

# AGENDA

## Regulatory Panel

**Wednesday, 30 March 2016 AT 14:00**

**In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG**

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions

### **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

### **Public and Press**

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

### **Minutes of Previous Meeting**

**3 - 6**

To approve the minutes of the meetings held on 16 December 2015.  
[Copy Minutes in Minute Book Volume 42(5)]

To note the minutes of the meeting held on 24 February 2016 (Copy Minutes herewith)

## **PART A**

**To be considered when the Public and Press are present**

**A.1 HACKNEY CARRIAGE DRIVER COMPLAINT 7 - 26**

The Licensing Manager to submit a report regarding a complaint received about a Hackney Carriage Driver.  
(Copy Report GD.22/16 herewith)

**A.2 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER 27 - 46**  
**DURATION OF LICENCE AND FEES**

The Licensing Manager to submit a report regarding the Hackney Carriage and Private Hire Driver – Duration of Licence Fees.  
(Copy Report GD.19/16 herewith)

**A.3 PRIVATE HIRE OPERATOR - DURATION OF LICENCE AND 47 - 58**  
**FEES**

The Licensing Manager to submit a report regarding the Private Hire Operator – Duration of Licence Fees.  
(Copy Report GD.20/16 herewith)

**PART B**

**To be considered when the Public and Press are excluded from the meeting**

- NIL -

**Members of the Regulatory Panel:**

**Conservative** – Bowman S, Layden, Morton, Mrs Parsons, Shepherd, Collier (sub), Higgs (sub) Nedved (sub)

**Labour** – Bell, Cape, Ms Franklin, Miss Sherriff, Stothard, Mrs Warwick, Wilson, Ms Patrick (sub), Mrs Atkinson (sub), Miss Williams (sub)

**Enquiries, requests for reports, background papers,etc to Democratic Services Officer: Rachel Rooney – 817039**

**REGULATORY PANEL**

**WEDNESDAY 24 FEBRUARY AT 2.00PM**

**PRESENT:** Councillor Ms Franklin (Vice Chairman), Bowman S, Collier (as substitute for Councillor Layden), Cape, Morton, Mrs Parsons, Shepherd, Miss Sherriff, Stothard, Mrs Warwick and Wilson.

**OFFICERS:** Assistant Solicitor  
Licensing Manager  
Licensing Officer

**RP.01/16 APOLOGIES FOR ABSENCE**

Apologies for were submitted on behalf of Councillors Bell and Layden.

**RP.02/16 DECLARATION OF INTEREST**

Councillor Miss Sherriff declared an interest in accordance with the Council's Code of Conduct in respect of Agenda Item B.1 Application for a Private Hire Drivers Licence. The interest related to the fact that she knew the applicant. Councillor Miss Sherriff would leave the room for consideration of the item.

**RP.03/16 PUBLIC AND PRESS**

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press were excluded.

**RP.04/16 MINUTES OF PREVIOUS MEETING**

RESOLVED – 1) That the minutes of the meetings held on 14 October and 18 November 2015 be agreed as a correct record of the meetings and signed by the Chairman.

2) That the minutes of the meeting held on 16 December 2015 be noted.

**RP.05/16 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER – DURATION OF LICENCE AND FEES**

The Licensing Manager submitted report GD.04/16 regarding changes to the duration of drivers' licences for hackney and private hire drivers.

The Licensing Manager reported that the Deregulation Act amended the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

- Introduction of a 3 year licence for Private and Hackney Carriage driver licences
- Introduction of a 5 year licence for Private Hire Operators.

The City Council issued one year licences to new and existing drivers and fees were calculated on that basis. There were 250 hackney carriage drivers and 90 private hire drivers although this figure fluctuated. The report detailed the tests and checks that new drivers and existing drivers had to undertake at application or renewal time.

The Department of Transport Guidance, supported by the Legislative Intention note of the Deregulation Act, stated that it was not good practice to require a licence to be renewed annually. Although the legislation stated that a driver's licence should be granted for 3 years, there may be circumstances in which it may be appropriate to grant a licence for a shorter period.

In order to streamline administration both for the driver and the licensing office it was proposed that licence renewal dates were brought into line with the DBS renewal date, as well as align with driver's medical and DVLA licence checks. There would be a requirement for 'lesser period' licences to be issued to align the dates before 3 year licences would be issued/offered.

The Licensing Manager explained that delegated authority would be sought to enable her to grant a licence for a lesser period, in circumstances deemed appropriate, and to charge the proportionate fee. The methodology used to calculate fees had been set out in section 3.7 of the report and was based on the costs incurred in the issue and administration of a licence, as well as the current fee setting structure.

It was proposed that the City Council no longer accepted Cumbria County Council's DBS disclosures from 1 April 2016 and no longer use an external agency to check DVLA driving licence information. Section 3.10 of the report set out the proposed fees from 1 April 2016 along with details of the annual administration check which would be carried out for 3 year licences.

