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## INTRODUCTION

This information is intended to provide guidance on the licensing requirements in the Lewes District under the Town and Police Clauses 1847, as amended, and the Local Government (Miscellaneous Provisions) Act 1976, and Byelaws made by the District Council in relation to Hackney Carriages.

It is NOT intended to be an exhaustive or definitive statement of the law and all drivers, operators and proprietors should familiarise themselves with the provisions of the Acts and Byelaws. Copies of both Acts are available from HM Stationary Office or local booksellers. A copy of the Byelaws is attached.

Attention is also drawn to certain provisions of the Transport Acts 1980, 1981 and 1985 and Regulations made under the Road Traffic Act.

## ENQUIRES

All applications or enquires should be addressed to the Hackney Carriage Licensing Officer, PO Box 160, Newhaven, BN9 1AL, telephone number 01273 484276.

## GENERAL INFORMATION

### 1. TYPES OF LICENCE

The type of licence required will depend upon the type of work undertaken.

- i) Hackney Carriages Drivers Licence  
Vehicle Licence
- ii) Private Hire Drivers Licence  
Vehicle Licence
- iii) Operators Licence

### 2. DURATION OF LICENCES

All vehicle licences are renewable annually and can only be issued for the full period of 12 months.

Drivers licences are also renewable annually but may be renewed on a three yearly basis if requested, up to the age of 62 years. Drivers licences will also only be issued for a minimum period of 12 months. All renewal applications MUST be accompanied by the DVLA Drivers Licence (paper section) for inspection, accompanied by a Medical Certificate where required.

Please note, **Expired Licences cannot be renewed after the date of expiry. Any expired licence will require a new application which means**

**in the case of a Hackney Carriage or Private Hire Drivers Licence a further Criminal Records Bureau check and a full medical examination.**

### **3. LICENCE FEES**

The fees include elements for administration costs and enforcement which will be renewed annually. A separate charge will be made for the supply of vehicle identification plates. This sum will be refunded on return of the identification plate if, in the opinion of the Licensing Officer, the plate is in such a condition that it can be reused. Applicants will be advised of the fees and charges at the time of application or upon request.

### **4. LICENSING FORMS**

Dual Drivers Licences application forms are used allowing applicants to drive either Hackney Carriage, Private Hire Vehicles or both categories of vehicle. The licence issued will clearly show the purpose for which the licence has been granted.

### **5. UNAUTHORISED DRIVERS AND INSURANCE LIABILITY**

Drivers and Proprietors are reminded of the requirements of Part IV of the Road Traffic Act 1988 in relation to the provision of Third Party Insurance (see Section 40 of the 1847 Act and Section 48 of the 1976 Act). No person should act as a driver without the consent of the proprietor. Proprietors may be liable for insurance offences committed by the driver.

### **6. KNOWLEDGE TEST**

All new applicants for a Hackney Carriage and or Private Hire Drivers Licence will be required to sit and pass a Knowledge Test of Lewes District Council are. Further details of the Test can be obtained from the Licensing Officer.

### **7. DRIVING STANDARDS AGENCY TEST**

All new applicants for a Hackney Carriage/Private Hire Drivers Licence will have to pass the Driving Standards Agency Taxi Driving Test and Assessment prior to licensing.

## **8. DRIVING ABILITY**

If at any time upon complaint or otherwise there appears to be a reason to doubt the driving of any person is not of a satisfactory standard, whether for medical or other reasons, the Council may require the licence holder to pass the Driving Standards Agency Taxi Driving Test and Assessment.

As from 1<sup>st</sup> January 2008 any licensed Hackney Carriage or Private Hire driver whose DVLA licence is endorsed with more than 6 points in a two year period will also have to pass the Driving Standards Agency Taxi Driving Test and Assessment within a period of six months from an agreed date.

## **9. FITNESS**

A Medical Certificate and Eye Sight Test from your own registered Medical Practitioner is required, on a form supplied by the Council, at initial application and then at 45, 50, 55, 60 and 65 years of age and every year thereafter. On each renewal of a licence applicants are required to make a declaration as to their physical and mental fitness.

## **10. GOOD CHARACTER**

Applicants are required to submit information on the Application Form concerning their previous employment and history, together with business and personal references. If there is any doubt about the suitability of a person to act as a licensed driver the application will be referred to the Director of Planning and Environmental Services for decision. If an application is refused there is a Right of Appeal to the Magistrates Court.

Similarly, if at any time there is any reason to doubt that a person is a fit and proper person to hold a drivers licence, the matter will again be referred to the Director of Planning and Environmental Services for decision. Again there is a Right of Appeal to the Magistrates Court.

## **11. CONVICTIONS / CAUTIONS / ANTI SOCIAL BEHAVIOUR ORDERS / ACCEPTABLE BEHAVIOUR CONTRACT/AGREEMENT**

Any licensed driver shall within seven days report to the council in writing details of any conviction imposed on him or her during the period of the licence which will also include motoring offences, cautions, anti social behaviour orders (ASBOs) and acceptable behaviour contract/agreement (ABA).

## **12. SUSPENSION, REVOCATION OR REFUSAL OF A DRIVERS LICENCE**

The Council may suspend, revoke or refuse to renew a licence on any of the following grounds:

That the Licensee has since the grant of the licence:-

- (a) been convicted of an offence involving dishonesty, indecency, violence or drink/drug related offences or
- (b) been convicted of an offence under, or has failed to comply with, the provisions of the Town Police Clauses Act 1847 or of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 or
- (c) any other reasonable cause

If a licence is suspended, revoked or refused the Council will give written notice of the grounds for that action within 14 days, and there is a Right of Appeal to the Magistrates Court.

## **13. CONDUCT**

A high standard of conduct is expected from licensed drivers who should in all their dealings with the public be prompt, polite and helpful. Instances of improper conduct will be viewed most seriously and a record will be maintained of complaints against individual drivers. Consideration may be given to the suspension, revocation or refusal to renew a licence in the light of a drivers record.

The drivers licence must be deposited with the Proprietor of the vehicle being driven, either Hackney Carriage or Private Hire. On demand a Drivers Licence must be produced within 5 days on request by an Authorised Officer of the Council or a Police Constable (Section 53 of the 1976 Act).

