's licence if an action brings into question the fit and proper status of the driver
- A driver's licence if the DVLA notify the authority that a driver has been disqualified from driving
- A driver's licence where we have been informed that a driver has been charged or convicted of an offence and the driver has failed to notify the authority

Officers may refer a matter to a Sub-Committee for consideration if that is deemed appropriate.

6.4 Issuing of warnings and cautions

In addition to the issue of penalty points, a method of dealing with less serious matters may be the issuing of warnings or cautions.

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence. The decision to issue a simple caution will normally be taken by the ERP.

6.5 Prosecution

When considering prosecutions, consideration will be given to the council's relevant enforcement policy.

6.6 Appeals Against Decisions

Decisions relating to formal actions will be notified in writing as soon as practicable after the decision has been made. Reasons for decisions will be given. Any right of appeal to a decision will be included with the decision.

Any applicant refused a licence or a driver who has a licence suspended or revoked on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

An appeal against a decision of the council means that the decision does not take effect until the appeal is determined by the Magistrates Court or the appeal is withdrawn by the licence holder. The exception to this will be if the licence is suspended with immediate effect in the interest of public safety.

Where a decision of the licensing authority is appealed, the council will normally defend the decision and seek its costs of doing so from the appellant.

6.7 Compliance

The council will undertake compliance work in relation to complaints and as routine to establish that standards are being maintained and public safety remains a priority. The aim of compliance is to ensure that drivers and

operators remain 'fit and proper' to hold a licence and that vehicles remain safe.

Compliance inspections may be undertaken as part of pre-programmed work, day to day work or in partnership with other agencies.

Mystery shopper exercises may be undertaken as part of this work.

6.8

Enforcement

The council undertake enforcement in accordance with the Environmental health, private sector housing, licensing, and cleansing enforcement policy which can be found at www.arun.gov.uk.

In the interests of public safety, the council will liaise with the police, DVSA and other relevant agencies and will undertake roadside spot-checks of vehicles and drivers. Actions that may be taken by officers during such checks will include the issuing of Stop Notices and Defect Notices.

If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence. This may be with immediate effect if officers believe the safety of members of the public or other drivers could be compromised.

A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver.

If it appears that in the interests of public safety it requires the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Amended by the Road Safety Act 2007 s52]

A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

Officers will monitor compliance with legal requirements and licence conditions by conducting surveillance, considering information given with licence applications, carrying out inspections, and investigating complaints.

The information revealed by officer's enquiries and investigations will be assessed in line with our enforcement policy including consideration of:

- the intent of the offender
- the scale of the offence
- the consequences of the offence and danger to the public
- any risk to safety or health caused by the offence

- any financial loss caused by the offence
- the previous record of the offender
- any previous advice or warnings given
- the likelihood of the offence being repeated and effectiveness of enforcement options

In all cases the alleged offence will be brought to the attention of the licence holder or applicant, and they will be given the opportunity to make comments and identify any mitigating factors before a decision is made where circumstances make this possible.

Licensing decisions are taken on the 'civil' standard of proof and in line with the statutory guidance, the benefit of the doubt will **not** be given to the licence holder when making any decision.

Having considered all relevant information and evidence, outcome options include:

- no further action
- written warning
- penalty points
- issue statutory notices (stop notices etc)
- suspend a licence
- revoke a licence
- refuse to renew a licence
- prosecution

Where an officer decides that giving a licence holder advice is the appropriate outcome this will be recorded and may be used in the consideration of any future offences or breaches of conditions.

Written warnings are given for a maximum of one year. If a licence holder is issued with another warning or commits an offence within the year, then they will be referred to the Licensing Subcommittee for a review of their licence.

If a person holds more than one type of licence (e.g., a dual driver licence and an operator licence) and their suitability is called into question, they can expect that their suitability to hold all types of licence will be considered.

6.9

Penalty points scheme

Arun District Council operates a penalty points scheme with the primary objective to improve levels of compliance, set a 'level playing field' for the licensed trade and to improve standards and safety for the travelling public.

The penalty points scheme operates in conjunction with other enforcement options. It will record misdemeanours and act as a record of a driver's behaviour, competence, and conduct. It does not override the council's ability to pursue other actions.

Penalty points remain on record for a rolling 12-month period from the date of

issue. Points issued to either the proprietor of a vehicle or driver will be confirmed in writing.

Complaints from the public concerning significant breaches of conduct will be subject to investigation by Officers and may be reported to the Licensing Sub-Committee for the issuing of discretionary points.

Where a licensee accumulates 12 or more penalty points in any rolling 12-month period, the matter will be referred to the Licensing Sub-Committee for their consideration of the licensee's status as a fit and proper person. The Sub-Committee may then suspend or revoke a licence or issue a warning to the licensee. Periods of suspension of a licence will be dependent on the nature of the breaches. The compliance history of the individual will be considered.

Any disputes regarding the issuing of penalty points by officers will be referred to the Licensing Sub-Committee who have the discretion to award a greater number of points than displayed on the tariff if the complaint is upheld. Licensees must appeal the issuing of penalty points issued by officers, in writing to the Licensing Sub-committee within 21 days of issuing of the points. There is no right of appeal to penalty points awarded by the Sub-Committee.

Officers may also refer any matters to Members where they believe there are relevant aggravating factors to any case.

6.10 **Hackney Carriage byelaws**

The council has made Byelaws relating to Hackney Carriages which can be found at **appendix 21** of this policy.

6.11 **Standard dual driver conditions**

A set of standard conditions are attached to every licence and can be found at **appendix 1**.

6.12 **Dress code**

To ensure safety and to promote a professional reputation within the local trade a dress code is applicable to licensed drivers. This can be found at **appendix 4**.

Licensed drivers working for companies with dress codes are still required to comply with the council's standards. It is a condition of the licence that all drivers adhere to this policy.

Appendix 1 Standard Dual Driver Licence conditions (Private Hire and Hackney Carriage)

The following conditions are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and apply to all private hire and dual licensed drivers.

Conduct of driver

1. The driver shall:
2. Afford all reasonable assistance with passengers' luggage by loading and unloading and removing it to and from the entrance of any building at which he picks up or sets down a passenger. This includes assistance with mobility aids and wheelchairs.
3. Take particular care when transporting unaccompanied children, young persons, or vulnerable adults and remain alert to safeguarding issues and report any concerns.
4. At all times comply with the dress code specified in the relevant policy.
5. At all times behave in a civil and orderly manner
6. Take all reasonable steps to always ensure the safety of passengers
7. Not eat or drink whilst conveying passengers in the vehicle
8. Behave in a way which does not cause a nuisance to passengers or any other person
9. At all times he is acting as a private hire driver comply with obligations and guidance detailed in the Arun District Council Taxi and Private Hire Policy
10. Not operate the vehicle horn as a means of signalling the vehicle has arrived
11. Undertake a relevant assessment within a specified time, at the expense of the licence holder, if an authorised officer has reasonable cause to believe that there is a need to assess the numeracy or literacy skills of a licence holder.
12. Ensure the vehicle is at all times kept in a clean and presentable condition and notify the proprietor immediately if it is not in a roadworthy condition.
13. Ensure that all signs, badges, and information required by the council are displayed where they can be clearly seen.

Driver Badge

14. The driver shall when standing or plying for hire and when hired wear the driver's identification badge issued by the council in such position and manner as to be plainly visible for passengers to view.
15. The driver shall ensure the second identity badge is clearly displayed in a prominent position inside the vehicle as to be plainly visible for passengers to view.

Passengers

16. The driver shall not convey in the vehicle more passengers than the vehicle is licensed to carry and displayed on the licence plate.
17. The driver shall not without the consent of the hirer permit any other person to be conveyed in that vehicle.
18. The driver shall comply with all relevant legislation relating to the wearing of seatbelts and use of child restraints.
19. Drivers must ask disabled passengers if they require assistance and act upon that request providing reasonable assistance unless they hold a relevant exemption.

Lost property

20. The driver shall immediately or as soon as possible after the termination of any hiring search the vehicle for left/lost property
21. If the driver is unable to immediately return the property to the passenger, they shall contact the council's licensing team within 48 hours to arrange to hand the property in to the council.

Receipts

22. The driver shall if requested by the hirer provide a written receipt for the fare paid.

Animals

23. The driver shall not convey in the vehicle any animal belonging to or in the custody of himself or the proprietor of the vehicle. The driver shall ensure that animals belonging to passengers are conveyed in the rear of the vehicle.

Prompt attendance

24. The driver of a vehicle who has been hired to attend an appointed time and place, shall punctually attend at that time and place unless delayed or prevented by sufficient cause.

Deposit of driver licence

25. Before commencing driving a private hire vehicle, the driver must lodge a copy of their driver's licence with the operator of the vehicle. A copy of the licence must be lodged as required until the driver ceases to be permitted or employed to drive the vehicle.

Taximeter

26. If the vehicle is fitted with a taximeter, the driver shall ensure the meter is clearly displaying the fare until the hirer has had a reasonable opportunity to examine it and has paid the fare.
27. The driver must not alter the meter during the journey or allow any person to tamper with any part of the meter

Fares

28. The driver shall not demand from any hirer of a licensed vehicle a fare more than any previously agreed for that hiring between the hirer and the operator. If the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, it shall not exceed that on the face of the taximeter.

Change of name or address

29. The driver shall notify the council in writing of any change of name or address during the period of the licence within seven days of such a change taking place.

Convictions and charges

30. The driver shall within seven days disclose to the council in writing details of any conviction or caution imposed on him/her during the period of the licence, or any charges for criminal offences made against them.

Return of badge

31. The driver shall upon expiry of this licence return the badges issued with this licence to the council within seven days.
32. If the licence is suspended or revoked the driver shall upon demand by an authorised officer of the council return the badge immediately to the council.

Accidents

33. Drivers are required to inform the council as soon as possible (within a maximum of 72 hours) if the vehicle has been involved in an accident. This includes minor accidents. An accident report form (available from the council's website) must be provided to the council within five days of the accident taking place.

Smoking

34. The driver will not smoke tobacco or similar substances, use e-cigarettes, vaporising or similar devices or smoke other substitute tobacco inside the vehicle at any time.

CCTV

35. A check must be made at least daily to ensure that the vehicles CCTV system is always operational whilst the vehicle is being used as a licensed vehicle. Any malfunction of the system should be reported immediately to the council by email licensing@arun.gov.uk
36. The driver must not interfere or allow others to tamper with the CCTV system except in the routine operation of the system in accordance with the manufactures instructions or attempt to access

footage without the express authority of the council.

Change of contact details

37. The licence holder must notify the council within 7 days of any change of their contact details taking place during the period of licensing, whether temporary or permanent. The contact details must include:
- Name
 - Address
 - Mobile telephone number
 - Email address

Time spent overseas

38. The licence holder must notify the council in writing within 7 days if they have spent three or more continuous months outside of the UK during the period of licensing.
39. The licence holder must provide a criminal record check/certificate of good conduct for any countries they have visited for three or more continuous months.

Personal information

40. Drivers must ensure that personal and other customer information obtained during their business is only obtained for as long as necessary. Access to information should be restricted to those who require it for the purposes it was collected.
41. Customers personal information must not be used for any other purpose other than that for which it was collected without the express authorisation of the individual to who the information relates.
42. Customers details must not be used for marketing purposes without prior consent or for any other unsolicited contact.

Cooperation with authorised officers

43. Licensed drivers have a duty to cooperate with authorised officers of the council and any other licensing authority or police force in relation to matters of the licensed vehicle trade.

Renewal

44. The driver will undertake any training or assessments deemed appropriate by the licensing authority for reasons of public safety during the life of the current licence and before the licence requires renewal.

Note:

a. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

b. Any person who commits an offence against any of the provisions of the Act of 1976 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided by the Act.

c. The use of a vehicle not licensed as a private hire vehicle or hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.

d. A child can travel in a licensed vehicle without a child car seat; however, the following must be observed: a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt

e. If at any time the conduct of the driver causes concern to the council as to whether they remain fit and proper to hold a licence, the council will investigate the conduct and if satisfied that the driver is no longer fit and proper the driver licence may be suspended or revoked.

f. Failure to declare any conviction within the required timescale together with the nature of the conviction will be considered in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation, or refusal to renew the hackney carriage/private hire driver licence.

g. Any infringement of licence conditions may result in suspension or revocation of the licence.

h. Any person aggrieved by any condition specified on the licence may appeal to Magistrates court within 21 days from the date of the issue of the licence.

Appendix 2 Convictions, cautions, endorsements, and other factors

Introduction

- 1 This policy sets out the criteria to be considered by the council when determining whether a person (or company) is fit and proper to hold a Dual Driver licence, vehicle licence or Private Hire Operator licence. In addition to criminal convictions the council will also consider other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source, including officer's observations and customer complaints.
- 2 Each case will be considered on its own merits and where exceptional circumstances demand, the council may depart from this policy.
- 3 For renewal applications and current licence holders this part of the policy will not be applied retrospectively. However, the policy will be applied if any additional convictions are incurred or brought to the attention of the council that would call into question a person's suitability to hold a licence.
- 4 Arun District Council will not issue a licence to a person or company that the council does not consider 'fit and proper'. "Fit and Proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is "safe and suitable" to hold the licence.
- 5 In seeking to safeguard the public, the council will be concerned to ensure:
 - that a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
 - that the person does not pose a threat to the public
 - that the public are safeguarded from dishonest persons
 - the safety of children, young persons, and vulnerable adults
- 6 In determining suitability of the applicant/licence holder the council will consider all matters concerning that applicant or licence holder. The council is not simply concerned with that person's (or company's) behaviour whilst working in the taxi or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament and approach to regulatory compliance.
- 7 The council will undertake such checks as it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- criminality
- number of endorsed DVLA driving licence penalty points
- the conduct of the applicant in making the application (e.g., whether they have acted with integrity during the application process) or the conduct of the licence holder during their interactions with officers
- the previous licensing history of existing / former licence holders
- Information received from other council departments and other authorities concerning the applicant/licence holder

- 8 In this policy, the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands (notice of intended prosecution). Other relevant information, including officer observations and complaints received may be considered under this policy.
- 9 The council reserves the right to reconsider a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.
- 10 Arun District Council adopts the ‘*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*’ produced by the Institute of Licensing, section 4.25 to section 4.54 which is included within this policy. Similar proposals were also published by HM Government’s Department for Transport in the annex ‘*Assessment of Previous Convictions*’ to its ‘*Statutory Taxi & Private Hire Vehicle Standards*’ published in July 2020 where they are stated as the minimum standards that should be applied by Licensing Authorities. Any future amendments or updates to this guidance are adopted by this council.
- 11 A common misunderstanding is that if the offence was not committed when the driver was driving a taxi, or if it was in a taxi but not when passengers were aboard, it is much less serious. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
- 12 Applicants may claim that they have sought employment in other fields and been precluded because of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 13 Licensees are expected to always demonstrate appropriate professional conduct, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way.