Consultation for the proposals would end on 10 March and would be reported back to the Panel at its meeting on 30 March.

RESOLVED – That report GD.04/16 be noted.

#### **RP.06/16 PRIVATE HIRE OPERATOR – DURATION OF LICENCE AND FEES**

The Licensing Manager submitted report GD.05/16 regarding changes to the duration of drivers' licences for hackney and private hire drivers.

The Licensing Manager reported that the Deregulation Act amended the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

- Introduction of a 3 year licence for Private and hackney Carriage driver licences
- Introduction of a 5 year licence for Private Hire Operators.

Carlisle City Council issued one year Operator Licences and had 24 Operators. Charges were dependent on the amount of vehicles an Operator controlled. The Licensing section carried out administration and compliance checks of Operator records along with receiving and investigating complaints.

The legalisation stated that an operator's licence should be granted for 5 years; however, there were circumstances in which it may be appropriate to grant a licence for a shorter period. It was suggested that the Licensing Office commenced with disclosure check for directors and telephone operators of companies from 1 April 2016/their next renewal date and updated on renewal of the Operator Licence every 5 years.

The proposed fees had been set out in the report along with the methodology used to calculate them. Since the preparation of the report it had become apparent that the proposed fees for a 5 year licence did not adequately reflect the monitoring which would



be required during the five year period. The re-calculated fees had been circulated to Members, re-advertised and all interested parties had been notified. As a result of the re-calculated figures the consultation period had been extended to 23 March 2016 before being brought back to the Panel on 30 March 2016.

In response to a Member's question the Licensing Manager reported that monitoring of the 5 year licences would include:

- a minimum of one annual visit to check records were being kept in accordance with Operator conditions
- driver and vehicles records were being kept up to date
- complaint procedures where being followed
- conduct of all drivers were monitored
- observation of the standard of service was acceptable

She added that the team would like to increase the frequency of visits to the Operators to enable officers to better understand the systems and keep abreast of technological changes.

RESOLVED – That report GD.05/16 be noted.

#### **RP.07/16 PUBLIC AND PRESS**

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against each minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

#### **RP.08/16 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE** (Public and Press excluded by virtue of Paragraph 1)

*Having declared an interest Councillor Miss Sherriff left the room and did not take part in the consideration of the matter.*

The Licensing Officer submitted report GD.13/16 regarding an application for a private hire driving licence.

The applicant, SG, and the applicant's son were in attendance at the meeting.

The Assistant Solicitor outlined the procedure the Panel would follow. The Applicant confirmed that he had received, read and understood the Licensing Officer's report. The Assistant Solicitor advised the Applicant that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer informed the Panel that an application had been received from SG for a private hire driving licence. SG had passed his DSA driving test, completed the required medical examination, passed the local knowledge test and attended the required Disability Awareness session. SG had three convictions, detailed within the report, which had occurred within the last 5 years and as a result the application had been referred to the Panel for consideration.

The applicant, SG, addressed the Panel. He explained the circumstances of his convictions, one of which his son corroborated. He asked the Panel if they would consider

a reference from his previous employer which the Panel agreed to. He had left his previous employment after 20 years as he wanted to work closer to home and spend less time travelling.

The Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – That the application for a Private Hire Drivers Licence from SG be granted.

(The meeting ended at 2.34pm)

# Report to Regulatory Panel

Agenda  
Item:

**A.1**

Meeting Date: 30<sup>th</sup> March 2016  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and Budget Framework  
Public / Private Public

Title: MR MARIO GOMES - HACKNEY CARRIAGE DRIVER COMPLAINT  
Report of: Director of Governance  
Report Number: GD 22/16

## Purpose / Summary:

Mr Mario Gomes is a licensed hackney carriage driver with this council. A complaint has been received that he did not secure a wheelchair passenger during a journey on Tuesday 1<sup>st</sup> March 2016.

## Recommendations:

To reach a decision from the options available, after hearing the evidence and in accordance with section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976.

## Tracking

Executive:	
Overview and Scrutiny:	
Council:	

## **To the Chairman & Members of the Regulatory Panel on 30<sup>th</sup> March 2016**

**NAME** Mr Mario A F Gomes

**ADDRESS** Merith Avenue, Carlisle

### **1. HISTORY**

- 1.1** Mr Gomes was granted a Hackney Carriage Drivers licence in May 2015. He passed his Driving Standards Agency driving test including the wheelchair element in April 2015. **Appendix A**
- 1.2** As part of the application process Mr Gomes attended a Disability Awareness Session on 20<sup>th</sup> May 2015 to gain further awareness of his obligations as a driver under the Disability & Equalities Act 2010. At the end of the session he sat and passed a short test. **Appendix B**
- 1.3** He came to the attention of the Licensing Section in November 2015 when his vehicle was observed unattended at the end of Scotch Street by a Licensing Officer. The vehicle was obstructing the main access point for emergency vehicles in to the city centre pedestrian area. Mr Gomes was then observed leaving the market/Wilkinsons shopping area and returning to his vehicle. He was issued with a warning letter on 23<sup>rd</sup> November 2015. **Appendix C**