Every driver must co-operate with any Authorised Officer of the Council or Police Constable and in this regard must obey all reasonable requirements and provide all assistance and information requested of them (Section 73 of the 1976 Act).

## **14. DRESS/APPEARANCE**

Drivers are expected to be clean and tidy in their appearance and to be dressed in a manner that does not cause embarrassment to members of the public. To that end swimwear, football style tops and shorts, sleeveless vests or singlets are NOT allowed.

## **15. BADGES**

Drivers, whilst working, are required to wear the badge provided by the Council at all times in accordance with the Byelaws or Conditions of Licence.

Badges shall be in a form prescribed by the Council. Upon suspension or revocation or expiry of the drivers licence, the driver shall return his badge to the Council on demand.

## **16. TRAILERS**

No licensed vehicles may tow any trailer unless evidence of valid insurance to cover such use for hire or reward has been produced to the Licensing Officer. The contents of the trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all aspects and where required the driver must hold the appropriate Towing Licence as issued by DVLA. Trailers will be authorised solely for the purpose of transporting luggage.

## **17. TRANSFER OF VEHICLES**

If the proprietor of a vehicle transfers his interest in the vehicle to another person, he shall within 14 days give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred. A charge will be made for this service.

## **18. DISPOSAL OF VEHICLE**

In the event of a vehicle being sold, other than by transfer, the Identification Plates shall be returned to the Council. Should a replacement vehicle be obtained the plates will be reissued for use in connection with the new vehicle once it is licensed.

## **19. SUSPENSION AND REVOCATION OF VEHICLE LICENCE**

The Council may suspend, revoke or refuse to renew a vehicle licence if the vehicle is unfit or any offence has been committed by the operator or driver or for any other reasonable cause.

Notice of the grounds shall be given to the Proprietor within 14 days and a Right of Appeal exists to the Magistrates Court.

## **20. SAFETY EQUIPMENT**

All vehicles are required by the Byelaws or Licence Conditions to carry a suitable and efficient fire extinguisher and first aid kit.

## **21. ADVERTISING**

Advertising of Company Name, Logo's and Telephone Numbers are restricted to the front driver's and passenger's door only. No other advertising of any description is allowed anywhere else on the vehicle. Limited advertising may be permitted on the rear of the roof sign.

## **22. BLACKED OUT WINDOWS**

Totally blacked out windows on Hackney Carriage or Private Hire Vehicles will not be permitted. However, partially darkened windows may be allowed at the discretion of the Licensing Officer.

## **23. ACCIDENTS TO HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES**

Any accident to a hackney carriage/private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of the persons carried therein, must be reported to the Council as soon as practicable and in any case within 72 hours of the occurrence. It is the responsibility of **the driver of the vehicle at the time of the accident** to report that accident to the Hackney Carriage Licensing Office.

## **24. FARE TO BE DEMANDED**

The driver shall not demand from any hirer of a hackney carriage vehicle an amount in excess of that fare shown on the taxi meter. The only fares that can be charged are controlled by the 'table of fares' issued by the Council. The 'table of fares' are a maximum tariff that can be charged and as such it is perfectly legal to charge a fare lower than the fare shown on the taxi meter.

Where a passenger is taken to a destination outside Lewes District Council area or where a passenger is collected from outside LDC to be returned to our area, the fare can be charged either on a metered fare or a predetermined set price. That set price must be agreed with the hirer at the time of hiring or booking.

There is no 'BOOKING FEE' within the table of fares of Lewes District Council and it is illegal to charge such fee.

Hackney carriages CANNOT charge for 'dead mileage'. The meter must be set at the point of collection within the district and cancelled at the destination.

Any additional miles undertaken to collect the passenger or to return to base after the passenger has been dropped at their destination cannot be charged.

No extra set charge on top of the metered fare can be made for the collection of any item which includes takeaway meals.

## **HACKNEY CARRIAGE DRIVER**

Every driver of a Hackney Carriage licensed to ply for hire in the Lewes District Council area must hold a current Hackney Carriage Drivers Licence issued by the Council. It is an offence to ply for hire unless both the driver and the vehicle are licensed to do so.

Licences are issued subject to the requirements of the Byelaws which, together with the statutory provisions of the 1847 and 1976 Act, lay down the Code of Conduct and matters relating to Hackney Carriage Drivers.

### **1. ELIGIBILITY**

The requirements for both Hackney Carriage and Private Hire Drivers licences are the same. An applicant must:

- a) Pass the Driving Standards Agency Taxi Driving Test and Assessment
- b) pass a Knowledge Test
- c) be over the age of 21
- d) hold and have held for at least 12 months a Full Drivers Licence
- e) be a fully competent driver
- f) be physically and mentally fit
- g) be a fit and proper person to drive a vehicle for public/private hire (any convictions including motoring offences, Cautions, Anti Social Behaviour Order's (ASBO) and Acceptable Behaviour Agreement/Contracts (ABA) will be taken into account). To that end all applicants will be the subject of a Criminal Records Bureau check. All existing drivers will be required to complete a CRB check every three years.

### **2. CONDUCT**

The attention of Hackney Carriage Drivers is drawn to the Byelaws, a copy of which should be retained for use in the vehicle.

### 3. SCANNERS

Any driver of a hackney carriage vehicle convicted of the use of a radio scanner will be barred from holding a Hackney Carriage/Private Hire Drivers Licence with the Council for a minimum period of five years from the date of conviction.

### 4. EXCEPTIONS POLICY

In exceptional circumstances the Director of Planning and Environmental Services may grant an application for a licence without imposing one or more of the above standard conditions, in which case he shall record his reason(s) for doing so. In such cases the Director may, at his discretion, impose alternative and/or additional conditions as he thinks fit to ensure the health, safety and welfare of the travelling public.