In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

- 14 In relation to each of the licences it may issue for drivers, operators and vehicles, the licensing authority has discretion as to whether to grant the licence.
- 15 Convictions for attempt or conspiracy will be regarded as convictions for the substantive offence. A caution is regarded in the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction. This is because these penalties may only be imposed following an admission of guilt.
- 16 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be considered by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 17 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 18 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 19 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 20 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 21 Most applicants or licensees will have no convictions and that is clearly the ideal

situation. In relation to other people, it is accepted that human beings do make mistakes and lapse their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases, an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 22 It is also important to recognise that once a licence has been granted, there is a continuing requirement on part of the licensee to maintain their safety and suitability. The licensing authority has powers to act against the holder of all types of licence (driver's, vehicle, and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 23 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g., failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked, and may result in prosecution.
- 24 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 25 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 26 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 27 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.
- Drivers**
- 28 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 29 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 30 As stated above, where an applicant has more than one conviction

showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

- 31 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

- 32 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

- 33 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

- 34 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

- 35 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

- 36 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

- 37 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

- 38 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have

elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

- 39 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

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

- 41 Drink driving/driving under the influence of drugs/using a handheld telephone or handheld device whilst driving.

- 42 Where an applicant has a conviction for drink driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate they are not using controlled drugs.

- 43 Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

- 44 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence or drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

- 45 A major traffic or vehicle related offence is one which is not covered above and any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

46 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed

Vehicle use offences

47 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

48 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

49 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

50 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be affected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

51 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

52 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

53 Firstly, they must ensure that the vehicle is always maintained to an acceptable standard.

- 54 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 55 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to when they are a safe and suitable person to be granted or retain a vehicle licence.
- 56 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

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Appendix 3 Standard CCTV Conditions applicable to all vehicles from 1 April 2024

1. The CCTV shall be of a type approved by the council. The image quality must be of good quality in all light conditions so events can easily be viewed, and people identified. The CCTV must clearly show the whole of the interior of the vehicle including the driver's position.
2. The system must be capable of recording both audio and video and must always be operational when the vehicle is being used as a licensed vehicle. The system does not need to be operational when the vehicle is being used for domestic purposes.
3. Note: Any CCTV system must be in operation when there are passengers being carried for hire and reward in the vehicle. Significant negative weight to decisions will be given if no recording is available on investigation and no proper explanation is given for failing to provide recordings on request.
4. Audio recordings must comply with the Home Office Surveillance Code of Practice and the Information Commissioners Code of Practice. If an audio function is provided - this should normally be set in the default OFF position and only activated by trigger or panic button function unless there is valid reasons to have audio recordings such as Home to School contracts when audio recordings are compulsory or at times deemed to be of greater risk to the driver.
5. Notices indicating that a video/recording system is in operation and giving details of the data controller must be clearly displayed so that they can be seen from inside and outside of the vehicle.
6. The CCTV system may incorporate a cut out system located in the boot area of the vehicle which may be activated when being used for personal use. A visual indication such as a red light or monitor must be fitted and maintained in working order in the cabin in clear view of the driver to alert the driver that the CCTV is switched off should a cut out system be fitted to the vehicle.
7. All CCTV media and its data must be secured, password encrypted and not accessible to any individual, other than the data controller (Arun District Council) or their appointed administrator.
8. As far as the council is concerned any material recorded on the equipment shall only be used as evidence in court proceedings or deterring and preventing the occurrence of crime; reducing the fear of crime; assisting the police in investigating incidents of crime; assisting insurance companies in investigating motor vehicle accidents and to confirm or rebut complaints made against the driver or to confirm functionality of the system.

9. No recording or other material created from the system shall be used or distributed for any purpose other than allowed by the paragraph above or kept more than 31 days if not required under for the purposes of the paragraph above. Footage must be retained for a minimum of 7 days.

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Appendix 4 Licensed driver dress code

All Arun licensed drivers must always comply with the licensed driver dress code whilst they are conducting business. These are minimum standards.

The driver must have good standards of personal hygiene.

Clothing

All clothing worn must be clean, presentable and in good condition.

Knee length tailored shorts may be worn.

Trousers should be full length. Skirts should be knee length.

Shirts, tops, and blouses should cover to below the waistline and have short or long sleeves. Shoulders should be covered.

Footwear

Footwear shall fit around the heel of the foot and be suitable for driving in.

Headwear

Hats may not be worn. A driver must be easy to identify and be not have their ability to see passengers obstructed. An exemption to this requirement applies for religious headwear.

The following are considered unacceptable:

- Trousers or other clothing with holes and rips, including purposeful rips and tears
- Words, phrases, or graphics that could be considered of an offensive or suggestive nature
- Sportswear or beachwear (except trainers which may be worn) including tracksuits, football and rugby tops, sarongs, and swimwear
- Shoes or sandals with no heel straps, flip flops etc
- Clothing which does not cover the shoulders
- Hoods must not be worn, or any other clothing / item that may obscure vision

Appendix 5 Penalty points system

Penalty points will be given to licence holders for certain misconduct and breaches of Byelaws. These may be applied as the result of the investigation and upholding of a complaint or issues identified by an officer during an inspection. Matters resulting in the issuing of up to and including 12 points may be issued by an Officer.

The Licensing Sub-Committee will be asked to consider a driver's fit and proper status if any licence holder acquires 12 or more points during any 12-month rolling period. Discretionary points may be awarded by the Sub-Committee.

Guidance for the issue of penalty points can be found on the table below. Please note: This list may be subject to amendment without notice.

	Type of Misconduct	Points Applicable	Driver	Vehicle Owner or Operator
1	Failure to notify a change of name or address within 7 calendar days	3		
2	Providing false or misleading information on licence application form / failing to provide relevant information or pay the relevant fee (including dishonoured cheques)	6		
3	Unclean interior/exterior of vehicle	3		
4	Unapproved advertising or inappropriate advertising	3		
5	Failure to afford reasonable assistance with luggage into or out of the vehicle, or to and/or from the entrance of any place at which a passenger is picked up or set down.	3		
6	Conveying animals belonging to the proprietor or driver of the vehicle	3		
7	Improper/unauthorised vehicle signage including failure to use authorised roof light	4		
8	Failure to display table of fares or other approved notices	4		
9	Failure to display the vehicle licence plate in the appropriate position on the vehicle	4		
10	Failure to maintain adequate private hire records and/or provide to authorised officers for inspection	4		
11	Failure to notify where the vehicle is kept or notify a transfer	4		
12	Failure to produce DVLA licence when requested	4		
13	Failure to return a vehicle licence upon expiry	4		
14	Failure to wear or produce driver ID badge	4		
15	Defacing or concealing the vehicle licence plate	5		

16	Failure to properly furnish the vehicle	5		
17	Failure to provide when requested a valid certificate or motor insurance	5		
18	Using an unlicensed vehicle or using a licensed vehicle without valid insurance or valid garage test and MOT	12		
19	Failure to undergo 6 monthly MOT on time	6		
20	Failure to produce HC/PH driver's licence	5		
21	Failure to produce a fitness to drive group 2 medical certificate or medical assessment	5		
22	Failure to notify in writing a change in medical circumstances	6		
23	Failure to take precautions to ensure safety of passengers entering/exiting or travelling in the vehicle	5		
24	Use of rude or offensive language or behaviour	5		
25	**Inappropriate behaviour is this defined below?	*3-12		
26	Failure to observe rank discipline	3		
27	Obstruction or interfering of authorised officers of the council or any other enforcement agency carrying out their duties	6		
28	Using a vehicle subject to a suspension order issued by an authorised officer or police officer	12		
29	Using a vehicle for which the licence has been suspended or revoked	12		
30	Refusal to drive any person without reasonable cause	6		
31	Unreasonable prolongation of journeys or any misconduct relating to charging of fares	6		
32	Allowing children below 10 years of age in the front of the vehicle	6		
33	Allowing others to be carried without the consent of the hirer	6		
34	Failure to comply with a 14 day Notice or advisory Notice for repair of a vehicle	6		
35	Failure to notify an accident to the authority within 72 hours or damage to a licensed vehicle	6		
36	Inappropriate conversation, gestures, dress or attire, unsatisfactory appearance, or turnout of driver or aggressive behaviour	6		
37	**Poor or dangerous driving	*6-12		
38	Evidence of smoking in a vehicle (including e-cigarettes, vaping, or any other form of tobacco or substitute tobacco)	3		
39	Plying for hire by private hire drivers	9		
40	Private hire vehicle parking or waiting on a rank	9		
41	Failure to attend punctually at appointed time and place without sufficient cause	3		
42	Using a mobile phone or PDA whilst driving	6		
43	Allowing another person to drive without consent	7		

	of the proprietor			
44	Overcharging	7		
45	Meter tampering	8		
46	Failure to use approved and calibrated meter	8		
47	Failure to issue a receipt on request	6		
48	Knowingly using a defective vehicle	10		
49	A licensed vehicle with a bald, dangerous, or defective tyre	4 per tyre		
50	Failure to present vehicle when requested for inspection by an officer	10		
51	Exceeds number of passengers that vehicle is licensed to carry	12		
52	Failure to disclose previous convictions or cautions when renewing a licence	12		
53	In possession of drugs while in charge of a licensed vehicle	12		
54	Under influence of drink and/or drugs while in charge of a licensed vehicle	12		
55	Carrying an offensive weapon in the vehicle	12		
56	Failure to carry a fire extinguisher	4		
57	Failure to carry a first aid kit	3		
58	Failure to carry an assistance dog without the required exemption certificate	12		
59	Failure to notify the council in writing, of any motoring or criminal convictions within 21 days of conviction or cautions during period of current licence	6		
60	Waiting or stopping on double yellow lines or bus stop or private land unless requested by a paying customer present in the vehicle	3		
61	Unreasonable obstruction of the highway footpaths or inappropriate parking or illegal parking	3		
62	Failure to return driver ID on expiry	4		
63	Operating an unlicensed vehicle for private hire	12		
64	Appeal of points by way of Sub-committee Only points awarded by officers may be appealed. There is no right of appeal to points awarded by the Sub-committee.	*4-12		

**** 1. Definition of poor driving behaviour:**

- a) Careless driving – if the driver is not exercising the degree of care and attention that a reasonable and prudent driver would exercise in those circumstances
- b) Driving without reasonable consideration – deliberate act of behaviour is considered irresponsible and inconsiderate to others e.g., deliberately driving through a puddle to splash pedestrians

**** 2. Definition of dangerous driving:**

- a) The way that a person drives' falls far below what would be expected of a competent and careful driver; and
- b) It would be obvious to a competent and careful driver that driving in that way would be dangerous.

****3. Definition of Aggressive behaviour**

can cause physical or emotional harm to others. It may range from verbal abuse to physical abuse. It can also involve harming personal property.

The tick boxes act as a guide as to whom points could be applicable, but points may be applied to any licensee regardless of the indication on the list if the circumstances are appropriate.

****3. Definition of inappropriate behaviour**

Intentional or non-accidental speech, expression or behaviour that could or does cause harassment, alarm, harm, distress, or insult to others. This may include sexually or morally indecent, obscene, intimidating, or offensive behaviour, or conduct that causes another person to feel uncomfortable. This behaviour may be exhibited in any form including verbal, written, via social media, email or gestures.

The tick boxes act as a guide as to whom points could be applicable, but points may be applied to any licensee regardless of the indication on the list if the circumstances are appropriate.

Appendix 6 Standard Private Hire Vehicle Conditions

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

Taximeters

1. An approved taximeter, if fitted in a private hire vehicle must be in such position to be plainly visible to any person being conveyed in the vehicle. The letters and figures on the taxi meter face must be suitably illuminated during any period of the hiring. The meter must be calibrated in accordance with the fare tariff approved by the operator
2. The taximeter must be fitted with seals or similar so that it shall not be practicable for any person to tamper with the meter except by breaking, damaging, or permanently displacing the seals or other appliances.
3. When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

Fare Cards

4. Should the operator use a fare tariff; a current copy must be displayed inside the vehicle where it can be clearly seen by passengers.

Advertising

5. No advertisement, including operator signage may be displayed on the vehicle unless the council has provided written approval to the proprietor.

Identification Plate

6. A licence plate provided by the council must be permanently affixed to the rear of the vehicle.
7. The identification plate must be securely fixed to the outside rear of the vehicle in a position where it can be clearly visible and where it can be easily removed by an authorised officer of the council or a police constable.
8. The details on the private hire vehicle identification plate shall be the same as that of the vehicle on which it is displayed. The details on the plate must not be altered for any reason.
9. The requirement to display the identification plate shall not apply where an 'exemption certificate' has been issued in respect of the external plate for that vehicle, so long as the conditions of the exemption are being complied with.
10. If an 'exemption certificate' has been issued so the exterior identification plate does not have to be displayed, a small card with details of the vehicle shall be issued and must be displayed on the front windscreen where it can be clearly seen.

11. Door Signs

- 1) The door sign issued by the council shall be affixed to the near side and offside rear doors of the vehicle
- 2) The door signs shall be kept in good condition
- 3) This condition does not apply to temporary vehicles.

Internal and external signage and notices

12. The following must be always displayed:
 - a) Plate number and number of passengers vehicle licensed to carry
 - b) No smoking signage as required by the Health Act 2006
 - c) Signage detailing how a complaint can be made
 - d) A notice identifying the current driver of the vehicle. This is provided as a copy of the driver identification badge
 - e) Any other signage
 - f) Approved door signage displayed as required by the council
 - g) No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever must be displayed on, in or from the vehicle except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions.

Roof Signs

13. No roof signs may be displayed on Private Hire vehicles

Maintenance

14. The vehicle and all its fittings and equipment shall always when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements complied with.

Alteration of the vehicle

15. No material alteration or change in the specification, design, condition, or appearance of the vehicle shall be made without the approval of the council at any time while the licence is in force.
16. Any alterations to the vehicle in respect of specification, design, condition, or appearance must also be agreed with the insurance company and written confirmation of such changes, given to the council from the insurance company.

Safety Equipment

17. There shall be always provided in the vehicle when it is used or available for hire
 - A suitable and efficient 1Kg fire extinguisher shall be carried and readily available. the fire extinguisher shall be properly secured in the vehicle so as not to cause damage or injury or obstruct the driver or cause discomfort to any passenger. The fire extinguisher shall have a means of identifying whether it is

properly charged for use.

Change of name or address

18. The proprietor shall notify the council in writing of any change of address during the period of the licence, within seven days of such change taking place.

Deposit of driver licence

19. If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, then before that person commences to drive the vehicle, they shall deliver their dual driver licence for retention until such time as that driver ceases to be permitted or employed to drive the vehicle.

