

Environmental Health

Hackney Carriage and Private Hire Licensing Policy & Conditions



*This Policy was adopted by **Daventry District Council**
at its Council meeting on **Wednesday 20 May 2015***

Revisions

Revision Date	Page Number(s)	Section(s)	Revision
8 February 2016	11, 25	Paras 4, 6	Licences issued for 3 and 5 years respectively as per the Deregulation Act 2015
	36	Delete para. 1.0.4 New para 2.0.1	Clarify that the conviction policy applies throughout the duration of the licence
19 May 2022		2 and 3	Amendment on how to apply for a licence and how to renew a licence

Hackney Carriage and Private Hire Licensing Policy & Conditions

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1. Introduction

Taxis (more formally known as Hackney Carriages) and Private Hire Vehicles (PHVs)(sometimes referred to as minicabs) play an important part in local transport. The aim of local authority licensing of the Hackney Carriage and PHV trades is to protect the public. However, this policy & conditions document seeks to ensure that the various licensing requirements are in proportion to the risk that they aim to address.

The legislation governing the licensing of Hackney Carriages and Private Hire Vehicles etc. includes, amongst others:

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

This document includes detail of the policy and conditions that are required for the licences outlined in section 2 below. It is made under Part II of the Local Government (Miscellaneous Provisions) Act 1976 by the Daventry District Council with respect to Hackney Carriages and Private Hire Vehicles in the Daventry District.

1.1 Definitions

Throughout the following document **“the Council”** means the Daventry District Council.

“vehicle” means both hackney carriage and private hire vehicle.

“taxi” means Hackney Carriage.

“the 1976 Act” means the Local Government (Miscellaneous Provisions) Act 1976.

Further guidance and application forms are available on the Council’s website.

2. Types of Licence & Application Guidance

2.2 Hackney Carriage and Private Hire Vehicle Drivers

Any person driving a licensed vehicle in the Daventry District must be licensed as a Hackney Carriage Driver or Private Hire Driver.

The Licensing team has a duty to ensure that licenses to drive hackney carriages and private hire vehicles are only granted to “fit and proper” persons.

In order to establish an applicant’s suitability to be licensed as a driver, the Licensing team requires:

- Successful completion of the Driver and Vehicle Standards Agency standard taxi assessment <https://www.gov.uk/dvsa-taxi-driving-test> (to be introduced no later than 1 October 2015)

- Successful completion of a **Knowledge test**, which includes basic understanding of written and spoken English, numeracy and local route mapping (**Appendix 1**)
- Completion of an **enhanced Disclosure and Barring Service (DBS) application** (formerly CRB) and subsequent assessment against the Hackney Carriage and Private Hire Drivers Criminal Records policy (**Appendix 2**)
- If necessary, a **Certificate of Good Conduct** from any Countries, outside of the United Kingdom, an applicant has lived in for the past 5 years
- **A medical examination.**

The applicant must have held a full United Kingdom Driver's Licence (or European Equivalent) for at least 12 months, and be over 21 years of age.

2.1.2 How to apply

In order to apply for a Hackney Carriage or Private Hire Vehicle Driver licence you will need to apply on line through the Council's website. Once your application has been processed you will be contacted by an officer with a booking for the Knowledge Test. You should use this time to revise for the test using a local map. Each time you take a test you will be required to pay the fee. If you do not pass the test, you can take the test up to 4 times (each test will be four weeks apart), after which you must wait 6 months before re-applying.

The Knowledge Test is in three sections. The first section is 10 multi-choice verbal understanding English questions; 10 minutes is allowed for this part of the test. You must get at least 9 out of 10 points to pass this section. Section two includes 5 numeracy questions. The questions test basic understanding of simple arithmetic. You must get at least 4 out of 5 to pass this section. 40 minutes are allowed for completion of parts 2 and 3 of the test. Section three is 6 landmark and road route questions. This section tests knowledge of the Daventry District. You need to get at least 24 out of 30 in this section to pass. You must pass each individual section in order for you to have passed the whole Knowledge Test. An example of the test can be seen at **Appendix 1**.

Once a Knowledge Test has been passed, we will give out an application pack. The pack contains DBS, Medical Examination and Hackney Carriage Driver Licence Application forms.

2.2 Hackney Carriage Vehicles

Hackney Carriage vehicles can be any make or model of traditional car or purpose built Hackney Carriages. They are allowed to ply for hire from the street or wait at a designated taxi rank within the District. Certain conditions apply to Hackney Carriage vehicles. These help to identify the vehicle as a licensed taxi within the Daventry District and ensure its safety.

One condition that applies is that the vehicle must be less than 4 years old at the time it is first licensed. We operate an Exceptional Vehicle Age Policy (**Appendix 3**), which enables vehicles to be considered for further licensing after they become 7 years old. Hackney Carriages that meet the criteria to be licensed under the Exceptional Vehicle Age Policy have to pass three MOT/Fitness tests per year.

2.2.1 How to apply

You should ensure that the vehicle you wish to be licensed meets the criteria laid out in this document **before** purchasing it.

Once you have bought a suitable vehicle, you will need to submit an application through the Council's website. You will then be contacted by an officer to pay for your application and to arrange an appointment with our designated garage. There will be an additional fee for this test that is paid directly to the designated garage. Once your inspection has been completed you must email the inspection paperwork to the Licensing Team, who will then contact you to arrange the collection of your plates. You are not permitted to work until you have submitted a complete application, including inspection paperwork and paid the relevant licence fee.

2.3 Private Hire Vehicles

Private Hire Vehicles can be any make or model of traditional car or purpose built vehicles. They are not allowed to ply for hire from the street or wait at a designated taxi rank. They must be pre-booked. Certain other conditions apply to Private Hire Vehicles. These help to identify the vehicle as a licensed Private Hire Vehicle within the Daventry District.

The same age restrictions as Hackney Carriage vehicles apply to private hire vehicles.

2.3.1 How to apply

The application process for Private Hire Vehicles is the same as for Hackney Carriage vehicles; but please note that the criteria are different as detailed below.

2.4 Private Hire Operators

All Private Hire Vehicles must be operated from an official Private Hire Office, licensed by Daventry District Council. Planning Permission may be required for new operator's offices. Further information can be obtained from Daventry District Council Planning Department.

2.4.1 How to apply

On the day of the MOT/Fitness test you are required to complete a Private Hire Operator Licence application form. You must then call the Licensing Team to make payment by using a debit or credit card.

3. Renewals

3.1 Hackney and Private Hire Driver Renewals

In order to renew your licence please visit the Council's website. If you are required to complete a new DBS or medical with your renewal an officer will contact you on receipt of your application with instructions on how to apply. Please ensure you allow plenty of time for your DBS and medical to be completed. Your licence will not be issued until all elements of the application have been completed and the appropriate fee paid. **A renewal application must be made and issued before the current licence expires. If you do not renew your driver's licence before it expires you will need to apply as a new applicant, including the need to take the knowledge**

test.

3.1.1 Disclosure and Barring Service (DBS)

Please visit the Council's website for current information on how to apply for a DBS certificate.

3.1.2 Medicals

When you need a Medical Examination on renewal of your licence you should contact your General Practitioner (GP) to arrange the medical examination. You should make any fee payable, directly to your GP. You must take the medical examination form with you on the visit, as the GP will need to complete and sign this form. You will need to bring the medical examination form to the Council Offices at the time that you deliver your renewal paperwork.

3.2 Hackney and Private Hire Vehicle Renewals

Please visit the Council's website for current instructions on how to renew your vehicle licence. A licence will not be issued until all paperwork has been received, including MOT and Compliance test and payment has been made for your licence. **A renewal application must be made and issued before the current licence expires.**

3.3 Private Hire Operator Licence Renewals

Please visit the Council's website for current instructions on how to renew your operator licence. **A renewal application must be made and issued before the current licence expires.**

3.4 Transfers of Hackney or Private Hire Vehicles

From time to time incidents occur and drivers are offered temporary cars when their taxi or private hire cars are being repaired. We can temporarily licence another vehicle but only if the vehicle fulfils the standard criteria for licensing. The procedures we follow are the same as if it were a new vehicle (as above). Any fees payable need to be made in advance to secure the booking.