## HACKNEY CARRIAGE VEHICLE

'Hackney Carriage' is legally defined in the Town Police Clauses Act 1847 but, in general terms, may be described as a vehicle which;

- (i) can stand or ply for hire in a street
- (ii) has been duly licensed by the Council and which displays a Hackney Carriage Plate both internally and externally

A Hackney Carriage Vehicle Licence is required under the Town Police Clauses Act 1847, Section 37, and is subject to standard conditions. In consideration of the Transport Act 1985, Section 16, the Council do not intend at this stage to restrict the number of vehicles licensed as hackney carriages. However, all vehicles will be subject to appropriate standards of design specification and mechanical fitness as detailed below:

**It is important to note that once a vehicle is licensed as a Hackney Carriage it is licensed 24 hours a day, 7 days a week and can only ever be driven at any time by a person who holds the appropriate Hackney Carriage licence.**

### 1. TAXI METERS

All hackney carriage vehicles must be fitted with a calendar controlled taxi meter approved by the Council. Such meters will be operated in accordance with the Councils Byelaws and Licence Conditions. Fare Tariffs are fixed by the Council.

## **2. DUAL PLATING**

No vehicle will be granted a Hackney Carriage Licence if it is already licensed in another district as a Hackney Carriage.

## **3. DISTINGUISHING FEATURES**

It is an essential legal requirement that Hackney Carriages and Private Hire Vehicles are readily distinguishable from each other. Section 47 of the 1976 Act enables the Council to require that any Hackney Carriage be of such design or appearance, or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage. Furthermore, Section 48 provides that a Private Hire Vehicle shall not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage.

With these requirements in mind the licensing system will specify that Hackney Carriages are to be fitted with an approved design of roof sign as specified in the vehicle Licensing Conditions.

## **4. VEHICLE SPECIFICATION**

The following general specifications are laid down by the Council for all licensed vehicles:

- (a) vehicles shall be fitted with a minimum of 4 side doors of a size to permit easy access
- (b) the engine capacity shall not be less than 1290cc's
- (c) the vehicle shall be so designed to permit the specified number of passengers to be carried in comfort and safety. The rear seat must be at least 48 inches wide and all seats shall have a minimum width of 16 inches per person
- (d) the vehicle shall be provided with adequate luggage space for the number of passengers for which the vehicle is licensed
- (e) vehicles may be of the saloon, estate, hatchback or mpv type all of which require the approval from the Council. Estate Vehicles must be fitted with a grill or parcel shelf sufficient to prevent luggage coming into contact with passengers using rear seats
- (f) left hand drive vehicles will NOT be licensed

## **5. MECHANICAL STANDARD**

As a general policy vehicles presented for first licensing shall not be more than 5 years old and vehicles more than 10 years old will not be relicensed.

A valid MOT Certificate shall be presented in relation to any Hackney Carriage vehicle over 1 year old.

Under the Motor Vehicles (Tests) Regulations 1981, Hackney Carriages are required to be tested annually once they are one year old. In addition to the MOT test, for the purposes of licensing, all vehicles must pass a Vehicle Inspection Test at an MOT Testing Station within the Lewes District Council area. The condition of the Licence states that all vehicles will be required to be tested every 6 months after licensing. The examination certificate supplied should be returned, together with a print out of the exhaust systems emission, and the completed licence application form where appropriate. The charge for these examinations will be paid for by the applicant.

Periodic testing may also be required subject to licensing in accordance with Sections 50 and 68 of the 1976 Act to ensure that vehicles are maintained in a fit and proper condition. In the event of the Licensing Officer requiring a Hackney Carriage to be submitted for immediate mechanical inspection (under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 because he suspects that vehicle of being unroadworthy, the Proprietor will be required to pay the cost of that inspection and any further re-inspection in the event of the vehicle failing the inspection. However, if the vehicle passes initial inspection the Council will meet the cost. The cost of the normal twice yearly inspections will continue to be paid by the Proprietor.

## **6. DUAL FUEL VEHICLES (LIQUID PETROLEUM GAS)**

Under current MOT Regulations, LPG systems are not covered. Therefore, where a hackney carriage vehicle is fitted with a dual fuel system (LPG) in addition to the normal garage inspections a **SEPARATE** garage inspection will be required at renewal and every six months thereafter from a garage that is approved by the LP Gas Association. This further test will cover the installation, maintenance and safety of the LPG system that has been fitted to the vehicle.

## **7. IDENTIFICATION PLATES**

Identification Plates are required by the Byelaws to be displayed at all times. A charge will be made for each plate which may be refundable upon return (see Licence Fee).

The exterior licence plate shall at all times be fitted in a conspicuous position on the **OUTSIDE** to the rear of the vehicle so that it can be readily removed by the Licensing Officer or Police Constable.

Identification plates will be required by the Council to be returned within 7 days upon expiry, revocation or suspension of the licence.

## **8. EXCEPTIONS POLICY**

In exceptional circumstances the Director of Planning and Environmental Services may grant an application for a licence without imposing one or more of the above standard conditions, in which case he shall record his reason(s) for doing so. In such cases the Director may, at his discretion, impose alternative and/or additional conditions as he thinks fit to ensure the health, safety and welfare of the travelling public.

## **9. STANDS (TAXI RANKS)**

The location of stands have been fixed by Law.

## **10. SAFETY EQUIPMENT**

All vehicles are required by the Byelaws or Licence Conditions to carry a suitable and efficient fire extinguisher and first aid kit.

## **11. APPROVED ROOF SIGNS**

In accordance with the Council's policy all Hackney Carriages shall carry a distinctive roof sign, capable of illumination when not hired, which will be fitted transversely. Roof signs **CANNOT** be less than 24 inches in width. For further details contact the Licensing Officer.

## **12. ADVERTISING**

Advertising of Company Name, Logo's and Telephone Numbers are restricted to the front driver's and passenger's door only. No other advertising of any description is allowed anywhere else on the vehicle. Limited advertising may be permitted on the rear of the roof sign.

## **13. INSURANCE TO BE EXHIBITED**

A current Insurance Certificate or Cover Note **MUST** be displayed where it can be seen by the public in every hackney carriage.

## **14. OPERATION OUTSIDE THE LICENSING DISTRICT**

Hackney Carriages are licensed to ply for hire within the Lewes District Council's area and **MAY NOT** ply for hire beyond the district boundary. A passenger boarding the vehicle within the licensed area may be transported into another area. Furthermore, since a hackney carriage is permitted to be

used for private hire purposes a passenger may be collected from another area on a pre-booked basis, although plying for hire is strictly prohibited.