Insurance

20. A copy of the current insurance certificate or cover note relating to the licensed vehicle must be always kept in the vehicle and produced immediately for inspection by an authorised council officer or a police constable.
21. Any changes to the insurance for the vehicle must be notified to the council in writing within 7 days of such a change taking place. This includes changes to named drivers, purposes for which the vehicle is insured and a change to the registration number.
22. The insurance must show the purpose for which the vehicle is being insured, the start and expiry date, vehicle registration, named driver(s)

Vehicle Compliance Test (VCT)

23. A VCT pass sheet will be required every year, on the anniversary of the licence renewal, during the period for which the vehicle is licensed. A vehicle licence will not be renewed without a VCT pass which must have been undertaken not more than four weeks prior to the renewal date.

Convictions

24. The proprietor shall within seven days disclose to the council in writing details of any conviction or caution (including a local authority caution) imposed on him/her (or if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

CCTV

25. See **appendix 3** which details conditions drivers must adhere to if they have CCTV in vehicles.
26. CCTV is required in all vehicles from 1 April 2024 and the relevant conditions must be complied with.

Wheelchair Accessibility

27. Private hire vehicles may be provided to accommodate wheelchair using passengers. The vehicle must comply with the specifications relating to wheelchair accessible vehicles (**see appendices 10 and 17**)

Taxi radio

28. There is no requirement to fit a taxi radio but if one is fitted it shall comply with the following conditions

29. A radio if fitted shall be securely mounted to the structure of the vehicle

30. The radio and any of its components shall be placed so as not to cause obstruction to the driver or passengers view and not interfere with the drivers' controls

31. All electrical wiring and cables shall be secured so as not to cause interference to passengers, driver, or vehicle controls

Accidents/damage to vehicle

32. Any accident to a licensed vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle must be notified to the council as soon as possible in writing, in any case within 72 hours.

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Appendix 7 Safety Screens

The following criteria apply in respect of use of safety screens in licensed vehicles.

1. Arun District Council will not endorse, in any way a safety screen. This includes but not limited to the type of material, design, manufacturing quality, installation, fit within the vehicle or protection it offers. Any screen used in an Arun licensed vehicle is done so strictly and entirely at the users own risk.
2. Proprietors of hackney carriages and private hire vehicles may wish to fit a safety screen between the passenger and driver compartments. Before a safety screen is fitted the proprietor of the vehicle must notify the council, in writing, and must provide evidence that a product complies with government and industry regulations, as well as any additional requirements the licensing authority has.
3. The proprietor must provide evidence that the insurance company has agreed the installation of a safety screen in the vehicle does not negate the vehicle insurance. The proprietor shall provide photographs of the safety screen.
4. Below are some points to consider when fitting a safety screen inside the vehicle. The safety screen should:
 - a) Not be fitted to interfere with the operation of airbags or other safety features fitted to the vehicle
 - b) The bottom of the screen shall be properly secured
 - c) Not impede the access or egress to the vehicle
 - d) Be constructed of material which will not cause harm or injury to the passenger(s) or driver when fitted and not cause harm or injury to the passenger(s) or driver if the vehicle is involved in an accident
5. Be manufactured so that the driver has a clear view out the rear window when looking into the interior mirror and allow clear communication between the driver and passenger(s).
6. Be tight fitting and sealed to the full width of the interior of the roof and the full depth of the interior side panels.
7. Be constructed with a covered access so that payment may be taken by the driver through the screen. The covering of the access should open into the passenger compartment. (this may not apply to private hire vehicles)
8. Be constructed of a material that is easily cleanable with an appropriate sanitiser capable of killing viruses. The cleaner must not cause damage to the screen.
9. Any alteration to the screen or if you change the screen, must be notified to the council.

Appendix 8 Advertising on vehicles

Livery (advertising promoting either the licensee's business, or other businesses and products on behalf of a third party)

The conditions stated below are not exhaustive and may be altered or others may be added at the discretion of the licensing authority. You are advised to contact the licensing officer to discuss any advert, sign, notice etc. you wish to place on the outside or inside of the vehicle.

Before an advert, sign, notice etc. is placed on the outside or inside of a vehicle, a completed application form together with a copy of the design of the advert, sign, notice etc. **MUST** be lodged with the licensing officer, so it may be agreed that the content is not contentious. An application form is available from the licensing officer.

Any advertisement, sign, notice etc. must be approved by the licensing officer for (a) quality of artwork and design; (b) standard of content; (c) position for display on or in the vehicle; before it is placed on the outside or inside of the vehicle.

Your application for advertising will be assessed against the following criteria:

- (a) Legitimate business, product and service advertisements can be placed on hackney carriages
- (b) Legitimate business, product and service advertisements can be placed on private hire vehicles
- (c) Any advert **MUST NOT** detract from the easy recognition of vehicles as hackney carriages or private hire vehicles
- (d) Any advert placed on the outside or inside of a vehicle **MUST NOT** cause widespread public offence
- (e) Any advert placed on the outside or inside of a vehicle **MUST NOT** breach anti-discrimination, human rights or similar legislation or principles
- (f) Any advert placed on the outside or inside of a vehicle **MUST NOT** offend any other relevant statute
- (g) Any advert placed on the outside or inside of a vehicle **MUST NOT** give rise to offence of the Advertising Standards Agency expectations or requirements
- (h) Any advert placed on the outside or inside of a vehicle **MUST NOT** interfere with driver or passenger visibility

- (i) Any advert placed on the inside of the vehicle **MUST NOT** obscure or detract from the prominence of the driver's badge, complaint card, meter, or table of fares
- (j) Adverts may be allowed to be placed on the rear-view window of the vehicle (not side windows). The advert must not restrict the visibility of the driver through the rear window.

The position that adverts may be placed on a vehicle is limited to:

- (a) The lower door panels (below window level)
- (b) Wings
- (c) Bonnet
- (d) Rear view window (not side windows). Any advert placed on the rear-view window must not obscure the view of the driver from inside the vehicle.

Advertisements, signs, notices etc. shall not be unsuitable or inappropriate for children to view. No advert will be allowed if it depicts:

- (i) Tobacco or e-cigarettes, vaping, or any other form of smoking
- (ii) Alcohol
- (iii) Nude or semi-nude characters
- (iv) Sex related acts or anything considered of a sexual nature

All adverts **MUST** be durable and of a high standard of design and artwork.


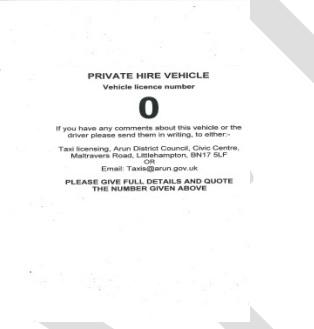

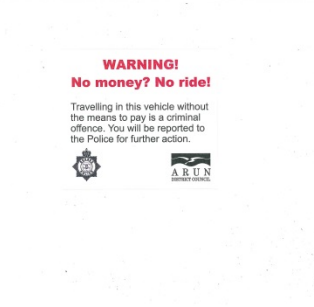
Any advert considered controversial by the licensing officer will be presented to the Licensing Subcommittee for their consideration.

Signs which indicate membership of the AA, RAC or similar motoring organisation are acceptable

Signs requesting passengers "not to smoke" do not require officer approval

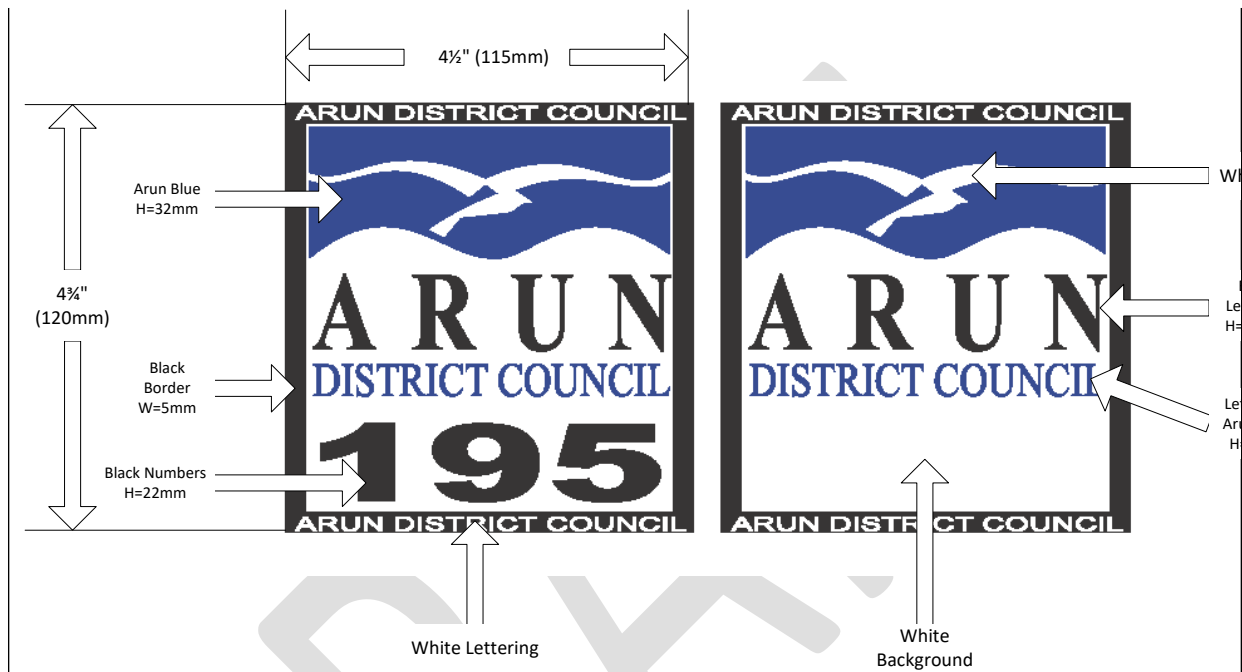
Appendix 9 Required vehicle signage

Hackney Carriages	
11	 <p>Vehicle Identification Plate</p>
12	 <p>Internal Complaint Card</p>
13	 <p>No Smoking Sign</p>
14	 <p>No Money, No Ride</p>
15	<p>Door Sign (front nearside and offside doors)</p> <p>INSERT NEW DOOR SIGN HERE</p>
16	<p>ULEV plate – to follow</p>

Private Hire Vehicles	
15	<p>Vehicle Identification Plate</p>  <p>The image shows a yellow rectangular plate with the Arun District Council logo at the top. Below the logo, the number '000' is printed in large black font. Underneath, there are fields for 'LICENCE EXPIRY DATE: DD/MM/YY', 'REGISTRATION NUMBER: XXXXXXXXXXXX', and 'COLOUR MAKE MODEL'. At the bottom, it says 'PRIVATE HIRE VEHICLE LICENSED TO CARRY X PASSENGERS'.</p>
16	<p>Internal Complaint Card</p>  <p>The image shows a white card with the text 'PRIVATE HIRE VEHICLE' and 'Vehicle licence number' followed by a large '0'. It includes contact information for Arun District Council and a request for full details and quotes.</p>
17	<p>No Smoking Sign</p>  <p>The image shows a standard 'No Smoking' sign, which is a red circle with a diagonal slash over a black silhouette of a person smoking a cigarette.</p>
18	<p>No Money, No Ride</p>  <p>The image shows a white sign with a red 'WARNING!' header and the text 'No money? No ride!'. It states that traveling without payment is a criminal offense and includes logos for the Police and Arun District Council.</p>
19	<p>Door Sign (rear nearside and offside doors) INSERT NEW DOOR SIGN HERE</p>
20	<p>ULEV plate – to follow</p>

STYLE AND SIZE OF THE ARUN LOGO TO BE DISPLAYED ON HACKNEY CARRIAGE ROOF SIGNS

The Arun logo must be of the design shown below and placed on the front nearside of the hackney carriage roof sign.



The hackney carriage roof sign must be of the dimensions stated below

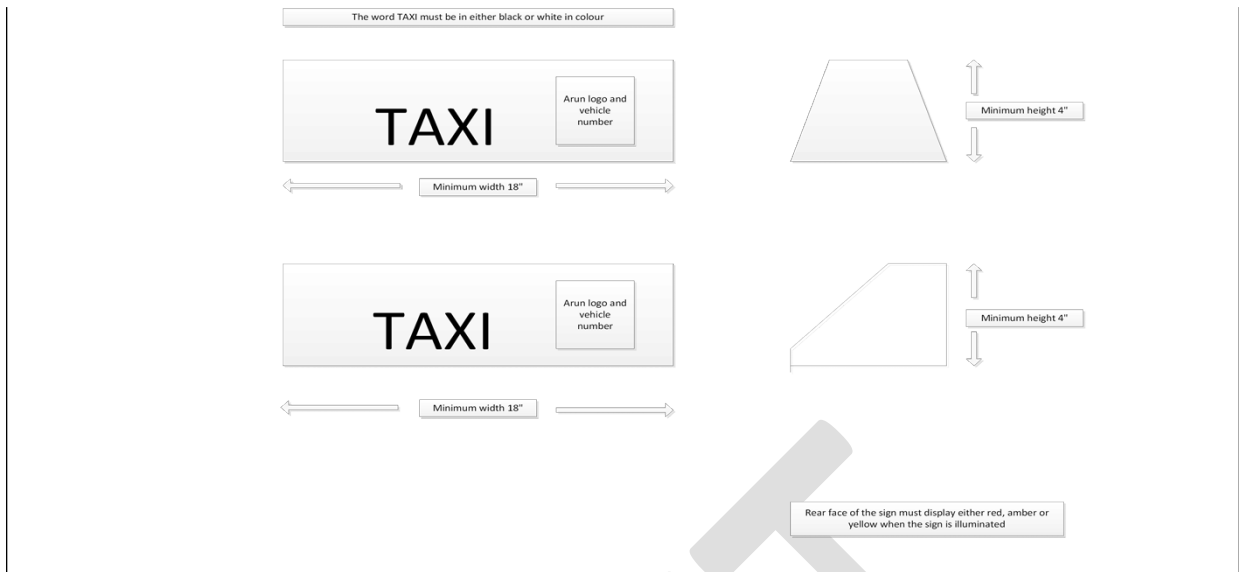
The roof sign shall show either red, yellow, or amber to the rear when it is illuminated

The colour of the roof sign shall be at the discretion of owner

The owner may display their telephone number and business name on the front of the sign but above the word 'TAXI'

The rear of the sign may have the company or owners name and telephone number

The plate number of the vehicle is optional



Roof signs

A hackney carriage must be fitted with an illuminated external roof sign (there is no requirement for a private hire vehicle to have a roof sign):

The roof sign must have the word "Taxi" in black or white lettering

The Arun logo shall be displayed on the near side (passenger side) front face of the sign. The logo shall display the same number as the hackney carriage licence on which it is displayed

The remainder of the space on the front and rear of the roof sign may be used to display the name and/or telephone number of the company or proprietor of the vehicle

The sign may be of any colour the proprietor wishes, but must not resemble any sign displayed by an emergency vehicle

The sign shall be a minimum of 18" wide and may be of slope or upright style.