4. Hackney Carriage and Private Hire Drivers Licence Conditions

Hackney Carriage and Private Hire Driver Licences shall be issued for a period of three years.

4.1 Depositing of licence with employer

The vehicle driver shall hand his/her hackney carriage and/or private hire driver's licence to his/her employer before he/she commences employment as a driver and shall deposit with them until such times as he/she ceases to be employed.

4.2 Driver's Identification

- (a) The driver of a vehicle shall at all times wear the badge provided by the Council in such a position and manner as to be plainly visible.

- (b) The badge is the property of the Council and on ceasing to be licensed as a driver of a licensed vehicle the driver shall return to the Council any badge which has been issued to them.

4.3 Convictions

If, since the grant of a licence the holder has been convicted of any offence under the Act, or the 1976 Act, or any offence involving dishonesty, indecency or violence, or an offence endorsable by the Road Traffic Act Driving Licence, he shall notify the Council immediately, and not more than 7 days of the date of the conviction, giving full particulars of the conviction and the penalty imposed.

4.4 Change of Address

- (a) The proprietor shall notify the Council in writing of any change of their address (including any address from which they operate or otherwise conducts their business as a proprietor) during the period of the licence as soon as possible and in any case within seven days of such change taking place.
- (b) The vehicle driver shall notify the Council in writing of any permanent change of residence or of hackney carriage/private hire employment within 7 days of such change.

4.5 Hackney Carriage Byelaws

The driver of a Hackney Carriage shall comply at all times with the Council's Hackney Carriage Byelaws for the time being in force insofar as those Byelaws relate to him/her whilst acting as a driver and the Council will exercise its powers of discretion under Section 61 of the 1976 Act which provides for suspension or revocation of or refusal to renew a Hackney Carriage Driver's Licence in the event of a conviction under the said Byelaws.' **(Appendix 4)**

4.6 Giving of Notice

For the purpose of these conditions, notice shall be deemed to be given to the Council if the written communication is handed personally to an officer in Licensing Team at the Council Offices, Lodge Road, Daventry, or is left deposited in the Council's letter box at the same address within the time stated.

4.7 Conduct of Driver

The driver of a licensed vehicle shall behave in a civil and orderly manner, shall be respectably dressed, clean and tidy in appearance, and shall take all reasonable precautions to ensure the safety of persons transported in or entering or dismounting from the vehicle.

4.8 Number of Persons to be carried in Vehicle

A proprietor or driver of a licensed vehicle shall not transport or permit to be transported in such vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle. For this purpose

children under 3 years do not count. The number of unrestrained children under 3 years should not exceed 3. Children can travel in the front of a vehicle only if the appropriate restraint is used in accordance with current national seat belt legislation.

4.9 Luggage

The driver of a licensed vehicle, when asked to carry luggage by any person hiring or seeking to hire the vehicle, shall:-

- (a) Transport a reasonable quantity of luggage.
- (b) Give reasonable assistance in loading and unloading.
- (c) Give reasonable assistance in removing it to or from the entrance of any building, station or place at which he/she may take up or set down such person.

4.10 Lost Property

The proprietor or driver of a licensed vehicle shall immediately, after the termination of any hiring or as soon as practicable thereafter, and before the next hiring, carefully search the vehicle for any property which may have been accidentally left. If any such property is found or is handed to them, then the driver shall:-

Carry it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner to the nearest police station and leave it in the custody of the officer in charge of the police station on the driver being given receipt for it.

4.11 Fares

The driver of a licensed vehicle shall:

- (a) When standing or plying for hire, keep the key, flag or other device fitted for that purpose locked in the position on the fare meter in which no fare or distance is recorded on the face of the fare meter.
- (b) As soon as the vehicle is hired by distance, and before beginning the journey, bring the machinery of the fare meter into action by moving the said key flag or other device so that the word "Hired" is legible on the face of the fare meter and any sign indicating that the vehicle is a licensed vehicle is extinguished and keep the machinery of the fare meter in action until the termination of the hiring. No charge can be made when the vehicle is unoccupied unless specifically referred to in the Table of Fares.
- (c) Cause the face of the fare meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

For the avoidance of doubt in regulation 4.11(b) "as soon as the vehicle is hired" means when a passenger has entered the vehicle and indicated their destination; where more than one passenger is carried to the same fare destination the journey counts as a single hiring.

The Table of Fares relates to hiring the vehicle rather than the fare for individual passengers.

Note: Hackney carriage drivers cannot charge more than the fare shown on the meter for journeys **within the district**. The meter shall only be put on at "...the point in the district at which the hirer commences his journey." (Section 67 of the 1976 Act) i.e. when the person hiring the hackney carriage enters the vehicle. If travelling a distance to pick up the hirer, it is not lawful to charge for that distance e.g. from a Daventry based taxi rank to a village.

However, if the journey ends up **outside of the district**, it is lawful to agree a fare '...before the hiring was effected.' (Section 66 of the 1976 Act) i.e. If the fare is previously agreed in this circumstance, the meter does not have to be adhered to.

4.12 Canvassing or Touting

A proprietor or driver of a taxi when standing or plying for hire shall not, by calling out or otherwise, pester any person to hire such vehicle and shall not make use of the services of any other person for the purpose.

4.13 Drivers Right to Refuse a Fare

The driver shall be entitled to refuse to transport in the vehicle any person who is smoking tobacco or any other like substance or who is in possession of any item of food or drink or any liquid or substance of any kind such as may be likely to damage or soil the vehicle.

4.14 Fare to be Demanded

The driver must not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the fare meter. The fare is for the hire of the vehicle and not per passenger unless stated on the fare table.

4.15 Driver to take Direct Route

The driver of a licensed vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route and for this purpose shall comply with any Road Traffic Regulation Orders in force.

4.16 Wheelchair Carrying Vehicles

- (a) All licensed drivers that drive wheelchair carrying vehicles must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraining mechanisms fitted to the vehicle.
- (b) Before any movement of the vehicle takes place the driver must ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.
- (c) All drivers must ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with regulation 100 of the Road Vehicles Construction and Use Regulations 1986.

4.16 Fitness of Driver

A medical certificate on the official form shall be submitted with each original application. The medical shall be to Group 2 standards and carried out by a medical practitioner who has full access to the applicant's medical records. No further certificate will be required up to the age of 50 years of age, thereafter every three years up to the age of 65 years of age and thereafter yearly.

The driver must at any time, or at such intervals as the Council may reasonably require, produce a Certificate in the form prescribed by the Council signed by his or her own Registered Medical Practitioner to the effect that he/she is, or continues to be, physically fit to be the driver of a licensed vehicle. Whether or not such a Certificate is produced, the person must, if required by the Council at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council.

4.17 Punctual Attendance

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

4.18 Driver and Vehicle Documentation

The driver of a licensed vehicle shall produce their Council driver's badge, current personal driving licence and the certificate of insurance to any authorised officer of the Council or police officer on request.

The vehicle must be suitably insured and have a current MOT at all times. Proprietors must ensure that the Council has a photocopy of the current insurance policy at all times.

4.19 Animals

The driver must not transport in any licensed vehicle during hire any animal belonging to him/her or in their possession or that of the proprietor. Any animal belonging to or in the custody of any passenger may be transported in the vehicle at the driver's discretion but must be in a cage or suitably restrained on a lead in the vehicle.

4.20 Assistance Animals

The driver must at all times transport in the vehicle a guide dog or any other animal which normally assists a blind or disabled passenger. Failure to do so will result in action taken in accordance with the Environmental Health Enforcement Policy.