## **PRIVATE HIRE DRIVER**

Every driver of a Private Hire Vehicle licensed by the Council must hold a current Private Hire Drivers Licence issued by the Council.

Licences are issued subject to the Conditions of Licence and certain provisions of the Local Government (Miscellaneous Provisions) Act 1976 which lay down the Code of Conduct on matters relating to Private Hire Drivers.

### **1. ELIGIBILITY**

The requirements for both Private Hire and Hackney Carriage Drivers licences are the same. An applicant must:

- a) Pass the Driving Standards Agency Taxi Driving Test and Assessment
- b) pass a Knowledge Test
- c) be over the age of 21
- d) hold and have held for at least 12 months a Full Drivers Licence
- e) be a fully competent driver
- f) be physically and mentally fit
- g) be a fit and proper person to drive a vehicle for public/private hire (any convictions including motoring offences Cautions, Anti Social Behaviour Order's (ASBO) and Acceptable Behaviour Agreement/Contracts (ABA) will be taken into account). To that end all applicants will be the subject of a Criminal Records Bureau check. All existing drivers will be required to complete a CRB check every three years.

### **2. CONDUCT**

The attention of Private Hire Drivers is drawn to the Conditions of Licence, a copy of which should be retained by them for reference.

### **3. SCANNERS**

Any driver of a private hire vehicle convicted of the use of a radio scanner will be barred from holding a Private Hire/Hackney Carriage Drivers Licence with the Council for a minimum period of five years from the date of conviction.

## **4. EXCEPTIONS POLICY**

In exceptional circumstances the Director of Planning and Environmental Services may grant an application for a licence without imposing one or more of the above standard conditions, in which case he shall record his reason(s) for doing so. In such cases the Director may, at his discretion, impose alternative and/or additional conditions as he thinks fit to ensure the health, safety and welfare of the travelling public.

## **PRIVATE HIRE VEHICLES**

'Private Hire' Vehicle' is defined in Local Government (Miscellaneous Provisions) Act 1976 as meaning a motor vehicle constructed or adapted to seat fewer than 9 passengers, (other than a Hackney Carriage or Public Service Vehicle), which is provided for hire with the services of a driver for the purpose of carrying passengers.

Every Private Hire Vehicle shall be licensed under the 1976 Act, Section 48, and be subject to Licence Conditions. A Private Hire Vehicle MAY NOT ply for hire from a stand or in the street.

**It is important to note that once a vehicle is licensed as a Private Hire it is licensed 24 hours a day, 7 days a week and can only ever be driven at any time by a person who holds the appropriate Private Hire licence.**

### **1. METERS**

A Private Hire Vehicle MAY be fitted with a calendar controlled meter approved by the Council but it is not mandatory. However, if a meter is fitted it must be operated in accordance with the Byelaws and Licence Conditions. Private Hire tariffs are NOT fixed by the Council.

### **2. DUAL PLATING**

No Private Hire Vehicle will be granted a licence if it is already licensed in another district.

### **3. EXEMPTIONS FROM PHV LICENSING REQUIREMENTS**

To a vehicle while it is being used in connection with a Wedding or a Funeral, or a vehicle used, wholly or mainly, by a person carrying on the business of a Funeral Director for the purpose of Funerals.

The Council may by prior written notice exempt the need to display plates on a vehicle when the need for a driver to wear his badge is also waived.

### **4. DISTINGUISHING FEATURES**

It is an essential legal requirement that Private Hire and Hackney Carriage Vehicles are readily distinguishable from each other. Section 47 of the 1976 Act enables the Council to require that any Hackney Carriage Vehicle be of such design or appearance, or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage. Furthermore, Section 48 provides that a Private Hire Vehicle shall not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage.

With these requirements in mind the licensing system will specify that Private Hire Vehicles are to be identifiable by the coloured licence plate and may be additionally marked on the front driver and passenger doors, (subject to the approval of the Council), to indicate that the vehicle is a Private Hire Vehicle.

Private Hire Vehicles are NOT allowed roof signs of any description.

### **5. VEHICLE SPECIFICATION**

The following general specifications are laid down by the Council for all licensed vehicles:

- (a) vehicles shall be fitted with a minimum of 4 side doors of a size to permit easy access
- (b) the engine capacity shall not be less than 1290cc's
- (c) the vehicle shall be so designed to permit the specified number of passengers to be carried in comfort and safety. The rear seat must be at least 48 inches wide and all seats shall have a minimum width of 16 inches per person
- (d) the vehicle shall be provided with adequate luggage space for the number of passengers for which the vehicle is licensed
- (e) vehicles may be of the saloon, estate, hatchback or mpv type all of which require approval from the Council. Estate Vehicles must be fitted with a grill or parcel shelf sufficient to prevent luggage coming into contact with passengers using rear seats
- (f) left hand drive vehicles will NOT be licensed

## **6. MECHANICAL STANDARD**

As a general policy vehicles presented for first licensing shall not be more than 5 years old and vehicles more than 10 years old will not be relicensed.

Under the Motor Vehicles (Tests) Regulations 1981, a valid MOT certificate shall be presented in relation to any Private Hire Vehicle over three years old. In addition to the MOT test, for the purposes of licensing, all vehicles must pass a Vehicle Inspection Test at an MOT Testing Station within the Lewes District Council area. The condition of the Licence states that all vehicles will be required to be tested every 6 months after licensing. The examination certificate supplied should be returned, together with a print out of the exhaust systems emission, and the completed licence application form where appropriate. The charge for these examinations will be paid for by the applicant.

Periodic testing may also be required subject to licensing in accordance with Sections 50 and 68 of the 1976 Act to ensure that vehicles are maintained in a fit and proper condition. In the event of the Licensing Officer requiring a Private Hire Vehicle to be submitted for immediate mechanical inspection (under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 because he suspects that vehicle of being unroadworthy, the Proprietor will be required to pay the cost of that inspection and any further re-inspection in the event of the vehicle failing the inspection. However, if the vehicle passes initial inspection the Council will meet the cost. The cost of the normal twice yearly inspections will continue to be paid by the Proprietor.