The rear of the roof sign must display either red, yellow, or amber when lit

The conditions relating to the roof sign do not apply to a sign which is in-built into the roof of a vehicle e.g., London style vehicle

Appendix 10 Conditions applicable to all wheelchair accessible vehicles

- a) A Wheelchair Accessible Vehicle (WAV) shall be loaded from either the side or Rear door.
- b) A WAV must be capable of accommodating a “reference wheelchair” (see page 23) and passenger.
- c) The access doorway must be of sufficient height and width to allow a “reference wheelchair” with user to pass through without altering their position
- d) There shall be sufficient headroom inside the vehicle for a wheelchair passenger to be comfortably seated in the wheelchair during a journey
- e) The vehicle shall have sufficient space inside the vehicle to accommodate, safely and securely, the number of wheelchairs, which the proprietor designates.
- f) There shall be sufficient space inside the vehicle to allow the wheelchair with user to be turned safely, where necessary
- g) All wheelchairs when placed inside a WAV must be fixed securely to the appropriate fixing points within the vehicle. All harness securing devices shall be kept in safe working order.
- h) There shall be suitable and sufficient passenger seat belts for those passengers who remain in the wheelchair during the journey.
- i) There shall be sufficient number of fixing points in the vehicle for the wheelchair(s) to be secured correctly. The fixing points must be kept in good condition.
- j) Wheelchair(s) must only face forward or rearward when the vehicle is in motion.
- k) A full set of restraints shall be available in the vehicle for each wheelchair capable of being carried as permitted by the vehicle licence. Each restraint shall be kept in good condition and be of sufficient strength to hold the wheelchair in place in any event.
- l) If ramps are used for access and egress there shall be suitable means of attaching them to the vehicle when in use.
- m) The ramps shall be of sufficient strength to support the wheelchair and its user. The ramps shall have a minimum of 300kg safe working load
- n) Ramps shall have an anti-slip covering which is kept in good condition.

- o) Each ramp shall have a raised lip along the length of each side of the ramp. The lip shall be not less than 50mm in height and shall have high visibility yellow markings.
- p) When ramps are not in use there shall be a suitable means of securing them safely in the vehicle without causing damage or injury.
- q) If a passenger lift is used for access and egress, it shall be of appropriate type to ensure the safe access and egress of the wheelchair and user.
- r) Each lift shall be inspected under the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998 and shall be certified as safe to use.
- s) A sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided that the vehicle has been manufactured or properly adapted for that purpose.
- t) High visibility yellow grab handles shall be placed at passenger entrances to aid access and egress of the vehicle
- u) If an intermediate step is used to gain access to and from the vehicle it shall be illuminated. The edge of the floor above the step and the front edge of the step shall be clearly identified by a high visibility yellow line
- v) Disabled passengers must be offered assistance.
- w) Passengers may not be charged additional fees for the use of WAV or assistance provided.

Appendix 11 Conditions applicable for licensing and use of trailers

1. Every trailer licensed by the council and used with a private hire vehicle or hackney carriage shall be manufactured by a recognised commercial manufacturer of trailers.
2. The owner of the trailer shall be responsible for ensuring the trailer fully complies with the requirements, all the relevant legislation and standards adopted by the council.
3. The use of a trailer is restricted to specific journeys as requested by the hirer.
4. The trailer will only be used for prior bookings and will not be used or attached to a hackney carriage when it is plying for trade or on a taxi rank.
5. The trailer must fully comply with and be operated within all weights and limits of the manufacturer's specifications
6. The trailer must comply with and be operated within the requirements of the Road Traffic Acts as amended and applicable to the use of trailers.
7. The trailer must be always maintained in a fit and roadworthy condition and must be tested annually before a licence is granted.
8. All trailers must be tested and inspected by an Arun District Council Licensing Officer. In addition, the council can require the owner to take the trailer for an interim inspection, at an approved test station, at any time during the year.
9. At all times, every trailer irrespective of weight shall carry, properly and safely secured to the trailer at least one spare wheel and properly and securely stowed the correct tools for changing the wheels.
10. Every trailer shall be fitted with a securely fastened cover which can be hardtop or soft-top but must be weatherproof to protect the luggage and goods contained within the trailer.
11. If the luggage and goods to be conveyed are above the carrying capacity of the licensed vehicle and a trailer is considered necessary, the trailer operator must inform the customer at the time of booking that a trailer will be used for the carriage of their luggage and goods.
12. The trailer operator must advise the customer if they are being charged for the use of the trailer.
13. The trailer must be suitably insured. Signs must be prominently displayed on the trailer and inside the hire vehicle that items of luggage are at owner's risk. This requirement should be made clear to anybody making a hiring which will involve the use of the trailer as part the hiring.

14. Only trailers which have been submitted to tests and plated by the licensing authority can be used with a licensed hackney carriage or private hire vehicle. No substitute trailer can be used, and the trailer plate must not be transferred to any other trailer.
15. The trailer licence plate issued by the licensing authority must be securely attached to the rear of the trailer for which it is issued, to be always visible.
16. The details on the trailer plate must not be obscured or altered in any way.
17. The registration number of the towing vehicle must be displayed on the rear of the trailer when it is in use. The number plate must be properly illuminated when the lights are switched on.
18. Every trailer must be licensed with the same licensing authority as the private hire vehicle or hackney carriage which is used for towing the trailer.
19. Portable light boards must not be used on any licensed trailer. All lights and indicators must be integral to the trailer and be maintained in a working condition.
20. Every trailer used with a hackney carriage or a private hire vehicle must have a suitable 'brake-away' device fitted, in case the trailer should become detached from the towing hook

Appendix 12 Additional conditions applicable to limousines

1. A stretched limousine shall be purpose built by a manufacturer and be a vehicle of high quality generally driven by a chauffeur and with a suitable courtesy panel between the driver and passenger compartment. The chassis must not have been lengthened or altered after manufacture.
2. The logbook must indicate that the vehicle was originally built as a stretched vehicle.
3. A stretched limousine shall be licensed as a private hire vehicle only and shall comply with the private hire vehicle conditions in addition to these conditions.
4. Depending on the age and type of vehicle there shall be either:
 - a) A UK Single Vehicle Approval Certificate/Individual Vehicle Approval (SVA/IVA) or if the vehicle is manufactured after more than 3 months prior to 29th October 2010 a Certificate of Initial Fitness (COIF)
 - b) A European Whole Vehicle Approval certificate (EWVA)
 - c) UK Low Volume Type approval certificate (LVTA)
5. There shall be sufficient seating capacity to carry not more than eight passengers.
6. No passenger shall be permitted to travel in the front seat(s) next to the driver.
7. No intoxicating liquor shall be supplied from within the vehicle unless the premises where the booking is taken has an appropriate authorisation under the Licensing Act 2003, permitting the sale of alcohol. (Under the Licensing Act 2003 it is an offence to sell alcohol inside a moving vehicle (i.e., operate a bar).
8. The person selling the alcohol must be authorised by a person who holds a personal licence under the Licensing Act 2003.
9. The driver of the vehicle shall not permit to be played any video, DVD or other recorded image that is unsuitable having regard to the age of the passengers being conveyed. In deciding what is suitable, regard shall be had to the classification of the video, DVD or recorded image by the British Board of Film Classification.
10. The proprietor of the vehicle shall hold a Performing Rights Society licence, where appropriate.
11. The following activities are prohibited within the vehicle:
 - a) Striptease; Lap dancing; Pole dancing
 - b) Showing of "R" rated films or films of a sexual nature or
 - c) Any activity or performance of a like kind.

Appendix 13 Conditions applicable to TukTuks and Quadcycles

Tuk Tuks may be licensed as either hackney carriages or private hire vehicles. The vehicle must comply with the conditions for hackney carriages and private hire vehicles as appropriate and the following conditions.

1. The vehicle may have a minimum of three road wheels.
2. The style of vehicle to be fixed and limited to 200cc
3. The number of passengers shall be specified by the council before a licence will be granted
4. Doors shall be fitted to the sides of the passenger compartment of the vehicle. The doors are to be of solid construction and close securely.
5. The doors shall be capable of being opened from the inside and the outside.
6. The roof covering shall be weather tight and of suitable construction to hold the weight of an appropriate roof sign if the vehicle is licenced as a hackney carriage.
7. The passenger compartment shall have suitable protection from the weather.
8. All seats shall be properly secured to the vehicle structure.
9. The seats shall be of suitable construction and properly cushioned and covered.
10. All seats must be fitted with an appropriate and approved seat belt which is in working order.
11. The proprietor shall furnish the vehicle with a proper carpet or other suitable floor covering
12. The proprietor shall cause the fittings and furniture to be kept in a clean and well-maintained condition and fit for public use
13. The driver to be subject to additional specialist testing e.g., for motorcycles.
14. The vehicle shall be tested at a garage properly registered by VOSA for motorbike MOTs with qualified staff able to inspect motorbikes.
15. The test shall be carried out in accordance with the appropriate section in the MOT manual.
16. A test for the hackney carriage or private hire conditions shall be carried out by a licensing officer in addition to the garage test.

Appendix 14 Standard conditions for Private Hire Operators

1)The premises relating to this licence must be situated within the boundaries of Arun District and must have a means of taking bookings whether by a mobile phone, internet or dedicated land line telephone number(s) that is specific to that address.

2)The Operator must notify the council in writing of any change to directorship or management or control of the business, or any other matter affecting the validity of the licence within 7 days.

3)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

- a) make and type of vehicle
- b) registration number
- c) owner of vehicle
- d) PHV licence number

4)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:

- a) date and time of hiring
- b) date and time of booking
- c) name of person taking a booking
- d) name of hirer
- e) name of driver or badge number, vehicle, or plate number
- f) location of pick up and destination

When requested you must provide the customer with a full price for the journey at the time of the booking being made.

5)Manual records of bookings must be kept in a bound book, with consecutively numbered pages.

6)Computerised records must show the date and time an entry was made and have security systems in place to prevent alterations being made to any data that has been entered and stored on the program.

7)The computer clock must always be set to GMT or BST whichever is applicable at that time of year. The clock must not be advanced beyond the correct time for any reason.

8)A private hire operator will not permit vehicles operating by them to be stationed on the highway together unless they are 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.

9) This licence authorises the holder to operate private hire vehicles only

10) The holder of this licence is responsible for ensuring that all vehicles operated by them are licensed by the council under Section 48 of the 1976 Act.

11) The holder of this licence is responsible for ensuring that all drivers employed by them or driving vehicles operated by them are licensed by the council as Private Hire Drivers.

12) The holder of the licence is responsible for ensuring that there is in relation to all vehicles operated by them an insurance policy which complies with the relevant requirements in UK law. A copy of all valid insurance certificates must be held by the operator and be made available for inspection to authorised council officers immediately upon request.

13) The licence must be produced immediately for inspection if required by an authorised council officer or constable.

14) The holder of the licence must notify the council of any convictions recorded against them. If the licensee is a company, then any of the partners or directors must notify the council of any convictions recorded against them.

15) The holder of the licence must immediately notify the council of any changes relating to the licence including:

- a) company name
- b) ownership
- c) contact telephone numbers
- d) premises

16) When the operator accepts a booking, they will unless prevented by some reasonable excuse ensure that a licensed private hire vehicle attends at the appointed time and place. The vehicle and driver shall both be licensed by Arun District Council.

17) When the operator accepts a booking, they shall immediately prior to the commencement of the journey enter all the details of the hiring into their records.

18) 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.

19) The operator will notify the council of any vehicle or driver which is taken out of their employ as and when they occur.

20)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

21)Where possible a deputy must be always present and in charge of the base the licence holder is not there. The deputy manager must have means of contacting the licence holder when they are not at the base

22)All staff must receive full training and be aware of the conditions of the licence.

23)A record must be kept of all complaints received. This will include the identity of the driver and vehicle involved, the date and time, details of the complainant and any other relevant details. The record must be kept for 12 months from the date of the event and be available to an authorised officer of the council or a police constable

24)A record must be kept of all property found in vehicles with details of the driver who found the item and when it was found. Any items found in the vehicle must be returned to the owners within 24 hours or contact be made with licensing@arun.gov.uk and arrangements made to hand the property to the council.

25)The base must be kept clean, well lit, heated, and ventilated, with adequate seating for employees and drivers between bookings.

26)If the public have access to the base, there must be:

- a) public liability insurance (minimum cover of £1m)
- b) the operator licence displayed in any public waiting room
- c) "No Smoking" signage required by the Health Act 2006

27)Only private hire drivers using private hire vehicles licensed by Arun District Council are permitted to work under the terms of this licence.

28)The licence holder (or company directors) must notify the council in writing with 48 hours, providing full details of any conviction, caution, warning, summons, fixed penalty notices or behavioural order or arrest for any matter (charged or uncharged) imposed on them during the period of the licence.

29)The holder of this licence must notify the council, when requested, of any suspension, revocation, or refusal to issue a licence by any other council.

30)Information provided must include date of decision, the name of the council, the licence number(s) of the licenses suspended or revoked and provide us with a copy of the decision notice issued by the other council giving grounds for their action.

31) If a booking is taken, staff should ask if there are any accessibility requirements in relation to the booking and send an appropriate vehicle or advise the requestor that one is not available. Booking websites should also be updated to accommodate this information.

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Appendix 15 Guidance for the vehicle compliance test (in addition to the MoT standard) and vehicle specifications

Hackney Carriages and Private Hire vehicles are required to undertake a vehicle inspection (Compliance test) which is equivalent to the MOT standard, but which also considers other requirements in addition to the MOT standard test. Vehicles are tested to ensure they are compliant with the licence conditions and safe for public use.

The vehicle compliance test must be carried out by one of the nominated garages (see **appendix 20**). The MOT may be carried out at any VoSA licensed testing station or a nominated garage. The vehicle compliance test must be carried out to coincide with the renewal of the vehicle licence.

All vehicles are required to be tested twice a year, six months apart. One test must be the MOT.

If in the testers' opinion any of the requirements are not met or vehicle defects affect 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 licensing team immediately on 01903 737755 or taxis@arun.gov.uk

The test will consider if the vehicle meets the specifications set out for vehicles and roof signs in addition to the criteria laid out below.

Proprietors are reminded that:

They should arrange for their vehicles to be inspected as soon as possible prior to the current compliance certificate expiry date. However, in line with MOT tests the compliance test can be carried out not more than one month before the licence expires.

The Contractor will be carrying out inspection work only. If any faults are found the Contractor may make repairs if requested only after the full inspection has been completed. Under no circumstances will any repair work be undertaken during the vehicle inspection.