Paragraph 4.16 shall not apply where a particular driver has an Exemption Certificate due to an allergy to animals exempting him from carrying animals. In such case the Exemption Certificate must be displayed on the dashboard of the vehicle and kept in a clean and legible condition adjacent to the Table of Fares.

4.21 Accident Reporting

A proprietor of a vehicle shall report to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence, any accident to a licensed vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle or rendering the vehicle in contravention of Section 5 of these conditions.

4.22 Radio Communications

Citizen's Band (CB) radios will NOT be permitted in any licensed vehicle licensed by the Council.

Radio equipment to enable the driver to transmit shall only be switched on at times when the vehicle is engaged in plying for hire. The use of a radio should not give reasonable cause for annoyance to passenger or other persons.

The driver of a licensed vehicle shall not transmit until he/she has commenced their period of working.

The driver of a licensed vehicle shall not transmit after he/she has completed the last journey at the end of their period of working and shall then switch the radio equipment off.

If the driver of a licensed vehicle during their period of working has reason to leave the vehicle unattended, they shall switch off the equipment and shall not switch it on until they have returned to the vehicle.

The proprietor of a licensed vehicle shall ensure that any transmission is brief and that no microphone switch can be set in the 'on' position.

A mobile phone shall not be used whilst vehicle is in motion unless it is lawful to do so

4.23 Drivers' Licences

The proprietor must, before a driver commences to drive the vehicle, satisfy themselves that the driver has a valid Hackney/Private Hire driver's licence.

4.24 Drivers

The proprietor of the vehicle must notify the Council in writing of the name and address of all licensed drivers engaged and employed by them and of any such driver ceasing to be so employed within seven days of appointment or termination as the case may be.

4.25 Records (Private Hire only)

Operators of private hire vehicles should note that, under section 56 of the Local Government (Miscellaneous Provisions) Act 1976, they are required to maintain a record of particulars of every booking of a private hire vehicle invited or accepted by them, whether by accepting this from the hirer or by undertaking it at the request of another operator.

4.26 Wearing of Seat Belts

Drivers shall remind passengers that seat belts should be worn in accordance with

the relevant legislation. Drivers are personally responsible for ensuring that children under 14 are suitably secured.

5. Hackney carriage and Private Hire Vehicle Licence Conditions

The following section details the criteria required to be met. As such, it provides flexibility for varying vehicle types to be taken into account. Nevertheless, the Council or any of its staff/representatives will not recommend any make, model or type of vehicle for the use as a taxi or private hire vehicle. It is the responsibility of the applicant to ensure that the vehicle will comply with the Council criteria. Any request for clarification on vehicle compliance should be made to the Licensing Team prior to any prospective purchase. The Council will not license any vehicle which does not meet the criteria.

Hackney Carriage and Private Hire Vehicle Licences shall be issued for a period of one year.

5.1 Vehicle Requirements

- (a)
 - (i) Vehicles must be not more than 4 years old when first registered as a licensed vehicle and less than 100,000 miles on the odometer.
 - (ii) The maximum age of a vehicle will be no more than 7 years from date of registration.
 - (iii) An exception is made in the case of purpose built taxis, which will be no more than 11 years from the date of registration.
 - (iv) All vehicles are subject to the Exceptional Vehicle Age Policy. Any vehicle exceeding the age limits stated in (ii) and (iii) above will be subject to 3 vehicle tests per year.
- (b) Hackney Carriages shall either be white or silver coloured. Private Hire Vehicles can be any standard manufacturers colour.
- (c) The vehicle engine size shall be at least 90bhp or 66kw. Liquid Petroleum Gas and electric powered vehicles are eligible to be licensed as Hackney Carriage or Private Hire Vehicles provided that all other licensing criteria are met.
- (d) In the case of vehicles which make provision for the carriage of passengers whilst occupying a wheelchair, there must be separate means of securing the wheelchair and passenger. Access to, and exit from, the wheelchair position must not be obstructed in any manner at any time except by wheelchair-loading apparatus.
- (e)
 - (i) Where the vehicle is used for the carriage of passengers seated in a wheelchair, the owner must ensure that:

All vehicles which are constructed or adapted to carry seated passengers are suitably adapted to allow secure carriage of all wheelchairs and any other equipment or passengers. Any such adaptations should take into account the

guidance contained in the Department of Transport Code of Practice VSE 87/1.

(ii) All vehicles used to carry wheelchairs are fitted with a ramp or Power Operated Lifting mechanism and that this is used to move the wheelchair into and out of the vehicle.

- (f) All swivel seats must be fitted in accordance with the manufacturer's recommendations.
- (g) The use of trailers on licensed vehicles is prohibited unless by request of the hirer.
- (h) Fire Extinguisher

A fully charged and functional Fire Extinguisher, approved by the Council must be provided and securely fitted to the inside of the vehicle. It must be conspicuous and easily accessible (unless otherwise authorised by the Council's Inspector) and ready for use at all times in accordance with the following:

- Only fire extinguishers conforming to British Standards 5306 and EN3 will be accepted.

The extinguisher should be serviced annually by a competent person in accordance with the British Standard 5306 Part 3: 1985. In addition, it is recommended that a visual check is carried out monthly to confirm that the extinguisher is in good condition.

Aerosol type fire extinguishers will not be accepted by this Council.

- The minimum size and type of extinguisher which is to be carried at all times in every licensed vehicle shall therefore conform to the following specifications:-

Dry Powder General Purpose

1.0 Kilogram conforming to British Standard EN3.

New standards require all fire extinguishers to be coloured Red.

Notes: All Purpose Dry Powder will combat fires originating from any source – flammable liquids and gases; electrical hazards; *paper, wood, textile and fabric.

*(B.C.F. will not extinguish fires resulting from the latter materials). Gas cartridge operated and the extinguisher is rechargeable.

(i) **Fare Meter and Roof Light**

A vehicle to be licensed as a taxi **MUST** be fitted with a fare meter and roof light. A vehicle to be licensed as a Private Hire Vehicle **MAY** be fitted with a fare meter but not a roof light. If so fitted,

- (i) the roof light should be securely fitted and fully functional at all times and be clearly labelled with the vehicle plate number.
- (ii) the fare meter must be correctly calibrated, sealed, fully functional in accordance with the current Council approved fare structure and easily visible to the passenger.

(j) **Luggage space must be a minimum of 0.5 cubic metres and be physically separated from the passenger seating or sited at the rear of the vehicle.**

(k) **Seats**

In conventional vehicles where it is intended that the licence be for four passengers, the rear seat bases must be at least 48 inches (122 cm) in width. All seats shall have a minimum width of 16 inches (40 cm) per person and in respect of seating comply with relevant legislation. All seats, including the driver's, must be free from repaired cuts, tears or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. (Seat covers are acceptable provided they meet the above standard).

5.1.1 Private Hire Vehicle only

At no time may the appearance of a Private Hire Vehicle in any way give the impression or suggestion that it is a taxi, that is:

- (i) No roof light is permitted.
- (ii) No "For Hire" or other advertising material shall be displayed in the window of or inside the vehicle. One approved panel on each front door of the vehicle bearing the name of the Operator or his business name, his business address and telephone number or an approved sunstrip bearing the name of the Operator or his business name and telephone number shall be permitted. No other recognition symbols shall be affixed to the vehicle.

5.2 Vehicle Suitability

The vehicle must be presented for inspection to the local inspection centre for the authorised officer (or representative) on the Council's behalf prior to licensing.

The Council will expect the vehicle to comply with the following at all times:-

- (a) MOT standard.
- (b) It should have no damage affecting the structural safety of the vehicle.
- (c) Has not been written off for insurance purposes at any time.