## **7. DUAL FUEL VEHICLES (LIQUID PETROLEUM GAS)**

Under current MOT Regulations, LPG systems are not covered. Therefore, where a private hire vehicle is fitted with a dual fuel system (LPG) in addition to the normal garage inspections a **SEPARATE** garage inspection will be required at renewal and every six months thereafter from a garage that is approved by the LP Gas Association. This further test will cover the installation, maintenance and safety of the LPG system that has been fitted to the vehicle.

## **8. IDENTIFICATION PLATES**

Identification Plates are required by Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and Licence Condition to be displayed at all times. A charge will be made for each plate which may be refundable upon return (see Licence Fee).

The exterior licence plate shall at all times be fitted in a conspicuous position on the **OUTSIDE** to the rear of the vehicle so that it can be readily removed by the Licensing Officer or Police Constable.

Identification plates will be required by the Council to be returned within 7 days upon expiry, revocation or suspension of the licence.

## **9. SAFETY EQUIPMENT**

All vehicles are required by the Byelaws or Licence Condition to carry a suitable and efficient fire extinguisher and first aid kit.

## **10. INSURANCE TO BE EXHIBITED**

A current Insurance Certificate or Cover Note **MUST** be displayed where it can be seen by the public in every private hire vehicle.

## **11. OPERATION OUTSIDE THE LICENSING DISTRICT**

Where a private hire vehicle and driver are licensed in another district (e.g. an adjoining Authority) that vehicle may be used for private hire within this district or vice versa if pre-booked. Both the driver and vehicle must be licensed by the same Authority. However, it is unlawful to sub-contract work to the holder of an Operators Licence outside Lewes District Council area. (Further clarification may be obtained from the Licensing Officer).

## **12. EXCEPTIONS POLICY**

In exceptional circumstances the Director of Planning and Environmental Services may grant an application for a licence without imposing one or more of the above standard conditions, in which case he shall record his reason(s) for doing so. In such cases the Director may, at his discretion, impose alternative and/or additional conditions as he thinks fit to ensure the health, safety and welfare of the travelling public.

# **PRIVATE HIRE OPERATORS**

## **1. OPERATORS LICENCE**

No person shall operate any vehicle as a Private Hire Vehicle in the Lewes District Council area without having a current Operators Licence. This is in addition to the separate requirement for a vehicle and or drivers licence.

'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle.

## **2. ELIGIBILITY**

New applicants must reside or have business premises within Lewes District Council area and must provide information concerning their previous business activities, history of any previous Operators Licence or application, and any conviction(s) recorded against him. Satisfactory references will be required.

With the introduction of this condition, existing operators will no longer be eligible to hold an Operators Licence in the event of their moving residence or business premises to an address outside Lewes District Council area.

## **3. LICENCE CONDITIONS**

Licences are granted subject to standard conditions. In particular operators of private hire vehicles should be aware of the requirement to keep records and maintain standards

## **4. SUSPENSION OR REVOCATION OF LICENCES**

Section 62 of the 1976 Act provides for the suspension, revocation or refusal to renew an Operators Licence on the grounds specified in that section. A Right of Appeal exists to the Magistrates Court.

## **5. OPERATION OUTSIDE THE LICENSING DISTRICT**

### **HACKNEY CARRIAGE**

Hackney Carriages are licensed to ply for hire within the Lewes District Council's area and MAY NOT ply for hire beyond the district boundary. A passenger boarding the vehicle within the licensed area may be transported into another area. Furthermore, since a hackney carriage is permitted to be used for private hire purposes a passenger may be collected from another area on a pre-booked basis, although plying for hire is strictly prohibited.

### **PRIVATE HIRE**

Where a private hire vehicle and driver are licensed in another district (e.g. an adjoining Authority) that vehicle may be used for private hire within this district or vice versa if pre-booked. Both the driver and vehicle must be licensed by the same Authority. However, it is unlawful to sub-contract work to the holder of an Operators Licence outside Lewes District Council area. (Further clarification may be obtained from the Licensing Officer)

## **6. ACCIDENTS TO HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES**

Any accident to a hackney carriage/private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of the persons carried therein, must be reported to the Council as soon as practicable and in any case within 72 hours of the occurrence.

## **7. INSURANCE TO BE EXHIBITED**

A current Insurance Certificate or Cover Note **MUST** be displayed where it can be seen by the public in every hackney carriage/private hire vehicle.

## **8. OFFENCES**

Apart from the powers of the Council to suspend licences etc, failure to comply with any of the requirements of the 1847 or 1976 Acts may be dealt with as an offence punishable by fines on conviction.

## **9. EXCEPTIONS POLICY**

In exceptional circumstances the Director of Planning and Environmental Services may grant an application for a licence without imposing one or more of the above standard conditions, in which case he shall record his reason(s) for doing so. In such cases the Director may, at his discretion, impose alternative and/or additional conditions as he thinks fit to ensure the health, safety and welfare of the travelling public.

# LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

## **Hackney Carriage Drivers Licences**

### **Conditions of Licence**

Licences to drive a Hackney Carriage are issued under S46 Town Police Clauses Act 1847 and are subject to Bye Laws made by the Council. These Bye Laws are printed in the "Guidance For The Proprietors And Drivers of Hackney Carriage and Private Hire Vehicles".

Drivers are referred to these Bye Laws which set out requirements for proper procedure and conduct. Breach of the Bye Laws is a criminal offence.

Drivers are also referred to the General guidance section for all Taxi Drivers which sets out general standards of good conduct.

The Council will take seriously any allegations of misconduct or Breach of the Bye laws reported to it and is empowered in appropriate circumstances to suspend or revoke a Hackney Carriage Drivers Licence under S61 of the Local Government (miscellaneous Provisions) Act 1976.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT  
1976**

**Hackney Carriage Vehicle Licences**

**Conditions of Licence**

**MAINTENANCE OF VEHICLE**

The vehicle and all its fittings and equipment shall at all times 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, including in particular those contained in The Motor Vehicles (Construction and Use) Regulations shall be fully complied with. All hackney carriages will undergo a mechanical inspection, by an approved garage, every six months.

**ALTERATION OF VEHICLE**

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.

**IDENTIFICATION PLACE**

The plate identifying the vehicle as a Hackney Carriage is required to be exhibited on the vehicle pursuant to Section 51 Town Police Clauses Act 1847. The plate shall at all times be securely fixed on the outside to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a Constable.