The Contractor's inspection will cover the mechanical condition of the vehicle, also its interior and exterior condition and appearance.

All vehicles must have a vehicle compliance test inspection sheet indicating that the vehicle has passed the test. The test sheet will be issued from the testing garage upon vehicles being passed as fit to be licensed.

The inspection fee must be paid when the vehicle is presented for inspection.

No application for either a hackney carriage or private hire vehicle licence will be considered without a successful completion of the vehicle compliance test. The test will be valid for a year from date of the licence.

Vehicle Inspection

The compliance test shall be carried out in line with the VOSA standard for MOT's and the following items which are in addition to the normal inspection criteria.

Reversing lamps, fog lamps

Reversing lamps fitted to a vehicle shall be fully functional and operate only when reverse gear has been engaged. The lamps shall extinguish when neutral or a forward gear is engaged.

Lenses of reversing and fog lamps shall be in good condition and secured correctly to the lamp housing.

Front fog lamps fitted to a vehicle shall be fully functional and operate on dipped or full beam.

The front fog lamps shall emit white or yellow diffused light only.

The fog lamp shall be properly secured and operate correctly.

Battery

The battery shall be in good condition and securely fastened in position.

The battery carrier shall be in good condition and able to hold the battery safely and securely in place.

Cables should be of the appropriate type, in good condition and securely attached to the battery. The cable must not be secured to any fuel line or in a position that will render the insulation ineffective.

Steering controls

The steering wheel and its components must be in good condition and properly secured to the steering column. The mechanism for locking the steering column in a fixed position must operate properly.

Any modifications to the steering wheel shall be to manufacturers' specification.

Tyres

The depth of tread on each tyre must not be less than 2mm throughout a continuous band comprising:

- The central three quarter of the breadth of tread
- Around the entire circumference of the tyre

Vehicle structure, body, and general items

Bumpers

The bumper bars and mountings shall be in good condition and securely fixed to the vehicle. They shall not be secured with anything other than the correct fixing.

Bumpers shall be of original construction. Tape or other material which is not part of the manufacturers' specification is not permitted.

Exterior Bodywork

All bodywork shall be in good condition. All panels shall be properly secure and paintwork should not detract from the overall appearance.

Missing or insecure trim must be repaired or replaced within fourteen days.

Excessive damage which causes sharp edges or projections, stone chips, dents or corrosion must be repaired within fourteen days. Tape or other material is not acceptable to permanently cover damaged areas. Tape may only be used as a temporary measure to cover damaged areas while awaiting repair.

Interior Bodywork

The interior of the vehicle, including the boot/luggage area shall be kept in a clean and tidy condition. Any damage to the interior trim, carpets or seat coverings shall be repaired within 14 days.

All interior trim shall be kept in good condition and replaced if damaged or missing or insecure.

All fitted switches, lights and controls must function properly.

Doors

The vehicle must have a minimum of 4 side-opening doors (unless previously agreed with the council). All doors, including the tailgate/door(s) on MPV type vehicles, shall be capable of being opened from inside and outside the vehicle.

MPV's with tailgate/door(s) must be marked with an "Emergency Exit" sign.

Doors on wheelchair accessible vehicles must open wide enough for the wheelchair to pass through. The doors must be capable of being held open with a suitable mechanism while the wheelchair is being loaded.

All doors must close and secure correctly.

Load security

There shall be provided a means of safely securing the luggage without causing injury to passengers or driver. The luggage must not obstruct or restrict the drivers view through the rear window or hinder the operation of the vehicle.

Spare wheel and carrier

The spare wheel and tyre shall comply with the conditions found in this document.

The spare wheel and the spare wheel carrier shall be capable of being secured properly and the carrier shall be of correct design to accommodate the spare wheel.

If the vehicle is designed not to have a spare wheel, there shall be kept in the vehicle a suitable means for inflating the tyres.

Tricycles and Quadcycles (see appendix 13 for additional requirements for Tuk Tuks)

Gauges and other controls

Any switch, gauge or other unit fitted in the vehicle must function to manufacturers specifications.

Air conditioning or climate control must work properly if the switch is fitted in the vehicle. If the air conditioning or climate control does not work the switch must be removed and a blanking plate placed in the gap so as to make it safe.

Only those lights that are permitted to show on the dashboard should be illuminated. Any light which controls or regulates any part of the engine management system and illuminates when there is a fault must be investigated and rectified before the vehicle can be used.

Gears and transmission

The gears and transmission must operate correctly and without undue noise.

There shall be no excessive oil leaks from the units.

All mounting brackets and bolts are fitted correctly, and the unit is secure.

Additional items checked**Standard expected**

Reversing lamps and front fog lamps

All lamps must be secure, emit the correct colour light and operate correctly when activated

Wiring and battery

The battery must be held securely, and the carrier not so corroded as to be unsafe. The wiring and cables must be properly secured and safe from chaffing and away from heat sources.

Steering controls

There should be no damage to the steering wheel, hub or spokes that will hamper proper control of the vehicle or likely to injure drivers' hands.

Tyres

The tyres must be of the correct type for the wheel rim and suitable standard for the vehicle. The tread shall not be less than 2mm throughout a continuous band comprising the central three quarters of the breadth of tread and round the entire circumference of the tyre.

A spare wheel shall be present together with a road worthy tyre (unless an inflation device is provided instead).

A spare wheel and road worthy tyre should be provided, or a fully charged inflation kit.

The front and rear bumpers to see that they are undamaged and securely fixed to the vehicle.

Front and rear bumpers and their mounting brackets must be securely fitted to the vehicle and undamaged.

The exterior of the bodywork, the underside of the vehicle and the engine compartment.

Must be in a clean condition to allow for proper inspection of these areas.

The external body panels and trim for evidence of corrosion, damage, loose fitting or unsatisfactory repairs.

No corrosion, damage or loose panels, or missing or damaged trim to the vehicle body which adversely affects the appearance and/or safety of the vehicle.

Tape or other material shall not be used to cover damaged areas.

The external paintwork for damage or poor repairs which adversely affect the appearance of the vehicle

No uneven, damaged, discoloured, or non-matching paintwork to the vehicle.

All seats to ensure that they are

Seats must match, be clean, securely fitted,

properly secured to the vehicle, that they match, and that all seat cushions and back rests are clean and in good condition.

*in good condition and provide proper support to passengers.
Any seat covers must be well fitting, tailored to the shape of the seat, clean and in good condition.*

The floor carpets or lining, floor mats, upholstery and head linings must be clean, and in good condition

Internal finishes and linings must be in good condition, clean and free from stains.

The operation and fitting of all external doors and the boot lid/hatch to ensure they are aligned and can be securely closed, easily opened, and held in place when fully opened.

Doors should fit flush with the bodywork, all handles and catches should operate easily and keep the door closed when it is shut. The doors/boot lid should operate as per manufacturer's instructions.

Adequate room for luggage and appropriate means of securing the luggage. The luggage must not obscure the driver's rear view

The vehicle must have sufficient space to carry a reasonable amount of luggage in relation to the number of passengers it is licensed to carry. There must be a means of securing the luggage if it is carried in the passenger compartment. Luggage may include mobility aids.

The boot and boot floor covering to ensure that it is clean, free from articles that would restrict luggage space or stain any luggage coming into contact with it

Clean and adequate boot space to accommodate a reasonable amount of luggage without any risk of soiling or damaging it.

If a vehicle has wheelchair access there shall be sufficient room inside the vehicle to safely manoeuvre the wheelchair and have appropriate number of restraint points.

The internal layout should not hinder a wheelchair passenger or compromise their safety if they travel in the wheelchair. There shall be sufficient anchorage points in the vehicle to allow the wheelchair to be secured during the journey and the wheelchair user shall have an appropriate type of belt.

Access ramps for wheelchair uses must be available and of appropriate material and construction.

Ramps shall be of suitable construction to bear the weight of the wheelchair and user. The ramps shall be stowed in the vehicle so as not to compromise the safety of passengers.

The front and rear number plates to be in good condition and clearly legible.

Front and rear number plates shall not be obscured; excessively damaged; deteriorated or delaminated. There shall be no background over printing.

The wheels trims or alloy wheels, to ensure they all match and are in good condition.

All wheel trims should match and be undamaged. No corrosion or damage should be present to alloy wheels.

Appeal procedure for vehicles failing the council's fitness test

Where a vehicle fails the compliance 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 25 miles and that no repairs or adjustments are made to the item(s) or system(s) which are subject of the appeal.

The vehicle will be tested at one of the nominated garages (but not where it was originally tested). The licensing Officer will decide at which garage the test will be carried out

The Inspector at the nominated testing garage will be accompanied by the Licensing Officer will conduct the appeal test at the council's chosen vehicle testing station.

The vehicle proprietor, 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.

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.

Appendix 16 – Standard vehicle specification for hackney carriages

1. All vehicles must comply with the Road Vehicles (Construction and Use) Regulations 1986
2. The specifications for the vehicle are agreed by the licensing authority and are in addition to the Road Vehicles (Construction and Use) Regulations 1986
3. Vehicles used as hackney carriages may be of any make, model or colour but must comply with the vehicle licence conditions found in these appendices
4. The size of seats in the vehicle shall be in accordance with the Road Vehicle (Registration and Licensing) Regulations 2002
5. All seats shall be fitted with suitable and appropriate seat belts
6. All vehicles shall have four road wheels, unless agreed by the council
7. Vehicles converted from vans will not be licensed
8. The vehicle design must allow passengers to speak directly and easily with the driver
9. There shall be a minimum of four passenger doors unless previously agreed with the council. All doors shall be capable of being opened and closed from the inside
10. The vehicle shall be right hand drive only, except for Tricycles, Quadcycles and tuk tuks
11. Except for temporary vehicles, all hackney carriages shall be fitted with an approved taximeter, plate and approved prescribed door signs.
12. All hackney carriages shall have fitted an approved roof sign
13. Novelty vehicles may be licensed as hackney carriages only with the approval of the council
14. Vintage, classic, or antique vehicles may be licensed as hackney carriages only with the approval of the council
15. 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
16. The company or trading name and telephone number may be displayed on the external surfaces below window level

17. The vehicle and all its fittings and equipment must always 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:

18. the exterior of the vehicle must:

- a) Be free from dents and damage to body parts and trim.
- b) Be free of areas of rust and/or damaged paintwork.
- c) Have all factory fitted bumpers and body mouldings in place and be in good order and repair

19. the interior of the vehicle must:

- a) Be free from stains, tears, cuts and/or cigarette burns.
- b) 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)

20. All new registration vehicles and second-hand vehicles must be presented for a compliance inspection at one of the nominated testing stations, before a licence will be issued

21. Vehicles that are licensed as a hackney carriage do not require a MoT until they are one year old from the first registration date. A MoT is required six months after the compliance test for renewal of the licence

22. Where a taxi meter is fitted to a hackney carriage the taximeter and all the fittings shall be fitted to the vehicle with seals or similar so that it is not practicable for any person to tamper with the meter except by breaking, damaging, or permanently displacing the seals or other appliance.

23. The meter shall be sealed and calibrated so it cannot display more than the fares set by the council. The meter must be of a type approved by the council

Seating

24. All seats in the vehicle shall be properly cushioned and covered. The seats shall be firmly and securely fixed to the vehicle structure

25. All seats shall have an appropriate type of seat belt. The seat belts shall be in working order and good condition. The belts shall be securely fixed to the vehicle structure

26. In a vehicle with more than four passenger seats the seats shall be arranged so that passengers can exit the vehicle without having to tilt or lift any seat and shall only pass one person to get to the access route or doors.

27. Where a vehicle has more than four passenger seats there shall be an access route between seats or seats and the vehicle sides of not less than 11" in width.

Fixtures and fittings

28. All fixtures and fittings shall be kept in a clean condition, well maintained and in every way fit for public use.
29. Any fixtures or fittings that are damaged or do not work must be repaired as soon as possible. If any fixtures or fittings are found damaged or not working, during an inspection of the vehicle, it may render the vehicle unfit for public use until such time as the item has been repaired.
30. The floor shall be covered with a proper carpet, mat, or other suitable covering. This shall be kept clean and in good condition

Doors and windows

31. Each side door shall have a window that can be properly opened and closed from the inside of the vehicle.
32. Each door shall be capable of being properly opened and closed from the inside and outside of the vehicle.
33. An MPV type vehicle shall have a tailgate or door(s) that must be capable of being opened from the inside and outside.
34. The tailgate or rear door(s) of an MPV must be marked as "Emergency Exit"
35. Windows may be of tinted glass but must comply with the standards in the Road Vehicle (Construction and Use) (as amended) Regulations 1986

Taxi Radio

36. There is no requirement to fit a taxi radio in a hackney carriage, but if one is fitted it shall comply with the following conditions
37. If a radio is fitted it shall be securely mounted to the structure of the vehicle
38. The radio and any of its components shall be placed so as not to cause obstruction to the driver or passengers view and not interfere with the drivers' controls
39. All electrical wiring and cables shall be secured so as not to cause interference to passengers, driver, or vehicle controls

Fire Extinguisher

40. A suitable and efficient 1KG fire extinguisher shall be carried and readily available.

41. The fire extinguisher shall be properly secured in the vehicle so as not to cause damage or injury

42. The fire extinguisher shall have a means of identifying whether it is properly charged for use.

Luggage Space

43) The luggage space shall be of suitable size to hold a reasonable amount of luggage in relation to the number of passengers it is licensed to carry. Luggage may include mobility aids.

44) The luggage compartment must have sufficient space to accommodate a normal size wheelchair that has been folded (if the vehicle is not a designated WAV)

Wheelchair Accessible Vehicles

46) A Wheelchair Accessible Vehicle (WAV) shall be loaded from either the side or Rear door.

47) A WAV must be capable of accommodating a "reference wheelchair" (see page 23) and passenger.

48) The access doorway must be of sufficient height and width to allow a "reference wheelchair" with user to pass through without altering their position

49) There shall be sufficient headroom inside the vehicle for a wheelchair passenger to be comfortably seated in the wheelchair during a journey

50) The vehicle shall have sufficient space inside the vehicle to accommodate, safely and securely, the number of wheelchairs, which the proprietor designates.

51) There shall be sufficient space inside the vehicle to allow the wheelchair with user to be turned safely, where necessary

52) All wheelchairs when placed inside a WAV must be fixed securely to the appropriate fixing points within the vehicle. All harness securing devices shall be kept in safe working order.

53) There shall be suitable and sufficient passenger seat belts for those passengers who remain in the wheelchair during the journey.

54) There shall be sufficient number of fixing points in the vehicle for the wheelchair(s) to be secured correctly. The fixing points must be kept in good condition.