- (d) It is a right-hand drive vehicle. Left-hand drive will only be permitted on specialist vehicles which have not been manufactured as a right-hand drive model.
- (e) The vehicle has at least two doors for the use of passengers transported in the vehicle, neither being the door used by the driver.
- (f) In the case of normal saloon type vehicles, they must be fitted with at least four doors excluding any boot or hatchback.
- (g) No vehicle will be licensed which would require any passenger to climb over any seat to enter or exit from any seat they may occupy, or that would require them to climb over any luggage in the vehicle.
- (h) All passenger seats must face forward or rearward to the direction of travel.
- (i) The vehicle must not be fitted with bull bars.
- (j) Remould tyres are not acceptable at any time.
- (k) All door handles should be easily visible to the passenger.
- (l) Any and all seat belts fitted to the vehicle must comply with current Seat Belt Legislation and be fully functional at all times.
- (m) Any authorised officer of the Council may by written notice require the vehicle to be presented for inspection and testing at any reasonable time and place with the District. The Council is permitted to stop and inspect any licensed vehicle, but this does not constitute an inspection under this section.

5.3 Vehicle Condition

The vehicle must be kept in good condition and in particular meet the following criteria at all times:-

- (a) *Rust*
Vehicles must be free of areas of visible rusting. Minor blemishes are acceptable but should be painted to the manufacturer's colour.
- (b) *Dents*
Vehicles should not have more than three minor dents to the bodywork. The vehicle must not have any dents greater than 20 cm in length or diameter.
- (c) *Scratches*
Vehicles should have no scratches down to bare metal.
- (d) *Paintwork*
All panels on all vehicles shall be painted in uniform colour.
- (e) *Carpets/floor covering*
All carpets and floor covering shall be complete and free from major cuts, tears or obvious staining.
- (f) *Headlining and other trim*

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

(g) *Window operation*

(i) Saloon Vehicles

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

(ii) "People Carriers"

All windows fitted for the purpose of passenger use to open and close, must be fully functional at all times.

Any variance from the above will be in exceptional circumstances and by prior arrangement with the Council.

(h) *Boot/luggage compartment*

This should be empty, except for

- i) spare wheel
- ii) essential equipment
- iii) fire extinguisher
- iv) first aid kit

5.4 Inspection Frequency

Every vehicle must be presented for inspection 'twice yearly' at the inspection centre or to any other specified place within the area of the Council. Vehicles subject to the Exceptional Vehicle Age Policy shall be subject to 3 vehicle tests per year.

The proprietor is responsible for ensuring the vehicle is inspected at the appropriate time. An additional fee for re-tests and non-appearances etc. may be levied.

5.5 Documentation and fees

Proprietors must produce to the Council on demand:-

- (i) The current vehicle licence* issued under the Road Traffic Acts and proof of ownership (i.e. vehicle registration document).
- (ii) The certificate of insurance or cover note, clearly annotated that the vehicle is insured for public hire and public liability which satisfies the requirements of the Road Traffic Acts.
- (iii) Where appropriate the vehicle test certificate, as required by the relevant legislation ("MOT"). (After vehicle reaches one year old).

In addition, when applying for licensing or re-licensing:-

* Vehicle tax information can be found at: <https://www.gov.uk/check-vehicle-tax>

- (iv) Particulars of the maximum number of passengers for which the vehicle is suitable and such particulars will be indicated on the licence plate.
- (v) The service/maintenance records for a vehicle.
- (vi) The current fee applicable payable to the vehicle inspection centre; in the case of a re-test an additional fee shall be payable. Where a vehicle replaces an existing vehicle an inspection fee shall be payable prior to the testing to the inspection centre.

5.6 Licence Plates

- (a) Any licence plate issued to a proprietor will be affixed to the outside rear and front of the vehicle and shall be returned by the proprietor to the Council:-
 - (i) On surrender of the licence, or
 - (ii) On expiry, suspension, or revocation of the licence within seven days after the service on the proprietor of a written notice of expiry, suspension, or revocation of the licence, or
 - (iii) If the vehicle is disposed of and is no longer a taxi/private hire vehicle.
- (b) The proprietor of a licensed vehicle shall cause the number of the licence granted to them in respect of the vehicle to be easily visible on the vehicle, by displaying the plate provided, at all times, other than when the vehicle is being used for weddings and funerals.
- (c) Drivers or proprietors should not move or remove or tamper with the outside plate unless that plate is being surrendered or in accordance with (b) above.

Figure 5.6.1 Example Hackney Carriage Plate



Figure 5.6.2 Example Private Hire Vehicle Plate



5.7 Transfer of Licence

If a vehicle is transferred from one proprietor to another, details of such transfer, specifying the name and address of the person to whom the vehicle has been transferred, shall be given in writing to the Council within 7 days of the transfer.

5.8 Garaging

Every proprietor of a licensed vehicle shall, on request, notify the Council in writing of the place where it is kept when not in use. The proprietor must ensure that the vehicle is stored securely; for instance in a locked compound or parked in a residential area when not in use.

5.9 Communication with Passengers

A proprietor of a licensed vehicle shall provide sufficient means by which any person in the vehicle may communicate with the driver.

5.10 Fare Meters

The proprietor shall cause their taxi to be fitted with an efficient fare meter which shall be so constructed, attached and maintained as to comply with the following requirements:-

- (a) The fare meter shall be maintained in proper working order and condition.
- (b) The fare meter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the fare meter into action and cause the word 'HIRED' to appear on the face of the fare meter.
- (c) Such key, flag or other device shall be capable of being locked in such position that the machinery of the fare meter is not in action and that no fare is recorded on the face of the fare meter.
- (d) When the machinery of the fare meter is in action there shall be recorded on the face of the fare meter in clearly legible figures the distance travelled and a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the current Table of Fares.
- (e) The word 'Fare' shall be printed on the face of the fare meter in plain letters, so as clearly to apply to the fare recorded on it.

- (f) The fare meter shall be so placed that all letters and figures on its face are at all times plainly visible to any person being transported in the vehicle even during darkness.
- (g) The fare meter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances to prevent tampering except by breaking, damaging or permanently destroying the seals or other appliances.

5.11 Table of Fares

- (a) The proprietor of a taxi shall place the table of fares, provided by the Council, on the inside of the taxi in a conspicuous position so as to be readily visible to any person carried in the taxi.
- (b) The proprietor or driver of a taxi bearing a table of fares shall not conceal or deface the letters or figures in the table at any time while the vehicle is used for licensed purposes.

5.12 Top Signs

The proprietor of a licensed taxi shall provide a sign affixed to the roof of the vehicle of a design approved by the Council bearing on the front the word "Taxi" and on the rear thereof the style and telephone number. Any such sign shall be fitted with a key or other device whereby as soon as the vehicle is hired, and before beginning the journey, the illumination in the sign is extinguished and shall so remain until the termination of the hiring. Note: Top signs are not permitted on private hire vehicles.

5.13 Advertising on Taxis

- (a) The proprietor of a licensed taxi shall not exhibit any sign or advertising symbol until it has been approved by the Council's Licensing Team. This also applies to private hire vehicles.
- (b) No sign or advertisement shall obliterate or be confused with the number plate or taxi licence plate of the vehicle.

5.14 Stands

Taxis will be permitted to wait in order of arrival for fares only at the stands authorised from time to time by Road Traffic Regulation Orders ("Taxi Ranks") or such other stands as from time to time shall be so designated by the Council or Northamptonshire County Council as the appropriate Highway Authority.

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

- (a) Proceed with reasonable speed to one of the stands designated for the use of licensed taxis by the Authority.
- (b) If a stand, at the time of the driver's arrival, is occupied by the full number of vehicles authorised to occupy it, proceed to another stand.

- (c) On arriving at the stand, not already occupied by the full number of vehicles authorised to occupy it, station the vehicle immediately behind the vehicle or vehicles on the stand so as to face in the same direction.
- (d) From time to time when any other vehicle immediately in front is driven off or moved forward, cause the vehicle to move forward so as to fill the place previously occupied by the vehicle driven off or moved forward.