**INTERIOR MARKINGS**

The proprietor shall cause to be clearly marked and maintained inside the vehicle and in such a position as to be visible at all times to persons conveyed therein the number of his/her licence and the number of passengers prescribed in the licence.

## **ROOF SIGNS**

The proprietor shall cause to be affixed and maintained an illuminated roof sign of a pattern approved by the Council.

## **FIRST AID KIT**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable first aid kit containing appropriate first aid dressings and appliances available for immediate use in an emergency.

## **FIRE EXTINGUISHER**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable Fire Extinguisher which must conform to British and European Standards.

## **SIGNS & NOTICES**

The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to hackney carriage vehicles which the Council may from time to time require.

## **INSURANCE**

A current insurance certificate or cover note must be displayed, where it can be seen by the passengers, in each hackney carriage.

## **CHANGE OF ADDRESS**

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

## **CONVICTIONS, CAUTION, ANTI SOCIAL BEHAVIOUR ORDER, ACCEPTABLE BEHAVIOUR AGREEMENT/CONTRACT**

The proprietor shall within seven days disclose to the Council in writing details of any conviction, caution, Anti Social Behaviour Order, Acceptable Behaviour Agreement/Contract imposed on him/her or, (if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the licence.

## **DEPOSIT OF DRIVER'S LICENCE**

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage vehicle, he/she shall before that person commences to drive the vehicle cause the driver to deliver to him/her, his/her hackney carriage driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

## **ACCIDENTS**

Any accident to a hackney carriage vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein, must be reported as soon as practicable and in any case within 72 hours of the occurrence.

## **ADVERTISING**

Advertising of Company Name, Logo's and Telephone Numbers are restricted to the front driver's and passenger's door only. No other advertising of any description is allowed anywhere else on the vehicle. Limited advertising may be permitted on the rear of the roof sign.

## **BLACKED OUT WINDOWS**

Totally blacked out windows in hackney carriages will not be permitted. However, partially darkened windows may be allowed at the discretion of the Licensing Officer.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT  
1976**

**Private Hire Drivers Licences**

**Conditions of Licence**

**CONDUCT OF DRIVER**

The driver shall -

- (1) afford all reasonable assistance with passengers' luggage;
- (2) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner;
- (3) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her;
- (4) not without the express consent of the hirer smoke, drink or eat in the vehicle;
- (5) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (6) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

**PASSENGERS**

- (1) the driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle;
- (2) the driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle;

**LOST PROPERTY**

- (1) the driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there;
- (2) if any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/she shall take it as soon as possible and in any event within

twenty four hours, if not sooner claimed by or on behalf of its owner, to a convenient police station and leave it in the custody of the officer in charge having been given a receipt for it.

### **WRITTEN RECEIPTS**

The driver shall if requested by the hirer of a private hire vehicle provide him/her with a written receipt for the fares paid.

### **ANIMALS**

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle and he/she shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle.

### **PROMPT ATTENDANCE**

The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at that appointed time and place, unless delayed or prevented by reasonable cause.

### **COPY OF CONDITIONS**

The driver shall at all times when driving a private hire vehicle carry with him/her a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

### **DEPOSIT OF DRIVER'S LICENCE**

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone other than himself/herself, he/she shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

### **TAXIMETER**

If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

## **FARE TO BE DEMANDED**

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator of, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

## **CHANGE OF ADDRESS**

The driver shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

## **CONVICTIONS, CAUTION, ANTI SOCIAL BEHAVIOUR ORDER, ACCEPTABLE BEHAVIOUR AGREEMENT/CONTRACT**

The proprietor shall within seven days disclose to the Council in writing details of any conviction, caution, Anti Social Behaviour Order, Acceptable Behaviour Agreement/Contract imposed on him/her or, (if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the licence.

## **DRESS/APPEARANCE**

Drivers are expected to be clean and tidy in their appearance and to be dressed in a manner that does not cause embarrassment to members of the public. To that end swimwear, football style tops and shorts, sleeveless vests or singlets are NOT allowed.

## **RETURN OF BADGE**

The driver shall upon the expiry (without renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge issued to him by the Council.

## **SCANNERS**

Any driver of a private hire vehicle convicted of the use of a radio scanner will be barred from holding a Private Hire Drivers Licence with the Council for a minimum period of five years from date of conviction.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT  
1976**

**Private Hire Vehicle Licences**

**Conditions of Licence**

**MAINTENANCE OF VEHICLE**

The vehicle and all its fittings and equipment shall at all times 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, including in particular those contained in The Motor Vehicle (Construction and Use) Regulations shall be fully complied with. All private hire vehicles will undergo a mechanical inspection, by an approved garage, every six months.

**ALTERATION OF VEHICLE**

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.

**IDENTIFICATION PLATE**

The plate identifying the vehicle as a private hire vehicle is required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 and shall at all times be securely fixed on the outside to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a Constable.

**INTERIOR MARKINGS**

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of his/her licence and the number of passengers prescribed in the licence.

## **ROOF SIGNS**

No roof signs of any size will be permitted.

## **FIRST AID KIT**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable first aid kit containing appropriate first aid dressings and appliances available for immediate use in an emergency.

## **FIRE EXTINGUISHER**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable Fire Extinguisher which must conform to British and European Standards.

## **SIGNS, NOTICES**

The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to private hire vehicles which the Council may from time to time require.

## **INSURANCE**

A current insurance certificate or cover note must be displayed, where it can be seen by the passengers, in each private hire vehicle.

## **CHANGE OF ADDRESS**

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

## **CONVICTIONS, CAUTION, ANTI SOCIAL BEHAVIOUR ORDER, ACCEPTABLE BEHAVIOUR AGREEMENT/CONTRACT**

The proprietor shall within seven days disclose to the Council in writing details of any conviction, caution, Anti Social Behaviour Order, Acceptable Behaviour Agreement/Contract imposed on him/her or, ( if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the licence.

## **DEPOSIT OF DRIVER'S LICENCE**

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he/she shall before that person commences to drive the vehicle cause the driver to deliver to him/her, his/her private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

## **ACCIDENTS**

Any incident to a private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein, must be reported as soon as practicable and in any case within 72 hours of the occurrence.