- 55) Wheelchair(s) must only face forward or rearward when the vehicle is in motion.
- 56) A full set of restraints shall be available in the vehicle for each wheelchair capable of being carried as permitted by the vehicle licence. Each restraint shall be kept in good condition and be of sufficient strength to hold the wheelchair in place in any event.
- 57) If ramps are used for access and egress there shall be suitable means of attaching them to the vehicle when in use.
- 58) The ramps shall be of sufficient strength to support the wheelchair and its user. The ramps shall have a minimum of 300kg safe working load
- 59) Ramps shall have an anti-slip covering which is kept in good condition.
- 60) Each ramp shall have a raised lip along the length of each side of the ramp. The lip shall be not less than 50mm in height and shall have high visibility yellow markings.
- 61) When ramps are not in use there shall be a suitable means of securing them safely in the vehicle without causing damage or injury.
- 62) If a passenger lift is used for access and egress, it shall be of appropriate type to ensure the safe access and egress of the wheelchair and user.
- 63) Each lift shall be inspected under the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998 and shall be certified as safe to use.
- 64) A sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided that the vehicle has been manufactured or properly adapted for that purpose.
- 65) High visibility yellow grab handles shall be placed at passenger entrances to aid access and egress of the vehicle
- 66) If an intermediate step is used to gain access to and from the vehicle it shall be illuminated. The edge of the floor above the step and the front edge of the step shall be clearly identified by a high visibility yellow line
- 67) Disabled passengers must be offered assistance.
- 68) Passengers may not be charged additional fees for the use of WAV or assistance provided.

Appendix 17 – Standard vehicle specification for private hire

vehicles

1. All vehicles must comply with the Road Vehicles (Construction and Use) Regulations 1986
2. The conditions for the vehicle are agreed by the licensing authority and are in addition to the Road Vehicles (Construction and Use) Regulations 1986
3. Vehicles used as private hire vehicles may be of any make, model or colour but must comply with the vehicle licence conditions found in the appendices
4. The size of seats in the vehicle shall be in accordance with the Road Vehicle (Registration and Licensing) Regulations 2002
5. All seats shall be fitted with suitable and appropriate seat belts. All seat belts shall be in working order
6. All vehicles shall have four road wheels, unless previously agreed with the council
7. London style cabs or similar purpose-built vehicles will not be licensed as a private hire vehicle
8. Vehicles converted from vans will not be licensed
9. The vehicle design must allow passengers to speak directly and easily with the driver
10. There shall be a minimum of four passenger doors unless previously agreed with the council. All doors shall be capable of being opened and closed from the inside
11. The vehicle shall be right hand drive only, except for Tricycles, Quadcycles and tuk tuks
12. Novelty vehicles may be licensed as private hire vehicles only with the approval of the council
13. Vintage vehicles may be licensed as private hire vehicles only with the approval of the council
14. 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
15. Vehicles may carry signage on the side of the vehicle to a design agreed with the council to indicate that they must be pre booked.

16. The words taxi, cab, or hire (the words private hire may be used) must not appear even if it forms part of the company name.
17. The company or trading name and telephone number may be displayed on the external surface and below the window line. The words 'advance booking only' must be included in lettering no less than 5cms and a maximum of 16cms in height near other wording
18. When advertisements other than those mentioned above are displayed on the vehicle then:
 - a) The advertisements shall be approved by a licensing officer prior to display
 - b) The advertisements shall be of a permanent nature and
 - c) There shall be displayed the words 'private hire vehicle' on the surface of the vehicle in letters no less than five centimetres in height and not exceeding 16cm in height
19. No other advertisements save for those approved by the council may be displayed on the vehicle
20. The vehicle and all its fittings and equipment must always 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 must comply with all relevant statutory requirements. In particular.
21. The exterior of the vehicle must:
 - a) Be free from dents and damage to body parts and trim
 - b) Be free of areas of rust and/or damaged paintwork
 - c) Have all factory fitted bumpers and body mouldings in place and be in good order and repair
22. The interior of the vehicle must:
23. Be free from stains, tears, cuts and/or cigarette burns
24. 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).
25. All new registration vehicles and second-hand vehicles must be presented for a compliance inspection at one of the nominated testing stations, before a licence will be issued.
26. Vehicles that are licensed as a private hire vehicle do not require a MoT until they are three years old from the first registration date. A MoT is required six months after the compliance test for renewal of the licence
27. Where a taxi meter is fitted to a private hire vehicle the taximeter and all the fittings shall be fitted to the vehicle with seals or similar 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 sealed and calibrated to the fares set by the operator. The meter must be of a type approved by the council

Seating

28. All seats in the vehicle shall be properly cushioned and covered. The seats shall be firmly and securely fixed to the vehicle structure
29. All seats shall have an appropriate type of seat belt. The seat belts shall be in working order and good condition. The belts shall be securely fixed to the vehicle structure
30. In a vehicle with more than four passenger seats the seats shall be arranged so that passengers accessing or exiting the vehicle shall not tilt, lift, or remove any seat and shall only pass one person to get to the access route or doors
31. Where a vehicle has more than four passenger seats there shall be an access route between seats or seats and the vehicle sides of not less than 11" in width

Fixtures and fittings

32. All fixtures and fittings shall be kept in a clean condition, well maintained and in every way fit for public use
33. Any fixtures or fittings that are damaged or do not work must be repaired as soon as possible. If any fixtures or fittings are found damaged or not working, during an inspection of the vehicle, it may render the vehicle unfit for public use until such time as the item has been repaired
34. The floor shall be covered with a proper carpet, mat, or other suitable covering. This shall be kept clean and in good condition
35. The interior trim of the vehicle shall be to the manufacturers' standard and kept in good condition.

Doors and Windows

36. Each side door shall have a window that can be properly opened and closed from the inside of the vehicle
37. Each door shall be capable of being properly opened and closed from the inside and outside of the vehicle
38. An MPV type vehicle shall have a tailgate or rear door(s) that must be capable of being opened from the inside and outside
39. The tailgate or rear door(s) of an MPV must be marked as "Emergency Exit"

40. Windows may be of tinted glass but must comply with the standards in the Road Vehicle (Construction and Use) Regulations

Taxi Radio

41. There is no requirement to fit a radio in a private hire vehicle, but if one is fitted it shall comply with the following conditions

42. If a radio is fitted it shall be securely mounted to the structure of the vehicle

43. The radio and any of its components shall be placed so as not to cause obstruction to the driver or passengers view and not interfere with the drivers' controls.

44. All electrical wiring and cables shall be secured so as not to cause interference to passengers, driver, or vehicle controls

Fire extinguisher

45. A suitable and efficient 1KG fire extinguisher shall be carried and readily available.

46. The fire extinguisher shall be properly secured in the vehicle so as not to cause damage or injury

47. The fire extinguisher shall have a means of identifying whether it is properly charged for use.

Luggage Space

48) The luggage space shall be of suitable size to hold a reasonable amount of luggage in relation to the number of passengers it is licensed to carry. Luggage may include mobility aids.

49) The luggage compartment must have sufficient space to accommodate a normal size wheelchair that has been folded (if the vehicle is not a designated WAV)

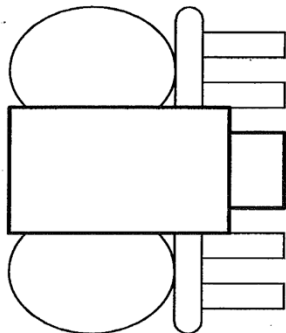
Appendix 18 Seating arrangements

Vehicles where the number of passenger seats is not less than five and not more than eight are required to have access and egress from all seats without having to tilt, remove or lift any seat. Passengers shall pass only one person to get to the access route or doors.

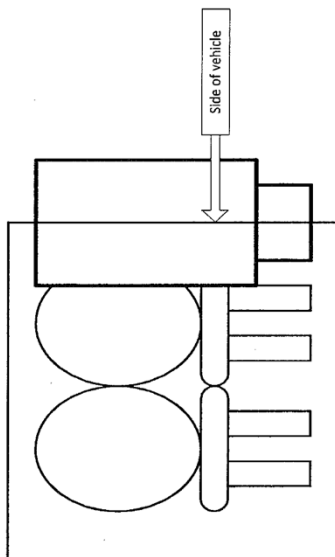
Example of seating arrangements from inside the vehicle
(see next page)

DRAFT

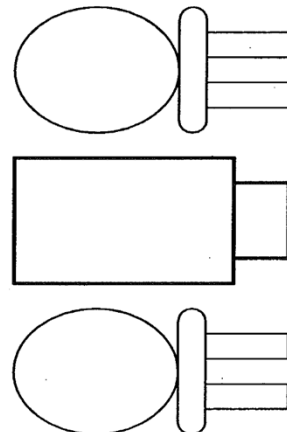
Examples of seating arrangements viewed from inside the vehicle looking from the front to the rear of the vehicle



FAIL
Gap between seats
is less than 11"
(280mm)



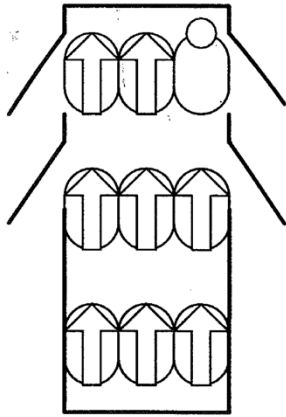
FAIL
Gap between side of
vehicle and passenger
seat is less than 11"
(280mm)



PASS
Gap between seats
is a minimum of 11"
(280mm)

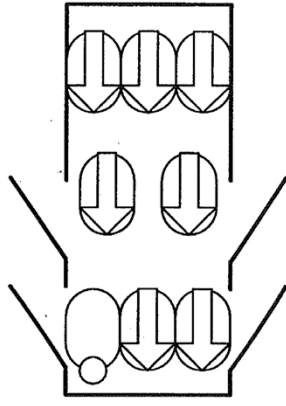
Appendix A

Examples of seating arrangements viewed from above the vehicle



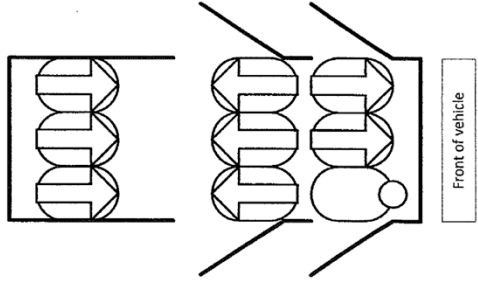
Front of vehicle

FAIL
Access to the doors is blocked by the middle row of seats



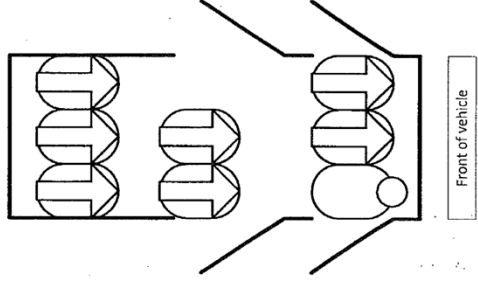
Front of vehicle

FAIL
Access to the doors is blocked by the middle row of seats and the gap between the seats is less than 1" (280mm)



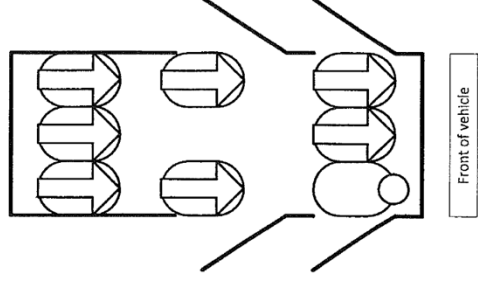
Front of vehicle

PASS
Space between middle row and rear row is 1" (280mm) or more with clear access to the passenger doors



Front of vehicle

PASS
Space between middle row of seats and side of vehicle is 1" (280mm) or more



Front of vehicle

PASS
Space between seats in the middle row is 1" (280mm) or more

Appendix 19 Dual driver licence application process

IMPORTANT THINGS TO NOTE

Applications for a driver licence will only be valid for a period of one year. If an applicant has not responded to correspondence, it will be officer's discretion to cancel the application.

The steps to obtaining a dual driver licence are set out below. Each step requires the ones before to have been carried out by you for your application to progress.

Copies of the documents you provide to us will be retained on your records for future reference for as long as they are required for that purpose. The records will be kept in accordance with the requirements of General Data Protection Regulations and only used as the law allows.

Before a driver licence is renewed the council will require proof that the applicant has made a tax declaration to HMRC

If an applicant indicates on the application form, they have held or currently hold a hackney carriage or private hire driver licence with another authority, we will contact that authority for information about them.

After a driver licence has been issued, and you wish to return the licence before the expiry date, as you may no longer want to be a taxi driver, we may make a refund on a pro-rata basis less administration costs. **This will not apply if there is less than three full months to the expiry date. The refund will be at the licensing managers discretion.**

A refund will not apply if the driver licence has been suspended or revoked

The Enhanced Disclosure report from the National Disclosure and Barring Service will only be accepted if it is presented to an officer within 28 days from date of issue. If the applicant is on the DBS 'update service' we will need to see the original DBS certificate.

You must produce the disclosure form within this time otherwise your application will not be granted.

All documents required can be uploaded to our application portal or emailed to taxis@arun.gov.uk. An officer will verify original documents during the application process.

DOCUMENTS PROVIDED FOR VERIFICATION MUST BE THE ORIGINAL NOT A PHOTOCOPY.

Copies of the documents you provide to us will be retained on your records for

future reference for as long as they are required for that purpose. The records will be kept in accordance with the requirements of General Data Protection Regulations and only used as the law allows.

DOCUMENTS MUST BE THE ORIGINAL NOT A PHOTOCOPY.

The fee may be paid with the application or on grant of the licence. The fee for any part of the process which does not involve direct action by us must be paid directly to the person carrying out the action at the time it is undertaken (e.g., medical). Your licence will not be issued until all fees have been paid.

You may apply for a new licence up to two months before your old one expires. ***IT IS YOUR RESPONSIBILITY TO MAKE SURE YOU APPLY FOR A RENEWAL OF THE LICENCE BEFORE THE EXPIRY DATE OF YOUR CURRENT ONE.*** Your application does not become our priority because you have not re-applied in time.

Your renewed licence comes into force on the expiry date of the old one.

You will have up to 14 days after the expiry of the licence to make a new application. If you fail to make an application within the 14 days after expiry of the licence it will be lapsed on our records and any application after that time will mean you will be treated as a first-time applicant.

As a result, you may be required to retake and pass the Knowledge test, medical, driving assessment and DBS check, before a licence will be granted.

If you have not renewed, you must not drive any licensed vehicle during the 14 days and until the new licence is issued. The start date of the new licence will be backdated to the day after the expiry of the old licence.

Frequency of medical assessment

On first application for a driver licence a Group 2 medical must be undertaken, irrespective of the applicant's age.