See **Appendix 5** for current stands.

5.15 Cleanliness and Maintenance

Vehicles shall be kept clean both inside and out, and the proprietor shall at all times maintain the vehicle used under the licence in a very high standard of mechanical efficiency.

6. Private Hire Operator's Licence Conditions

Private Hire Operator Licences shall be issued for a period of five years.

6.1 Transfer of Licence

The licence is NOT transferable and remains the property of Daventry District Council.

6.2 Return of Licence

Should the Operator cease to carry on a Private Hire Business, he/she shall return his/her Operator's Licence to the Licensing Team, Council Offices, Lodge Road, Daventry NN11 4FP without delay.

6.3 Bookings' Register

- (a) Every booking of a Private Hire Vehicle, invited or accepted by the holder or an Operator's Licence, whether by accepting the booking from the hirer or by undertaking it at the request of another Operator, shall be entered in an approved Private Hire Bookings' Register before the commencement of the journey in respect of which the booking was made.
- (b) The approved Private Hire Vehicles' Register will be kept by the Operator at an address within the District of Daventry to be notified in writing. The Operator shall enter therein detailed particulars of all Private Hire Vehicles operated by the Operator. This register will be kept up to date at all times.
- (c) All entries made in the approved Private Hire Bookings Register and Private Hire Vehicle Register, must be made in ink and all such entries must be legible.
- (d) To ensure compliance with Section 56(2 and 3) of the 1976 Act, it will be the responsibility of the Operator to ensure that the Private Hire Bookings' Register and the Private Hire Vehicles Register are available at all reasonable times for inspection by an authorised officer of the Council, at an address within the District of Daventry to be notified in writing. Both registers must be kept for inspection for a minimum of 3 years after the last entry therein.

6.4 Convictions

The holder of an Operator's Licence shall notify or cause to be notified any conviction(s) recorded against him/her during the currency of his/her licence, which involves any offences under the 1976 Act or any criminal offence giving the date of conviction and the penalty imposed, within 7 days of conviction to the Council.

6.5 Punctuality

The Operator shall ensure that a Private Hire Vehicle which has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at such appointed time and place.

6.6 Retention of Licences

The Operator shall retain the Private Hire Driver's Licences so long as such drivers remain in his/her employment and such Licences shall be made available for inspection by the Council or the Police at all reasonable times.

6.7 Maintenance of vehicles

The Operator shall at all times maintain vehicles used under the licence in a very high standard of mechanical efficiency; the bodywork shall be kept free from dents and rust and maintained in a good state of cleanliness. The interior of the vehicle shall be kept in a good state of repair and cleanliness.

6.8. Records

- a) The record required to be kept by the operator under Section 56(2) of the 1976 Act 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 of a private hire vehicle invited or accepted by him/her:
 - i. The time and date of the booking.
 - ii. The name and address of the hirer.
 - iii. How the booking was made (i.e. telephone, personal call, etc.)
 - iv. The time of pick up.
 - v. The point of pick up.
 - vi. The destination.
 - vii. The time at which a driver was allocated to the booking.
 - viii. The registration number of the vehicle allocated for the booking.
 - ix. Remarks (including details of any sub-contract).
- b) The operator shall also keep records of the particulars of all private hire vehicles operated by him, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.
- c) All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

7. Notification of changes

Any changes whatever in the particulars shown on the application form relating to the above licences shall be notified in writing to the Licensing Team, Council Offices, Lodge Road, Daventry forthwith.

8. Fees

Applications for all of the above licences must be accompanied by the respective fees. Details of the fees are available on the Council's website or upon request.

9. Enforcement

The enforcement of all driver, vehicle and operator licences will be carried out in accordance with the Council's Enforcement Policy; a copy of which is available on the Council's website.

Appendix 1 – Knowledge test example and Marking Criteria



Daventry District Council

Mock Test

Hackney Carriage & Private Hire Vehicle Drivers Licence Basic Verbal/Numerical/ Map Reading Test

Applicants Details

Full Name _____

Address _____

Date of Birth _____

Telephone Number _____

Drivers Licence Number _____

Signature of Applicant _____

Todays Date _____

You will be given a maximum of 10 minutes to complete Part 1 (verbal and multi choice) and 40 minutes to complete part 2 and 3

You must achieve a pass in all three parts of the test.

THIS SECTION TO BE COMPLETED BY THE EXAMINER

SECTION 1 English test	Score	/ 10	Pass/Fail
SECTION 2 Numeracy test	Score	/ 5	Pass/Fail
SECTION 3 Route Knowledge	Score	/ 30	Pass/Fail

Test Date: _____

Mock Test

PLEASE READ THIS CAREFULLY BEFORE STARTING YOUR TEST

YOU HAVE 40 MINUTES TO COMPLETE PARTS 2 AND 3

SECTION 1: You will be asked 10 questions by a member of the Licensing Team. We will ask each question twice. You must tick the box next to the answer you feel is the most appropriate to complete the question. You will be given 10 minutes to complete this section.

SECTION 2: There are 5 numeracy questions to answer. You will be given 40 minutes to complete sections 2 and 3

SECTION 3: There are 6 questions to answer which will show your knowledge of the area covered by this Council. See below for an example on how this question must be answered.

Example Question:

Write your answer CLEARLY, like this :-

1. Barby Sporting, Barby

→

The Wheatsheaf Inn, Braunston

Road: Barby Lane

The Green

Route : Barby Lane – Rugby Road – Daventry Road – Barby Road – Ashby Road – Welton Road – The Green

NOTE: You must write the name of the road that each landmark is on.

You must describe the route (*including all street names for example A5 or Watling Street*) that you would take from the first landmark to the second landmark.

The route you take must be the shortest route and it must be possible to be driven in a motor vehicle on an ordinary day.

You cannot go the wrong way up a "one way" street or travel through a road that is a "dead end".

For the purpose of the test where we refer to a "Road" we mean Road, Street, Lane, Way, Close, Highway, etc.

TURN THE PAGE TO START YOUR ASSESSMENT, AND GOOD LUCK.

When in the test, only the examiner will see these questions.

Section 1, Verbal Understanding Questions	
(these would usually be read out by the examiner)	
Question 1	How far is it to the Country Park?
Question 2	How much would it cost to go to the Railway Station?
Question 3	Have you got room for my shopping in the boot?
Question 4	Can you pick me up from the hotel at 2:00 this afternoon?
Question 5	Is the Police Station nearby?
Question 6	I've only got a 10 pound note, do you have change?
Question 7	How much is the fare?
Question 8	I lost my purse in your car yesterday, have you found it?
Question 9	Can you help me with my buggy?
Question 10	What time did you start this morning?

POSSIBLE ANSWERS TO MOCK TEST

SECTION 1 Verbal Understanding

You will hear ten sentences twice. Choose which you think is the correct reply from the answers below and mark them with a tick beside the reply.