## **ADVERTISING**

Advertising of Company Name, Logo's and Telephone Numbers are restricted to the front driver's and passenger's door only. No other advertising of any description is allowed anywhere else on the vehicle.

## **BLACKED OUT WINDOWS**

Totally blacked out windows in hackney carriages will not be permitted. However, partially darkened windows may be allowed at the discretion of the Licensing Officer.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT  
1976**

**Private Hire Operators Licences**

**Conditions of Licence**

**RECORDS**

the record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking invited or accepted by him/her:-

- a) the time and date of the booking;
- b) the name and address of the hirer;
- c) the method of booking;
- d) the time of pick-up;
- e) the point of pick-up;
- f) the destination;
- g) the time at which the driver was allocated to the booking;
- h) the registration number of the vehicle allocated for the booking;
- i) remarks (including details of any business sub contracted to another holder of a Lewes District Council Operator's Licence).

**It is unlawful to sub contract to the holder of an Operator's Licence outside Lewes District Council area.**

**STANDARD OF SERVICE**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- c) ensure that any waiting area provided by the operator has adequate seating facilities;

- d) ensure that any telephone facilities and radio equipment provided are maintained in good condition and that any defects are repaired promptly;
- e) ensure that any radio equipment provided by the operator is inspected at his/her expense at least once a year by a company approved by the Council and that a certificate that the equipment is in good condition is submitted to the Council within one month of the inspection.

## **COMPLAINTS**

The operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his/her business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

## **CHANGE OF ADDRESS**

The operator shall notify the Council in writing of any change of his/her address (including any address from which he/she operates or otherwise conducts his/her business as an operator) during the period of the licence within seven days of such change taking place.

## **CONVICTIONS, CAUTION, ANTI SOCIAL BEHAVIOUR ORDER, ACCEPTABLE BEHAVIOUR AGREEMENT/CONTRACT**

The proprietor shall within seven days disclose to the Council in writing details of any conviction, caution, Anti Social Behaviour Order, Acceptable Behaviour Agreement/Contract imposed on him/her or, ( if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the licence.

# **Policy And Guidelines Relating To The Relevance Of Convictions**

## **GENERAL POLICY**

Each case will be decided on its own merits.

A criminal conviction is not an automatic bar to obtaining a licence. However, when considering applications from persons with previous convictions, the Council will have regard to the provisions of the Rehabilitation of Offenders Act 1974.

**In all cases the Council's primary concern will be to ensure the safety and protection of the general public.**

The following guidelines give a general idea of the matters that the Council will take into account when considering an applicants previous convictions.

## **MINOR TRAFFIC OFFENCES**

Isolated convictions for minor traffic offences e.g. obstruction, waiting on a restricted street, speeding etc, should not prevent a person from proceeding with an application for a drivers licence. Any new applicant must have held a full drivers licence issued by the DVLA for a minimum period of 12 months without any period of suspension/disqualification. Holders of a hackney carriage/private hire drivers licence who are convicted during the period of the licence of a minor offence (which does not result in disqualification) should be warned as to their future conduct and advised that any future offence(s) which do lead to disqualification may render the holder liable to revocation of their hackney carriage/private hire drivers licence. Where a licensed driver is disqualified at court under the points totting up system, his DVLA drivers licence must be free of conviction for a minimum period of 12 months before a reapplication for a Hackney Carriage/Private Hire Driver Licence is considered. Re-application will then be considered on its merits.

## **MAJOR TRAFFIC OFFENCES**

An isolated conviction for driving without due care and attention etc will merit at least a warning as to future driving and advice on the standards expected of hackney carriage/private hire drivers. Suspension and/or revocation of a hackney carriage/private hire drivers licence should be considered in the case of more serious convictions or in relation to those drivers who are convicted of more than one major traffic offence within a two year period. Applications from drivers who have had their hackney carriage/private hire drivers licence revoked for any of the above reasons should not be considered until a minimum period of three years free from conviction has elapsed. In the case of applications from persons who have not held a hackney carriage or private

hire drivers licence before and possess one or more previous convictions for a major traffic offence within the last three years, refusal should be considered.

## **DRUNKENNESS/DRUGS WITH A MOTOR VEHICLE**

A very serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident should not necessarily de-bar an applicant provided that a minimum period of five years has elapsed since the date of the last conviction but if a licence is granted strict warning should be given as to future behaviour.

More than one conviction for a drink/drug driving offence should raise grave doubts as to the applicant's fitness to hold a hackney carriage/private hire drivers licence. At least ten years from the date of last conviction should elapse before an applicant is considered for a hackney carriage/private hire drivers licence. Any indication of an alcohol related medical problem should necessitate a full medical assessment in accordance with the 'Medical Aspects of Fitness to Drive Guide' relating to alcohol and driving for Group II drivers issued by the DVLA.

A hackney carriage or private hire driver found guilty of driving passengers for hire and reward whilst under the influence of drink or drugs should have his hackney carriage or private hire drivers licence revoked immediately and be barred from holding such a licence with the Council.

## **DRUNKENNESS NOT IN A MOTOR VEHICLE**

An isolated conviction for drunkenness need not de-bar an applicant from obtaining a licence, however, a number of convictions for drunkenness could indicate a medical problem necessitating further examination. In some cases a warning may be sufficient.

## **DRUGS**

An applicant with a conviction for a drug related offence should be required to show a period of at least five years free of conviction before an application is entertained or after detoxification treatment if he/she was an addict.

## **INDECENCY OFFENCES**

As hackney carriage/private hire drivers often carry unaccompanied passengers, applicants with convictions/cautions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences should be refused until they can show a substantial period (at least five years) free of such offences. More than one conviction for this type of offence

should be considered in the light of the applicant not being a fit and proper person to hold a licence with the Council.

## **VIOLENCE**

As hackney carriage/private hire drivers maintain close contact with the public a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least five years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

## **DISHONESTY**

Hackney carriage/private hire drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become fair game for an unscrupulous driver. For these reasons a serious view should be taken for any conviction involving dishonesty. In general a period of five years free of conviction should be required before entertaining an application.