After the first medical, a driver will be required to undergo a Group 2 medical examination at age 45 then every 5 years up to age 65.

Applications from applicants over 65 years of age will require a new Group 2 medical certificate each year.

Officers may request a driver to have further medicals, if they have any concerns about the driver's fitness. The medical shall be with a medical practitioner selected by the council.

Frequency of DBS checks

An applicant for a new driver licence must provide an enhanced criminal records

disclosure, which is not older than 28 days after the date it was issued. Or if the applicant is on the DBS 'update service' we will need to see the original DBS certificate

A new Enhanced Disclosure report will be required every 6 months, unless we request one to be carried out earlier. We will need to see each new certificate.

If you have signed up to the DBS Update Service, you will not have to provide a new DBS after 6 months unless you allow your subscription to the Update Service to lapse.

APPLYING FOR A FIRST TIME DRIVER LICENCE

	What you should do	Things to note
Step 1	<ul style="list-style-type: none">• Read the requirements and information provided within our Taxi and Private Hire Licensing Policy and the taxi licensing web site.• Before making an application, you should contact an officer for further advice. We advise that you do not make an application until you are able to take the knowledge test.• Complete the online application form, upload the relevant documents, and make an initial appointment to see an officer. You will need to bring the original documentation listed in step 2 to your appointment.• If you have any convictions, you will be required to complete a paper application as well as the online application	<p>See this link for information https://www.arun.gov.uk/taxis-taxi-drivers</p> <p>To make an appointment email taxis@arun.gov.uk or call us 01903 737755.</p> <p>When you attend your initial appointment, an officer will arrange a date for a knowledge test (see Step 3).</p> <p>The application will last for 12 months from the date of submission of your application. If you have not completed the knowledge test or provided all relevant documents by this time the application will be cancelled. We will not accept another application for at least 6 months.</p> <p>If your application is cancelled and you wish to make another application after 6 months has lapsed, all documentation must be original and not older than 28 days.</p> <p>If you make a false declaration on the application form or omit any information which is relevant, the</p>

application will be rejected/declined.

What you must provide

Step 2

- Fully completed application form if you have convictions. You must not have any points on the DVLA driver licence within the twelve months prior to your application. You must notify us immediately if you receive points or endorsements on your licence during the application period.
- A full DVLA driving licence held for at least 12 months without any points. The fee for the DBS check must be paid at the time of the DBS application.
- One colour passport style photograph of yourself showing a full-face picture with a light, plain, background. If you have any convictions or cautions, even if spent, please refer to the convictions information within this policy.
- The DBS application must be completed on-line using our authorised service provider. If you have a certificate, it must not be older than 28 days when we receive it. Before commencement of the knowledge test, we will need to see proof you have made an application for a DBS certificate.
- A medical must be carried out by your own GP or practice and can be provided after you have passed the knowledge test. Your GP must use the form provided by us.
- A certificate to show you have undertaken and passed a driving assessment. This must be undertaken with the authorised service provider.
- Details of any residency outside the UK. This must be uploaded with the application.
- A certificate of good conduct from an embassy or consulate (if applicable) of those countries in which you have resided for a period of more than 6 months. This must be uploaded with the application.
- Documents to show you are legally entitled to work in the UK. Please refer to the list of documentation you must provide available at www.arun.gov.uk/licensing. These must be uploaded with the application.

- The fee for the application can be paid on application or upon grant of the licence.

Step 3

Knowledge Test

- An officer will make an appointment for you to take the knowledge test within 1 to 3 weeks of your initial appointment. There is no charge for the first test. For the second and subsequent tests there will be a charge.
- If you fail a test a subsequent test must be booked within one month of that failure. You are permitted to take as many tests as you want, however if you have not passed the knowledge test by the time one year has elapsed from the date of the surgery the application will be cancelled.
- Details of what is included in the knowledge test can be found at www.arun.gov.uk/licensing

Step 4

After a licence has been issued

- You must notify us if you change address, become medically unfit to drive a vehicle, disqualified from driving a vehicle or receive a conviction or caution for any reason.

RENEWAL OF A DRIVER'S LICENCE

If you wish to return the licence during the licence period, as you may longer want to be a taxi driver, we will make a refund on a pro-rata basis less administration costs. This will not apply if there is less than three full months to the expiry date.

This will not apply if the driver licence has been suspended or revoked

Before the licence expires

Step 1

- Two months before the current licence is due to expire, we will send you correspondence advising you to make an application for renewal and provide any other documentation you require for renewal of the licence.

Correspondence and forms will be sent by email as a preference where possible.

If documentation is sent by post, we will send it to the address that has been provided. If you move address and do not notify us, you may lose your chance to renew the licence.

What you must do

Before making an application, you must register with HMRC and provide a check code to us

Step 2

- The online application and all relevant documentation must be received by the council giving at least fourteen working days' notice.

The relevant documentation is:

- Fully completed on-line application
- A full DVLA driving licence
- If requested, one colour passport style photograph of yourself showing a full-face picture, with a light, plain background. Or provide one if your features have changed from the previous photo
- An enhanced Disclosure and Barring Service (DBS) certificate (if applicable) * and must not be more than 28 days old at the time we receive it, unless you are

You will be allowed up to fourteen days after expiry of the licence to submit a full renewal application. The licence will be backdated to the date the licence expired.

You must not drive a licensed vehicle during the fourteen-day period after expiry of the licence if you have made a late application. The vehicle insurance will be invalid if you are involved in an accident if you drive a licensed vehicle without a current driver licence.

*If the DBS certificate and medical certificate have not been received by the time the

signed on to the DBS update service

- Group 2 medical certificate (if applicable) * using the Arun medical form and must not be more than 28 days old at the time we receive it. The medical must be completed by your own GP or practice
- It is your responsibility to ensure the online application and relevant documentation is received by us in plenty of time for us to process it before the expiry date of the licence.
- The application will not be processed until all the relevant documents and fee have been received.

What we will do

Step 3

- The application and documentation will be checked by a licensing officer to confirm there have not been any convictions or cautions during the previous licence periods, of which we have not been notified or any other relevant changes to circumstances.

licence is due to be issued the licence may be issued but will be subject to the results of the DBS and the medical

The licence may be revoked if the DBS and medical test show you are not fit and proper.

The application fee is due on grant of the licence. You may pay the fee when making the online application

If you have received a conviction or caution during the last licence period and not notified us or the DBS check shows you have had a conviction or caution during the previous 12 months, of which you have not notified us the application will be referred to the Licensing Subcommittee.

When the licence has been granted

Step 4

- When the licence has been granted it will be sent to your home address by Royal Mail during exceptional circumstances
- Nothing will be issued until the full fee has been paid.
- You will be contacted by email to let you know when the licence is available for collection, or when it has been sent by Royal Mail
- You must return the expiring licence when you receive the renewed licence.

You must make an appointment to collect the licence from the council offices or opt to have it posted to you

- If you lose a badge(s) you must notify us immediately for a replacement. There will be a charge for this. Both Identity badges must be returned. If you fail to return a badge(s) a charge will be made for the lost badge(s)
- For those drivers who hold a 3-year licence, should the badge(s) fade during the second and third year you should contact us for a free replacement. We require the old badges to be returned.

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Appendix 20 Vehicle licence application process

All documents required can be uploaded to our application portal or emailed to taxis@arun.gov.uk. An officer may verify original documents during the application process.

DOCUMENTS PROVIDED FOR VERIFICATION MUST BE THE ORIGINAL NOT A PHOTOCOPY.

Copies of the documents you provide to us will be retained on your records for future reference for as long as they are required for that purpose. The records will be kept in accordance with the requirements of General Data Protection Regulations and only used as the law allows.

Fees are payable upon grant of a licence. A licence will not be issued until the fee has been paid. There is no refund for any part of the licence fee if a vehicle plate/licence is returned, for any reason, before the expiry of the licence.

IT IS YOUR RESPONSIBILITY TO APPLY FOR A NEW LICENCE BEFORE YOUR CURRENT ONE EXPIRES. Your application does not become our priority because you have not re-applied in time.

You are advised to allow an absolute minimum of 14 days for the processing of an application. (Note: this is subject to change for certain times e.g., Christmas, Easter, bank holidays)

New licence applications may be made up to eight weeks before any existing licence expires, to ensure you can continue to trade.

Passing the vehicle test does not mean your vehicle can be used as a hackney carriage or private hire vehicle. This right only occurs when your licence application has been granted and you are issued with a plate, licence and the relevant vehicle signs are displayed on your vehicle.

The authority will grant a licence only when all the evidence required by the steps set out below is provided.

	WHAT NEEDS TO BE DONE	THINGS TO NOTE
STEP 1	<p>Check your vehicle meets our standards regarding:</p> <ul style="list-style-type: none"> • SPECIFICATION • EQUIPMENT • CONDITION 	
STEP 2	<p>Book the vehicle in to one of the approved test garages*. The vehicle will be tested under a specific criterion for:</p> <ul style="list-style-type: none"> • Safety • Reliability • Emissions • Suitability <p>If the vehicle fails, a retest may attract an additional fee. Please refer to our website for details www.arun.gov.uk/licensing</p>	<p>*The vehicle may be booked in for a test before the application is made.</p> <p>The council's approved testing stations are:</p> <ul style="list-style-type: none"> i) Bognor Motor Vehicle services, 3 Christie Place, Durban Road, Bognor Regis Tel: 01243 865515 ii) Discount Motor Services, Unit 2, Brittens Lane, Fontwell Tel: 01243 545544 iii) Chichester DC Contract Services, Stane Street, Westhampnett, Chichester Tel: 01243 782747 iv) Worthing BC Transport Workshop, Commerce Way, Lancing Tel: 01903 263149
STEP 3	<p>Complete and submit the application form via our portal, uploading relevant documents and fee. Note: only the online application form to be used</p> <p>On first application for a vehicle licence, we must have the following documents before we process an application.</p> <ul style="list-style-type: none"> • Online application form completed by you 	<p>You can email additional relevant documents to taxis@arun.gov.uk</p> <p>The garage test must not be older than 28 days before the expiry of the vehicle licence</p> <p>* The new MoT must not pre-date the existing one by more than 28 days. Documents marked can be provided after the application has been made but before the licence is issued.</p> <p>** The fee must be paid before any</p>

- The logbook/V5C in your name; or a bill of sale in your name
- A valid insurance certificate or cover note
- A valid MoT certificate
- Compliance test certificate from one of the approved testing stations*
- A valid LPG certificate (if applicable)
- A valid passenger lift certificate (if applicable)

licences, other associated documentation or badges and plates are issued.

* Documents can be handed in at any time after the application has been made. The application will not be processed and determined until all the documents have been received.

The licence will not start until the date of expiry of the old licence.

The fee must be paid before any licences other associated documentation or badges and plates are issued.

On renewal application for a vehicle licence, we must have the following documents before we process an application.

Application can be made at www.arun.gov.uk/licensing

For current fees see www.arun.gov.uk/licensing

- Application form signed by you (to be completed online)
- V5 registration certificate (logbook)
- A valid Insurance Certificate or cover note
- A valid MOT certificate
- Compliance test certificate from one of the approved testing stations*
- A valid LPG certificate (if applicable)
- A valid passenger lift certificate (if applicable)
- Previous vehicle signs/plates if you are re-licensing the vehicle

Appendix 21 Byelaws
ATTACH BYELAWS AS AMENDED

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Arun District Council

Byelaws

Hackney Carriage

Byelaws for Hackney Carriage

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

Interpretation

1. Throughout these byelaws “the Council” means the Arun District Council and “the district” means the Arun District.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed and the manner in which the number of persons to be carried by such hackney carriage is to be shown on such carriage.

2. a. The proprietor of a hackney carriage shall cause the identification plate issued by the Council, bearing the number of the licence granted in respect of the carriage, to be securely fixed to the outside of the offside rear of the carriage in such a position that it shall be clearly visible from the rear of the vehicle.

b. A proprietor or driver of a hackney carriage shall:-
 - i. not wilfully or negligently cause or suffer any such plate to be concealed from public view while the carriage is standing or plying for hire;
 - ii. not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.
3. The proprietor of a hackney carriage shall cause the interior plate, issued by the Council, bearing the number of passengers prescribed in such licence, to be securely fixed in the interior of the vehicle in such a position that it shall be clearly visible at all times to passengers conveyed therein.

Provisions regulating how hackney carriages are to be furnished or provided.

4. The proprietor of a hackney carriage shall:-
 - a. provide sufficient means by which any person in the carriage may communicate with the driver;

- b. cause the roof or covering to be kept water-tight;
- c. provide adequate windows and a means of opening and closing not less than one window on each side;
- d. cause the seats to be properly cushioned and covered;
- e. cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- f. cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- g. provide an efficient dry powder or vaporising liquid fire extinguisher which shall be carried in a position in the vehicle as to be readily available for use at all times;
- h. provide a suitable First Aid Kit, to be approved by the Council, such equipment to be carried in such a position in the vehicle to be readily available for use at all times;
- i. provide means for securing luggage if the carriage is so constructed as to carry luggage.

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

- 5. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 6. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 7. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 8. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place

shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

9. A proprietor or driver of a hackney carriage shall not:-
 - a. convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the inside of the carriage.
 - b. allow there to be conveyed in the front of the carriage:-
 - i. any child below the age of ten years;
 - ii. more than one person above that age;
 - c. without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.
10. The driver of a hackney carriage shall not whilst the carriage is hired convey in a hackney carriage any animal belonging to or in the custody of himself or the proprietor of the vehicle. Any animal belonging to or in the custody of any passenger which in the driver's discretion may be conveyed in the hackney carriage, shall only be conveyed in the rear of the vehicle.
11. The driver of a hackney carriage shall, when standing or plying for hire, and when hired, wear the driver identity badge provided by the Council in such position and manner as to be plainly visible.
12. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - a. convey a reasonable quantity of luggage;
 - b. afford reasonable assistance in loading and unloading;
 - c. afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages.

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

accidentally left therein by any person who may have been conveyed in the carriage, be found by or handed to him, carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the nearest Police Station and leave it in the custody of the officer in charge.

Penalties

15. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding One Hundred Pounds and in the case of a continuing offence to a further fine not exceeding Five Pounds for each day during which the offence continues after conviction thereof.

Repeal of Byelaws

16. The byelaws relating to hackney carriages which were made by the Council on the 14th day of September 1984 and which were confirmed by the Secretary of State for Transport on the 19th November 1984 are hereby repealed.

GIVEN under the COMMON SEAL of)
the ARUN DISTRICT COUNCIL this)
31st day of October 1986)



DAVID DONGRAY
for Solicitor to the Council

The foregoing Byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 1st day of April 1987

H. FAWCETT

An Assistant Secretary in the Department of Transport on behalf of the Secretary of State for Transport.

16th January 1987

This is a true copy of the byelaws as confirmed by the Secretary of State for Transport.