EXAMPLE: if you think the correct answer to question 1 is "three pounds fifty" mark it like this; **three pounds fifty** ☒

Question 1

- a) Three Pounds Fifty ☐
- b) About four miles ☐
- c) No it's not allowed ☐
- d) Ten 'o' Clock ☐

Question 2

- a) No we don't have any ☐
- b) Not long now ☐
- c) About twenty pounds ☐
- d) Keep the change ☐

Question 3

- a) Yes it will fit easily ☐
- b) Yes here is my badge ☐
- c) Here is the money ☐
- d) I don't have change ☐

Question 4

- a) Five pounds exactly ☐
- b) That's OK ☐
- c) Yes, I've been really busy ☐
- d) Yes it will fit easily ☐

Question 5

- a) No, I haven't got one ☐
- b) Its too late ☐
- c) I was here on time ☐
- d) It's on the High Street ☐

Question 6

- a) The next on the left ☐
- b) Yes, I have plenty ☐
- c) How much is that ☐
- d) At least two miles ☐

Question 7

- a) There's no time ☐
- b) The banks are closed ☐
- c) About 5 minutes ☐
- d) Four pounds exactly ☐

Question 8

- a) No I'm sorry we haven't ☐
- b) It's six 'o' clock ☐
- c) Not long now ☐
- d) About five minutes ☐

Question 9

- a) I waited for ten minutes ☐
- b) Near the roundabout ☐
- c) I think it's four 'o' clock ☐
- d) Let me carry it ☐

Question 10

- a) 10 'o' clock ☐
- b) It's near the station ☐
- c) I'll keep the change ☐
- d) I have to stop ☐

SECTION 2: NUMERICAL QUESTIONS

Mock Test

Look at the sentences below which give examples of some likely fares and the change required to be given to the passenger.

Write down the correct answer for each question.

1. The Fare is £7.35. You are given a £10.00 note. How much change would you give?

2. The first part of a journey costs £4.20, the second part of the journey costs £6.25. How much fare do you charge in total?

3. You take a journey that costs £9.70. The passenger gives you a £20.00 note and tells you to take £1.00 as a tip. How much change do you give?

4. You charge £1.55 a mile. You carry out a journey of 12 miles. What fare do you charge?

5. You charge 20 pence per minute waiting time. You are required to wait for 18 minutes. How much waiting time do you charge?

SECTION 3**ROAD KNOWLEDGE TEST****Mock Test****1. Dodmoor House****Holiday Inn Flore****Road:****Route :****2. Co-op, Daventry****Slim Jims, Daventry****(near Parker e-ACT Academy)****Road:****Route :****3. Ashby Fields Primary School****Mango Lounge, Watford****Road:****Route :**

4. Coach and Horses, Daventry → The White Horse, Welton

Road:

Route :

5. Peppermill, Daventry → Coach and Horses, Ashby St Ledgers

Road:

Route :

6. Pike and Eel, Daventry → White Hart, Flore

Road:

Route :



Hackney carriage/private hire knowledge test marking

Part 1 – Verbal test

- One mark will be awarded for each correct answer.
- There are a maximum of 10 marks available.
- The pass mark for this section is 9 marks.

Part 2 – Numeracy test

- One mark will be awarded for each correct answer
- There are a maximum of 5 marks available
- The pass mark for this section is 4 marks

Part 3 – Geographical road knowledge test

- There are a maximum of 30 marks available
- One mark each will be given for the correct name of the roads that the two given landmarks are on
- Three marks will be awarded for a correct route between the two landmarks
- Please note you must describe the route that you would take from the first named place to second named place
- The route you take must be the shortest route and it must be possible to be driven in a motor vehicle on an ordinary day
- The pass mark for this section is 24 marks

A pass must be obtained in all sections in order for the candidate to be awarded a 'PASS'

No maps or any other aids such as calculators will be permitted in the examination room.

Anyone suspected of cheating will be asked to leave and their fee will be forfeit.

Appendix 2 - Hackney Carriage and Private Hire Drivers Criminal Records policy

Executive summary

Hackney Carriage and Private Hire Drivers are licensed by Daventry District Council. They hold a position of responsibility and are trusted by the community to transport adults, children and vulnerable people. It is important that prior to issuing/renewing, and throughout the duration of a licence Daventry District Council is satisfied that the public are safe with those drivers. This policy helps us to make decisions about whether a driver is safe to be licensed as a Hackney Carriage and Private Hire Driver, this is known as the 'Fit and Proper' test.

1. Introduction

- 1.0.1 Applicants for Hackney Carriage and Private Hire Drivers licences should be aware that, as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 all applicants for a licence are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions. For the purposes of licensing drivers there is no such thing as a spent conviction.
- 1.0.2 All convictions, cautions, pending/existing prosecutions and relevant investigations including motoring convictions and fixed penalties must be declared.
- 1.0.3 The Licensing Authority will pay due care and attention to the principles of rehabilitation, so there are no unnecessary barriers for employment of ex-offenders. It will also consider any matters due before the Courts. Applications shall be considered on their merits and a balance will be taken on compliance with this policy.

2. Statement of intent

- 2.0.1 Although the following sections generally refer to the application for grant or renewal of a licence, the principles shall be applied throughout the duration of any licence issued. As a result, the Licensing Authority shall use the principles to determine the need for enforcement action if relevant information is received throughout the duration of the licence.
- 2.0.2 The Licensing Authority's key objective is ensuring public safety and protection from criminal activity. The policy reflects this overriding concern. This policy does recognise that employment plays an important part in preventing *ex-offenders* from re-offending, however, a licensed driver is in a position of trust which means that a pattern of offending / re-offending or, a single specific offence may render an applicant unfit to hold a licence.
- 2.0.3 Before the Licensing Authority makes any decision it will allow an opportunity for an applicant to make comment about any such convictions and cautions.

- 2.0.4 The Licensing Authority may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be only upon the Licensing Authority establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
- 2.0.5 The Licensing Authority will in all cases verify an applicant's identity and require an enhanced Disclosure and Barring Service (DBS) check. Where the check reveals that the applicant has a record of convictions and / or cautions and warnings, the Licensing Authority will consider these carefully on the basis of:-
- How relevant the offences were to the type of licence applied for
 - The relative gravity of the offences committed and
 - How recent they were
- 2.0.6 The Licensing Authority will consider all convictions with further attention given to offences involving:
- Dishonesty
 - Assault including assault, battery or GBH / ABH including any conviction of aiding and abetting or incitement for any such offence
 - Drugs – to include cultivation, sale, supply or the recreational use thereof
 - Alcohol
 - Criminal damage
 - Sexual offences
 - Serious offences connected with the driving of a motor vehicle
 - Racial and sexual discrimination
- 2.0.7 During the term of a valid licence, the Licensing Authority should receive updates from the Police and Courts of new convictions and cautions issued to licence holders. This will allow officers to decide whether internal action needs to be taken as to whether the person should continue to hold a licence. It is the responsibility of each licence holder to inform the Licensing Authority of any conviction, caution or fixed penalty arising during the currency of the licence. If licence holders fail to inform the Licensing Authority of convictions, cautions or fixed penalty notices within 7 days of receiving them then this will be referred to the Licensing Panel (3 members of the Licensing Committee (on a rotating basis)) or delegated Officer for consideration.

3. Scope

- 3.0.1 When submitting an application for the grant or renewal of a Hackney Carriage/Private Hire Vehicles Driver's Licence, applicants must declare any convictions, cautions, Anti Social Behaviour Orders, Criminal Anti Social Behaviour Orders or Fixed Penalty Notices (FPN's) they may have, regardless of age. In addition they must disclose any matters currently under investigation or prosecution.

- 3.0.2 An enhanced criminal record disclosure is required upon application and renewal.
- 3.0.3 A DVLA mandate is required upon application and at renewal.
- 3.0.4 Applications with relevant offences or cause for concern will be determined by the Licensing Panel or delegated Officer.
- 3.0.5 The Licensing Panel or delegated Officer will review the licence of drivers who receive a relevant conviction within their current licence period
- 3.0.6 Cautions will be treated as convictions for the purposes of this policy as they are admissions of guilt of an offence
- 3.0.7 Applicants refused a Hackney Carriage/Private Hire driver's licence on the ground that they are not a 'fit and proper' person to hold a licence have the right of appeal to a Magistrates Court within 21 days of the decision.

4. Consideration of Licence Applications

- 4.0.1 All of the matters in this section will be determined by the Licensing Panel or delegated Officer.