## **ANTI SOCIAL BEHAVIOUR ORDERS (ASBOS) ACCEPTABLE BEHAVIOUR CONTRACT/AGREEMENT (ABA)**

Where an Anti Social Behavior Order (ASBO) or Acceptable Behavior Agreement (ABA) has been made in relation to an applicant for a Hackney Carriage/Private Hire Drivers Licence, then at least three years in the case of an ASBO or two years in the case of an ABA must have elapsed since the expiry of the ASBO or ABA before that application can be considered. Each case to be considered on it's merits.

If a licensed driver receives an Anti-Social Behavior Order during the period of his/her Hackney Carriage/Private Hire License it must be reported in writing to the Council (Licensing Officer) and depending on the circumstances and seriousness of the order may render that person liable to have his/her Driver's Licence suspended/revoked.

## **CAUTIONS**

All cautions will be taken into account before a decision is taken to grant a Hackney Carriage or Private Hire Driver's Licence. In general terms, three years must have lapsed since the date of a caution before an application is entertained.

Any Hackney Carriage or Private Hire Driver who receives a caution during the period of their licence must report the fact in writing to the Council (Licensing Officer) and depending on the circumstances and type of offence for which the caution has been given, it may render that person liable to have their Hackney Carriage or Private Hire Driver's Licence suspended or revoked.

## **INSURANCE OFFENCES WITH A MOTOR VEHICLE**

A very serious view should be taken of convictions for driving or for being in charge of a vehicle without the necessary insurance. An isolated incident in the past will not necessarily de-bar an applicant provided that a minimum period of one year has elapsed since the date of the last conviction but if a licence is granted, strict warning should be given as to future behaviour.

More than one conviction for an offence of this nature should raise doubts as to the applicants fitness to hold a hackney carriage/private hire drivers licence. If the applicant has been convicted of more than one offence of driving or being in charge of a vehicle without insurance then at least three years should have elapsed since the date of the last conviction before the applicant can be considered.

An applicant with three or more insurance offences should be regarded as being unfit to hold a hackney carriage/private hire drivers licence.

A hackney carriage/private hire driver who is convicted of driving passengers for hire and reward without the necessary insurance should have his hackney carriage/private hire drivers licence revoked immediately. Further applications from such a driver should not be considered until a minimum period of three years has elapsed since the date of conviction.

Applicants who have been convicted of driving a hackney carriage/private hire vehicle without the necessary insurance on two or more occasions should be regarded as unfit to hold a hackney carriage/private hire drivers licence and their application should be refused.

## **SCANNERS**

Any driver of a hackney carriage or private hire vehicle convicted of the use of a radio scanner will be barred from holding a Hackney Carriage/Private Hire Drivers Licence with the Council for a minimum period of five years from date of conviction.

<b>OFFENCE</b>	<b>EXCLUSION PERIOD FOR LICENCE DRIVER / NEW APPLICANT</b>
<b>Minor Traffic Offences –</b> Driving disqualification at Court  Disqualification for current driver	<b>DVLA Licence free from conviction for 12 months for new applicants            Revocation – then 12 months free from conviction</b>
<b>Major Traffic Offences</b> Serious conviction More than one offence in 2 yr period	<b>Suspension / Revocation- 3 yrs            Suspension / Revocation- 3 yrs</b>
<b>Drunkenness/Drugs with Motor Vehicle</b> One offence More than one offence Whilst working	<b>5 yrs            10 yrs            Total Bar</b>
<b>Drug Offences, Offences of Violence, Dishonesty Offences</b>	<b>5 yrs</b>
<b>Motor Vehicle Insurance</b> More than one offence More than three offences Whilst Working	<b>3 yrs            Total Bar            Immediate Revocation then 3 yrs</b>
<b>Illegal use of Scanner</b>	<b>5 yrs</b>
<b>Cautions</b> New Applicant Current Driver	<b>3 yrs            Licensing Committee Decision</b>
<b>Anti Social Behaviour Order</b> New Applicant Current Driver	<b>3 yrs            Licensing Committee Decision</b>
<b>Acceptable Behaviour Agreement/Contract</b> New Applicant Current Driver	<b>2yrs            Licensing Committee Decision</b>

**FOR FURTHER CLARIFICATION REFER TO GENERAL POLICY.**

# **LEWES DISTRICT COUNCIL**

## **BYE-LAWS**

**Bye-Laws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Lewes District Council with respect to hackney carriages in the district of Lewes.**

### **INTERPRETATION**

Throughout these bye-laws “the Council” means the Lewes District Council and “the District” means the district of Lewes.

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

The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;

a proprietor or driver of a hackney carriage shall:

not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.

not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### **Provisions regulating how hackney carriages are to be furnished or provided**

The proprietor of a hackney carriage shall:

provide sufficient means by which any person in the carriage may communicate with the driver;

cause the roof or covering to be kept watertight

provide any necessary windows and a means of opening and closing not less than one window on each side;

cause the seats to be properly cushioned or covered;

cause the floor to be provided with a proper carpet, mat or other suitable covering;

cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

provide means for securing luggage if the carriage is so constructed as to carry luggage;

provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;

provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver

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:-

the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

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;

when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by [time as well as for] distance in pursuance of the tariff fixed by the Council in that behalf.

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;

the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

The driver of a hackney carriage provided with a taximeter shall:-

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;

before beginning a journey for which a fare is charged for distance [and time], bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and

cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half and hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer

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.

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-

proceed with reasonable speed to one of the stands appointed by the Council pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976;

if a stand, at any time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and

from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

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

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.

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.

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

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

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:

convey a reasonable quantity of luggage;

afford reasonable assistance in loading and unloading;

afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

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

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council, which it may not be possible to record on the face of the taximeter.

The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

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

**Provisions securing the safe custody and redelivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.**

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. 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 its owner, to a police station in the district and leave it

in the custody of the officer in charge of the office on his giving a receipt for it; and

be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station in the district, whichever be the greater) but not more than five pounds.

## **PENALTIES**

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

## **REPEALS**

The bye-laws relating to hackney carriages which were made by the Lewes District Council on the 12 day of January 1995 and which were confirmed by the Secretary of State for Transport on the 6 day of April 1995 are hereby repealed.

THE COMMON SEAL of  
LEWES DISTRICT COUNCIL  
was hereunto affixed  
the                    day of  
in the presence of:-

District Solicitor