Byelaws made by the Arun District Council by virtue of the powers conferred on the Council by Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to hackney carriages.

The series of Byelaws relating to hackney carriages made by Arun District Council on 31st October 1986 and confirmed by the Secretary of State on 16th January 1987 are hereby amended by the addition of the following Byelaw which shall be read and construed as one of the aforesaid series:-

“17. The driver of a hackney carriage shall not smoke whilst conveying any person in such hackney carriage for hire, except with the permission of the hirer.”

GIVEN under the COMMON SEAL of)
ARUN DISTRICT COUNCIL this)
26th day of June 1990)



DOUGLAS HAMILTON
Solicitor to the Council

The foregoing byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 15th day of October 1990

R. ATKINS

An Assistant Secretary in the Department of Transport on behalf of the Secretary of State for Transport.

Byelaws made by Arun District Council by virtue of the powers conferred on the Council by Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to hackney carriages.

The series of Byelaws relating to hackney carriages made by Arun District Council on 31st October 1986 and confirmed by the Secretary of State on 16th January 1987 are hereby amended by the addition of the following Byelaws which shall be read and construed as part of the aforesaid series:-

18. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say
- a. the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - b. such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - c. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the hackney carriage by distance in pursuance of the current table of fares fixed by the Council in that behalf;
 - d. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the hackney carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
 - f. the taximeter and all the fittings thereof shall be so affixed to the hackney carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
19. The driver of a hackney carriage provided with a taximeter shall:-

- a. when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

- b. before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- c. cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.

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

20. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the hackney carriage the rate or fare prescribed by the Council the rate of fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

- 21. a. The proprietor of a hackney carriage shall cause the current table of fares fixed by the Council in that behalf to be exhibited inside the hackney carriage, in clearly distinguishable letters and figures.
- b. The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the hackney carriage is plying or being used for hire.

GIVEN under the COMMON SEAL of)
 ARUN DISTRICT COUNCIL this)
 first day of February 1991)



DOUGLAS HAMILTON
 Solicitor to the Council

The foregoing Byelaw is hereby confirmed and approved by the Secretary of State and shall come into operation on the 8th day of April 1991

An Assistant Secretary in the Department of Transport
on behalf of the Secretary of State for Transport.



Byelaws made by the Arun District Council by virtue of their powers conferred on the Council by Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to hackney carriages.

The series of Byelaws relating to hackney carriages made by Arun District Council on 31st October 1986 and confirmed by the Secretary of State on 16th January 1987 are hereby amended by the addition of the following Byelaw which shall be read and construed as one of the aforesaid series:-

22. The driver of a hackney carriage shall not keep the engine of the carriage running whilst the same is standing for hire.

GIVEN under the COMMON SEAL of)
ARUN DISTRICT COUNCIL this)
27th day of November 1992)



DOUGLAS HAMILTON
Solicitor to the Council

Seal book No: 377/92

The foregoing Byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 22nd day of February 1993



An Assistant Secretary in the Department of Transport
on behalf of the Secretary of State for Transport.

Produced by:



Legal Services
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Tel: 01903 737500
www.arun.gov.uk

Licensing Committee 9 September 2022

Proposed amendments to byelaws, amendments in red.

Byelaws for Hackney Carriage

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

Interpretation

1. Throughout these byelaws “the Council” means the Arun District Council and “the district” means the Arun District.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed and the manner in which the number of persons to be carried by such hackney carriage is to be shown on such carriage.

2.

a. The proprietor of a hackney carriage shall cause the identification plate issued by the Council, bearing the number of the licence granted in respect of the carriage, to be securely fixed to the outside ~~of the offside~~ rear of the carriage in such a position that it shall be clearly visible from the rear of the vehicle.

b. A proprietor or driver of a hackney carriage shall:-

- i. not wilfully or negligently cause or suffer any such plate to be concealed from public view while the carriage is standing or plying for hire;
- ii. not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

c. **The proprietor of the vehicle shall affix door signs issued by the Council to the near side and offside front doors of the vehicle. The door signs shall be kept in good condition**

3. The proprietor of a hackney carriage shall cause the interior plate, issued by the Council, bearing the number of passengers prescribed in such licence, to be securely fixed in the interior of the vehicle in such a position that it shall be clearly visible at all times to passengers conveyed therein.

Provisions regulating how hackney carriages are to be furnished or provided.

4. The proprietor of a hackney carriage shall:-

- a. provide sufficient means by which any person in the carriage may communicate with the driver;
- b. cause the roof or covering to be kept water-tight;
- c. provide adequate windows and a means of opening and closing not less than one window on each side;
- d. cause the seats to be properly cushioned and covered;

- e. cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- f. cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- g. provide an efficient dry powder or vaporising liquid fire extinguisher which shall be carried in a position in the vehicle as to be readily available for use at all times;
- h. ~~provide a suitable First Aid Kit, to be approved by the Council, such equipment to be carried in such a position in the vehicle to be readily available for use at all times;~~
- i. provide means for securing luggage if the carriage is so constructed as to carry luggage.

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

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

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

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

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

9. A proprietor or driver of a hackney carriage shall not:-

- a. convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the inside of the carriage.
- b. allow there to be conveyed in the front of the carriage:-
 - i. any child below the age of ten years;
 - ii. more than one person above that age;
- c. without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

10. The driver of a hackney carriage shall not whilst the carriage is hired convey in a hackney carriage any animal belonging to or in the custody of himself or the proprietor of the vehicle. **Except for assistance dogs**, any animal belonging to or in the custody of any passenger which in the driver's discretion may be conveyed in the hackney carriage, shall only be conveyed in the rear of the vehicle.

11. The driver of a hackney carriage shall, when standing or plying for hire, and when hired, wear the driver identity badge provided by the Council in such position and manner as to be plainly visible.

12. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:

- a. convey a reasonable quantity of luggage;
- b. afford reasonable assistance in loading and unloading, **unless the driver holds and displays a valid medical exemption certificate issued by the council;**
- c. afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person, **unless the driver holds and displays a valid medical exemption certificate issued by the council.**

Provisions securing the safe custody and re-delivery or any property accidentally left in hackney carriages.

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

14. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage, be found by or handed to him, **take it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, ~~to the nearest Police Station and leave it in the custody of the officer in charge.~~ contact the council and arrange to hand the property in, in accordance with policy.**

Penalties

15. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding One Hundred Pounds and in the case of a continuing offence to a further fine not exceeding Five Pounds for each day during which the offence continues after conviction thereof.

Repeal of Byelaws

16. The byelaws relating to hackney carriages which were made by the Council on the 14th day of September 1984 and which were confirmed by the Secretary of State for Transport on the 19th November 1984 are hereby repealed.

GIVEN under the COMMON SEAL of)
the ARUN DISTRICT COUNCIL this)
31st day of October 1986)

DAVID DONGRAY for Solicitor to the Council

The foregoing Byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 1st day of April 1987

H. FAWCETT An Assistant Secretary in the Department of Transport on behalf of the Secretary of State for Transport.

16th January 1987

This is a true copy of the byelaws as confirmed by the Secretary of State for Transport.

K.P. Hunt, Director of Environment and Leisure

Byelaws made by the Arun District Council by virtue of the powers conferred on the Council by Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to hackney carriages.

The series of Byelaws relating to hackney carriages made by Arun District Council on 31st October 1986 and confirmed by the Secretary of State on 16th January 1987 are hereby amended by the addition of the following Byelaw which shall be read and construed as one of the aforesaid series:-

“17. No smoking of any type of tobacco product, e-cigarettes, vapes or any other type of substitute cigarette is permitted in any Arun licensed vehicles at any time. The driver of a hackney carriage shall not smoke, vape, or use any alternative tobacco product whilst conveying any person in such hackney carriage for hire, ~~or permit passengers to do so. except with the permission of the hirer.~~”

GIVEN under the COMMON SEAL of)
ARUN DISTRICT COUNCIL this)
26th day of June 1990)
DOUGLAS HAMILTON Solicitor to the Council

The foregoing byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 15th day of October 1990

R. ATKINS An Assistant Secretary in the Department of Transport on behalf of the Secretary of State for Transport.

Byelaws made by Arun District Council by virtue of the powers conferred on the Council by Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to hackney carriages.

The series of Byelaws relating to hackney carriages made by Arun District Council on 31st October 1986 and confirmed by the Secretary of State on 16th January 1987 are hereby amended by the addition of the following Byelaws which shall be read and construed as part of the aforesaid series:-

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

- a. the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
- b. such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- c. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the hackney carriage by distance in pursuance of the current table of fares fixed by the Council in that behalf;
- d. the word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

- e. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the hackney carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- f. the taximeter and all the fittings thereof shall be so affixed to the hackney carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

19. The driver of a hackney carriage provided with a taximeter shall:-

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

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

20. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the hackney carriage the rate or fare prescribed by the Council the rate of fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

21.

- a. The proprietor of a hackney carriage shall cause the current table of fares fixed by the Council in that behalf to be exhibited inside the hackney carriage, in clearly distinguishable letters and figures.
- b. The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the hackney carriage is plying or being used for hire.

GIVEN under the COMMON SEAL of)
 ARUN DISTRICT COUNCIL this)
 first day of February 1991)
 DOUGLAS HAMILTON Solicitor to the Council

The foregoing Byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 8th day of April 1991

An Assistant Secretary in the Department of Transport on behalf of the Secretary of State for Transport.

Byelaws made by the Arun District Council by virtue of their powers conferred on the Council by Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to hackney carriages.

The series of Byelaws relating to hackney carriages made by Arun District Council on 31st October 1986 and confirmed by the Secretary of State on 16th January 1987 are hereby amended by the addition of the following Byelaw which shall be read and construed as one of the aforesaid series:-

22. The driver of a hackney carriage shall not keep the engine of the carriage running whilst the same is standing for hire.

GIVEN under the COMMON SEAL of)
ARUN DISTRICT COUNCIL this)
27th day of November 1992)
DOUGLAS HAMILTON Solicitor to the Council

Seal book No: 377/92

The foregoing Byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 22nd day of February 1993

An Assistant Secretary in the Department of Transport on behalf of the Secretary of State for Transport.

Arun hackney carriage and private hire licensing policy revision consultation questions

Are you:

an Arun licence holder

an Arun hackney carriage office or private hire operator

a statutory body or other organisation

an Arun resident

other – please state

Name, contact details (these will not be published, officers may contact you for further information or clarification of comments).

Do you believe CCTV should be a mandatory requirement in all taxi and private hire vehicles licensed by Arun District Council?

Do you have any comments in relation to WAVs that you feel the council should consider in making its policy?

Do you agree with the vehicle age and emissions proposals to assist the council in licensing a more environmentally friendly fleet?

Do you have any comments in relation to the proposed convictions policy?

Are there any additional relevant comments with a view to the safety of the public in respect of this proposed policy you would like to make?

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EQUALITY IMPACT ASSESSMENT

Name of activity:	Taxi and private hire licensing policy revision	Date Completed:	05/08/22		
Directorate / Division responsible for activity:	Growth	Lead Officer:	Sarah Meeten		
Existing Activity	Y/N	New / Proposed Activity	Y/N	Changing / Updated Activity	Y/N

What are the aims / main purposes of the activity?

Revision of policy. The policy document will help to regulate and ensure a consistent approach to taxi licensing within the district.

What are the main actions and processes involved?

The policy is to ensure an agreed consistent and standardized approach to the administration of the taxi and private hire regimes. The main purpose of licensing is to ensure the safety of the public.

Who is intended to benefit & who are the main stakeholders?

The taxi trade, customers of the trade, trade businesses and local residents and users of Arun taxi and private hire services

The handbook mentions the following groups:

- The hackney carriage and private hire trade licensed by the Council
- Arun hackney carriage offices
- Guide Dogs for the Blind
- Neighbouring Local Government Authorities
- Local Children's Safeguarding Board
- West Sussex County Council
- Sussex Police
- The Members of the Council
- Parish and Town Councils
- Local Bus and Rail operators
- Organisations representing local businesses
- Members of the public via the Council's web site and libraries
- Local Members of Parliament

Have you already consulted on / researched the activity?

Yes. In addition, it is proposed a full public consultation will now be undertaken.

Impact on people with a protected characteristic (What is the potential impact of the activity? Are the impacts high, medium or low?)

Protected characteristics / groups	Is there an impact (Yes / No)	If Yes, what is it and identify whether it is positive or negative
Age (older / younger people, children)	yes	Measures in relation to those young persons in vehicles restrict the carriage of children in the front seat of a vehicle. This measure was introduced some years ago by the authority of grounds of public safety and protection of children. This measure has been commonly adopted by most other authorities.
Disability (people with physical / sensory impairment or mental disability)		<p>Consideration has been given to those with needs and mobility issues to ensure there is provision to ensure that they can be assisted where this is possible.</p> <p>We have also reviewed, and updated vehicle specifications and conditions relating to wheelchair accessible vehicles and reviewed the conditions and policy in relation to those who travel with assistance dogs.</p> <p>Ensuring the district has a well-regulated and successful taxi fleet provides transport links for those in more isolated places in the district.</p>
Gender reassignment (the process of transitioning from one gender to another.)	no	
Marriage & civil partnership (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognized for same-sex couples)	no	

Page 152

Pregnancy & maternity (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	no	
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	no	
Religion & belief (religious faith or other group with a recognised belief system)	no	
Sex (male / female)	no	
Sexual orientation (lesbian, gay, bisexual, heterosexual)	no	
Whilst Socio economic disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	yes	Ensuring the district has a well-regulated and successful taxi fleet provides transport links for those in more isolated places in the district and for those without personal transport.

What evidence has been used to assess the likely impacts?

Legislation and Guidance, officer insight and experience. Any further relevant comments from public consultation will be considered.

Decision following initial assessment

Continue with existing or introduce new / planned activity	Y/N	Amend activity based on identified actions	Y/N
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Action Plan

Impact identified	Action required	Lead Officer	Deadline

Monitoring & Review

Date of last review or Impact Assessment:	
Date of next 12 month review:	
Date of next 3 year Impact Assessment (from the date of this EIA):	
Date EIA completed:	050822
Signed by Person Completing:	SM

Page 154

Agenda Item 8

Licensing Committee	Report Title	Report Author	Date of Meeting	Full Council Meeting Date
Karl Roberts Nat Slade				
	Review of Mobile Homes – Licensing Fees Policy	Neil Williamson	17 June	13 July
	Caravan Site Licensing Determination Policy	Neil Williamson		
	Taxi Policy Review	Sarah Meeten	9 Sep	9 Nov
	Q1 KPI Reporting			
	Licensing Fee Setting	Sarah Meeten	9 Dec	18 Jan
	Taxi Fare Setting	Sarah Meeten		
	Q2 KPI Reporting			
	Q3 KPI Reporting		10 March	TBC

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