4.1 Traffic Offences

- 4.1.1 Isolated convictions for minor traffic offences should not normally prevent a person from being granted a licence e.g.:
- Obstruction of the highway;
 - Waiting in a restricted street;
 - Speeding offences which have resulted only in a fixed penalty which has not resulted in the applicant losing their licence or which has not resulted in formal proceedings being taken against the applicant at Magistrates Court.
- 4.1.2 If an applicant has received more than six points within the last two years for speeding or other minor offences, or has failed to inform the Licensing Authority within 7 working days of the points being notified, the application will be considered by the Licensing Panel or delegated Officer to determine their suitability.
- 4.1.3 Convictions relating to driving offences committed when the applicant was driving a Hackney Carriage or Private Hire vehicle will be considered more seriously.

- 4.1.4 An application showing a conviction for driving without due care and attention, causing death by dangerous driving or similar offence within the last two years will not be entertained due to public safety.
- 4.1.5 If an applicant has been disqualified from driving, for any reason whether a single conviction or an accumulation of penalty points, a period of at least 12 months after the restoration (whichever is the longer period) of the driving licence will be required before an application is considered.
- 4.1.6 Convictions with regard to invalid or no insurance will always be relevant and all renewal applications will be determined by the Licensing Panel or delegated Officer.

Drunkenness & Drugs

Whilst in charge of a motor vehicle.

- 4.2.1 A serious view will be taken of convictions of driving or being in charge of a vehicle whilst unfit, due to drink or drugs. A conviction for these offences will raise serious doubts as to the applicant's suitability to hold a licence. A period of 5 years (after restoration of the driving licence) would be required before a licence application is considered.
- 4.2.2 Convictions for offences relating to alcohol or drug abuse commissioned when the applicant was driving a Hackney Carriage or Private Hire will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application is considered.

In this instance confirmation may be sought from a doctor nominated by the Council that the rehabilitation programme has been effective (the costs of which will be borne by the applicant).

Not in a motor vehicle

- 4.2.3 An isolated conviction for drunken behaviour or any isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a licence, although further consideration of the application should be required having regard to the circumstances of the offence. However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from convictions has elapsed or 5 years after detoxification if the applicant was an addict.
- 4.2.4 If there is any indication that the applicant is an alcoholic or has a drug problem, a medical examination with a doctor nominated by the Licensing Authority will be arranged (the costs of which will be borne by the applicant) before an application is considered.

If the applicant is found to be an alcoholic or a drug addict, normally a period of at least five years will need to elapse after completion of treatment before a further licence application is considered.

Indecency Offences

- 4.3.1 As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for sexual offences will normally be refused.
- 4.3.2 Applications will be refused in cases where the applicant remains on the Sex Offenders Register.

Violence and Abusive Behaviour

- 4.4.1 As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violent or abusive offences. This category includes public order offences and criminal damage.
- 4.4.2 At least 5 years free of such convictions will normally be necessary before an application is entertained and even then a strict warning as to future conduct will be given.
- 4.4.3 Convictions for offences relating to violence committed when the applicant was driving a Hackney Carriage or Private Hire vehicle will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be considered.

Dishonesty (including theft)

- 4.3.3 Hackney Carriage and Private Hire Vehicle 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. Foreign visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver.
- 4.3.4 For these reasons a serious view will be taken of any conviction involving dishonesty. Normally, a period of three to five years free of convictions will be required before entertaining an application.
- 4.3.5 Convictions for offences relating to dishonesty committed when the applicant was driving a Hackney Carriage or Private Hire Vehicle will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be considered.

Other

Anti Social Behaviour orders (ASBOs) and Criminal Anti Social Behaviour Orders (CRASBOs)

Hackney Carriage and Private Hire Vehicle drivers should conduct themselves in a responsible manner and have a record of good behaviour. For these reasons the issuing of an ASBO or CRASBO will be taken seriously. Normally a period of two years free of an ASBO or CRASBO and a subsequent record of good behaviour would be required before an application would be considered.

Fixed Penalty Notices (FPN)

Hackney Carriage and Private Hire Vehicle drivers should conduct themselves in a responsible manner and have a record of good behaviour. The nature and circumstances involved with the issuing of a FPN will be considered prior to issuing a drivers licence, it may be appropriate in some circumstances for this to be referred to the Licensing Panel or delegated Officer for consideration. Officers may make the decision relating to FPNs.

Notes on the Enhanced DBS check

There are circumstances in which notes may appear on the enhanced DBS check received by the authority. These notes must not be discussed with the applicant directly but may contain information that would affect the fit and proper test. This creates a difficult situation as licences may be refused with no detail as to why available to the applicant. These applications should be considered without the presence of the applicant, if refused the applicant would be informed in writing of the outcome, referring to the decision relating to undisclosed material supplied to the authority about the applicant. It would then be up to the applicant to appeal the decision.

Substantiated Complaints

Any substantiated complaint made by a member of the public, or any complaints made by Council employees/Members, enforcement officers, Police Officers or traffic/parking officers for any other reasonable cause may also be referred to a Licensing Panel or delegated Officer. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officer or employee of the Council, Police Officer or Traffic Warden whilst in the course of their duty.

Other Matters

Any other matters that are deemed relevant to the assessment of the fit and proper person test will be drawn to the attention of the Licensing Panel or delegated Officer in order for it to make this assessment. This may include statements from officers who have dealt with applicants.

Offences Under:

- **The Town Police Clauses Act 1847**
- **Part II Of The Local Government (Miscellaneous Provisions) Act 1976**

- **The Hackney Carriage Byelaws**

- 4.3.6 One of the main purposes of the licensing regime set out in the above Acts and Byelaws is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire and when deciding if a person is a fit and proper person to hold a licence.
- 4.3.7 In particular, an application may be refused where an applicant has more than one conviction for an offence under the above Acts and Byelaws in the five years prior to the date of the application.
- 4.3.8 Convictions for offences relating to the above Acts and Byelaws committed while licensed as a Hackney Carriage or Private Hire Driver, Proprietor or Operator will be considered in a more serious light and a revocation of the appropriate licences may be instigated.

Policy outcomes

Outcomes and links to the corporate objectives

The policy contributes to the following corporate objectives:

- Improve our Business economy
- Healthy, safe and strong communities

Appendix 3 - Exceptional Vehicle Age Policy

The term “exceptional condition” is used to describe vehicles which are over any age limit set by the Council, but that can continue to be licensed because of their condition. Case law dictates that it is necessary to have such a condition because it is illegal for a Local Authority to have a blanket policy for all vehicles that is inflexible. (See Sharpe v Nottingham City Council, February 1981)

Any Council which imposes an age limit on its vehicles must be prepared to consider applications from vehicles that are in “exceptional condition” and the following specification is a guide to suggest the type of vehicles that Daventry District Council will consider.

A vehicle of “exceptional condition” is one where the components i.e. mechanical, body panels, paint and trim are in an exceptional condition with regard to the age of the vehicle.

It is essential that the image of an exceptional older vehicle upholds the standards normally set by a much younger vehicle.

General Conditions

1. The owner of a hackney carriage or private hire vehicle whose vehicle is approaching its age limit will be required to notify the licensing authority in writing at the time of making an application for the grant of a licence that they wish to extend the operating life of their existing vehicle by 12 months.
2. In subsequent years the owner of a hackney carriage or private hire vehicle, who has been granted a licence in accordance with the Exceptional Vehicle Age Policy at the last date of licensing, shall notify the Licensing Authority at least three months prior to submitting a renewal application, that the intention is to seek a further extension to the operating life of the vehicle. Any failure to provide such notification to the licensing authority will exclude the vehicle from being considered under this policy.
3. The examination and inspection of any vehicle in accordance with this policy shall be increased to 3 times a year due to the higher risk of failure i.e. 4 monthly as opposed to 6 monthly inspection dates. Should the vehicle present with more than 5 faults for two inspections in a row, the vehicle will not be eligible for further licensing.
4. The criteria detailed below are in addition to all current vehicle test criteria requirements.
5. A duly authorised officer of the Licensing Authority will undertake an inspection of the vehicle to assess its general condition and appearance in accordance with the criteria detailed below: -

Inspection Criteria

1. In order for a vehicle to be considered suitable for an operating extension under this policy it must have successfully passed two of its last four fitness tests on first submission.
2. Bodywork should be in near perfect condition with no signs of panel age deterioration, dents or any other abrasions that may detract from the overall appearance of the vehicle.
3. Mechanical condition is such that there should be no item that may show age, deterioration or cause or contribute to a less than safe, comfortable passenger ride.
4. The underside condition of the vehicle does not show any signs of rusting or age, or deterioration.
5. General paint condition should not show signs of fading, discolouration or mismatching and retain a finish generally found on much younger vehicles. The exterior trim must be complete.
6. Interior trims, panels, seating and carpets etc. should be of a condition that is free from frayed, discoloured, faded or torn components.
7. The boot and luggage compartment must be clean, uncluttered and watertight.
8. There shall be no evidence of leakage of fuel from the vehicles fuel filler cap.
9. The passenger compartment should be free from damp or any other odours that may cause passenger discomfort.
10. For Hackney Carriages only: Ramps and restraining straps will be complete and Serviceable

Ultimately, the decision on whether or not a car can continue to be licensed under the proviso that it is in “exceptional condition” would have to be judged on the merits of each vehicle. Consideration would also have to be given to the type of vehicle, engine size, mileage and the fact that in the case of a Private Hire Vehicle, it is going to be used as a licensed vehicle rather than a family saloon.

Appendix 4 – Daventry District Council Hackney Carriage Byelaws

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT, 1847, AND SECTION 171 OF THE PUBLIC HEALTH ACT, 1875, BY THE DAVENTRY DISTRICT COUNCIL WITH RESPECT TO HACKNEY CARRIAGES IN THE DISTRICT OF DAVENTRY.

INTERPRETATION

1. Throughout these byelaws "the Council" means the Daventry District Council and "the district" means the District of Daventry.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly marked on a plate affixed to the carriage at the rear.
- (b) A proprietor or driver of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

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

3. The proprietor of a hackney carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - (f) cause the fittings and furniture generally and the exterior of the coachwork to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-
 - (a) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-

- (i) The words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least one and one half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible.
 - (ii) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible.
 - (iii) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - (b) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
 - (i) the taximeter shall be fitted with a key or other device the tuning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (ii) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and 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 and free from ambiguity 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 distance in pursuance of the byelaw 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 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 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.
5. The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:-
- (a) the sign shall bear the words "FOR HIRE" in plain letters at least one and a half inches in height;
 - (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.
6. The proprietor or driver of a hackney carriage shall secure that no advertisement whatsoever shall be displayed on the exterior or on any window of the carriage without the written consent of the licensing authority.

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

7. The driver of a hackney carriage shall:-
- (a) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-

- (i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - (ii) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring.
 - (b) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
 - (i) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of byelaw No. 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage.
 - (ii) as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage.
 - (iii) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
 - (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act, 1972 and also at any other time at the request of the hirer.
8. 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.
 9. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
 - (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
 - (e) the driver of a hackney carriage shall not leave a taxi stand whilst the hackney carriage in his charge is parked on the taxi stand and the said hackney carriage shall be available for hire at all times whilst parked on the taxi stand.
 10. 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.
 11. 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.
 12. The driver of a hackney carriage shall at all times when such carriage is standing, plying or being driven for hire, be clean and respectable in his dress and person and conduct himself in

an orderly manner and with civility and propriety towards every person seeking to hire, or on hiring or being conveyed in such carriage, and shall comply with every reasonable requirement of any person hiring or being conveyed in such carriage.

13. 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.
14. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
15. 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 carriages:-

Provided that the limit so imposed may be exceeded by one person if the total number of persons conveyed includes at least two children who are each apparently under the age of twelve years.
16. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, or plying for hire, and when hired, wear that badge in such position and manner as to be plainly and distinctly visible. On termination or surrender of a driver's licence the driver shall return to the Council any badge which has been issued to him.
17. 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 reasonably 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 a person.

Provision fixing the stands of hackney carriages

18. Each of the several places specified in the following list shall be a stand for each number of hackney carriages as is specified in the list.

DAVENTRY

- | | | |
|-------|----------------|--|
| (i) | New Street | Purpose built rank on north side of New Street from a point 70 metres east of the junction with London Road - for 3 taxis. |
| (ii) | New Street | On the north side in the waiting bay from a point 150 metres east of the junction with London Road. Hackney carriages shall only wait at the stand between the hours of 7 p.m. and 7 a.m. daily - for 3 taxis. |
| (iii) | Foundry Place | Against the kerb on the east side from a point 50 metres north from its junction with New Street - for 5 taxis. |
| (iv) | Tesco Car Park | Purpose built rank on east side of car park entrance adjacent to store – for 3 taxis. |
| (v) | High Street | Against the kerb on the south side of High Street, 20 metres from the junction with New Street in a westerly direction - for 5 taxis. |

Provision fixing the rates or fares to be paid for hackney carriages within the District and securing the due publication of such fares.

19. 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 table which it may not be possible to record on the face of the taximeter.

20. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside of carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

21. 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.
22. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the District, and leave it in the custody of the officer in charge of the station on his giving a receipt for it.
- (b) be entitled to receive from any person to whom the property shall be 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 at which the property was left, whichever be the greater) but not more than five pounds.

PENALTIES

23. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty 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 therefor.

The Common Seal of Daventry District
Council was hereby affixed on
the
in the presence of:-

L.S.

The foregoing Byelaw is hereby

confirmed by the Secretary of State and shall come into operation on the

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

AMENDMENT TO BYELAWS

HACKNEY CARRIAGE STANDS

The Daventry District Council having adopted the Local Government (Miscellaneous Provisions) Act 1976. Under the provisions of Section 69 of that Act each of the several places specified in the following list shall be a stand for such number of Hackney Carriages as is specified in the list.

- | | | |
|-------|----------------|--|
| (i) | New Street | Purpose built rank on north side of New Street from a point 70 metres east of the junction with London Road - for 3 taxis. |
| (ii) | New Street | On the north side in the waiting bay from a point 150 metres east of the junction with London Road. Hackney carriages shall only wait at the stand between the hours of 7 p.m. and 7 a.m. daily - for 3 taxis. |
| (iii) | Foundry Place | Against the kerb on the east side from a point 50 metres north from its junction with New Street - for 5 taxis. |
| (iv) | Tesco Car Park | Purpose built rank on east side of car park entrance adjacent to store – for 3 taxis. |
| (v) | High Street | Against the kerb on the south side of High Street, 20 metres from the junction with New Street in a westerly direction - for 5 taxis. |

These taxi ranks became operative with effect from 1st December 1992 having been approved by the Recreation and Amenities Committee on 11th June 1992.

Appendix 5 – Taxi Stands

Adopted

- (i) New Street Purpose built rank on north side of New Street from a point approximately 70 metres east of the junction with London Road - for 3 taxis.
- (ii) Foundry Place Against the kerb on the east side from a point approximately 40 metres north from its junction with New Street - for 5 taxis.
- (iii) Foundry Place Against the kerb on the east side from a point approximately 90 metres north from its junction with New Street - for 2 taxis.
- (iv) High Street Against the kerb on the south side of High Street, approximately 220 metres from the junction with New Street in a westerly direction - for 4 taxis.
- (v) Tavern Lane Against the kerb on the south side of Tavern Lane, approximately 295 metres from the junction with New Street in a westerly direction - for 6 taxis.

Not adopted

- (vi) New Street On the north side in the waiting bay from a point approximately 150 metres east of the junction with London Road.
- (vii) Tesco Car Park Purpose built rank on east side of car park entrance adjacent to store.