### **2 BACKGROUND TO COMPLAINT**

- 2.1** On 2<sup>nd</sup> March 2016 a complaint was received from Mrs Carol Topliss (**Appendix D**). She and her husband, who is a wheelchair user, hired a taxi from the Station Taxi Rank at approximately 9pm on Tuesday 1<sup>st</sup> March 2016 to take them to their home in Sheenan Crescent, Carlisle.
- 2.2** The driver assisted Mr Topliss in his wheelchair into the vehicle. The complainant states that Mr Topliss was put in sideways behind the driver's seat. The driver secured the wheelchair by one strap round the back wheels of the wheelchair then clipped to the floor. Mr Topliss was not fastened with the vehicles seat belts. The driver said that the wheelchair didn't have the special hooks.
- 2.3** Mrs Topliss sat on the nearside back seat. When the taxi turned the corner of English Street and Victoria Viaduct (B&M stores), the wheelchair started moving from right to left in the cab, Mrs Topliss moved seat to sit at the drivers side of the back seat so that she could put her feet up against the wheelchair to stop it moving within the cab.
- 2.4** Mrs Topliss stated that they have a regular driver who puts the wheelchair in so that it is backed up to the driver and the passenger is facing the rear of the vehicle. The straps are fastened securely to the wheelchair and the vehicles seat belt is fastened around her husband. She was concerned about the way he was strapped in on this journey but as it was a short journey she didn't like to make a fuss.

2.5 After getting home, Mrs Topliss felt concerned about what had happened and made contact with her regular driver who advised her how a wheelchair should be secured correctly in a vehicle. After speaking to this driver she decided to contact the Licensing Department.

2.6 Mrs Topliss made some investigation into who the driver was and telephoned Carlisle Taxi Hire (424242), she gave them a description of the driver and it was confirmed that they knew who the driver was but would not disclose this information. The man on the phone also said that the driver had the right to leave the meter on.

### 3 Complaint Investigation

3.1 Following enquires by the Licensing Officer it was identified that the possible driver of the taxi was Mario Gomes and he attended the Civic Centre at 3pm on Thursday 3/3/16. I asked him whether he had taken a fare from the Station Taxi Rank to Sheenan Crescent at approximately 9pm on Tuesday 1/3/16. He replied that he had not. He went on to explain that he had driven to Stranraer at 4pm on that date and this takes 2hr 20mins each way. He then picked up a regular customer from The Near Boot at Houghton at 9pm and took them to Green Lane. He then picked up a customer from Bellgarth Gardens and took them to Denton Holme. These were the only fares he had taken on 1/3/16. I asked whether he had taken a fare to 91 Sheenan Drive at any time that week, he replied he had not.

3.2 I asked Mr Gomes how he secures wheelchairs into his vehicle and what direction the passenger would be facing. He explained to me that he would wheel them in and then secure the wheels. I asked which way the wheelchair would be facing and he replied that they would be looking out the side window. As it seemed to me that he was describing the wrong way to secure a wheelchair, I asked that we go outside to his vehicle so that he could show me.

3.3 Mr Gomes showed me the vehicles ramp and that he would push the wheelchair into the vehicle. He would not turn the wheelchair (therefore facing sideways) and would put the vehicles straps around the wheelchair wheels. I asked why would he not turn the wheelchair around so that the passenger was facing backwards, he replied that the customers didn't like facing backwards and wanted to be in the cab sideways. I asked Mr Gomez whether this was the way he had fastened a wheelchair into a cab when he undertook his DSA Wheelchair Test. He replied no. I asked if he recalled the Disability Awareness Training that he attended in May 2015 when it is stressed that a wheelchair should never be fitted sideways in a vehicle. I explained the severe consequences of not securing a wheelchair correctly and quoted a case in Birmingham where a disabled passenger died as a result of being transported sideways and not correctly secured (**Appendix E**). I advised him that if a customer did not want to be secured in the correct manner that he was in his right to refuse the fare.

3.4 Mrs Topliss attended the Civic Centre at 3:45pm on 2/3/16 – I showed her a photograph of Mr Gomes and asked whether this was the driver, she gave no hesitation in confirming this. Her son, Andrew Topliss was also present and he also

confirmed the drivers identity (he was at home when Mr and Mrs Topliss returned on 1/3/16).

- 3.5** I wrote to Mr Gomes on 3/3/16 to request that he attends for a formal interview on 9/3/16 at 2pm.
- 3.6** Mr Gomes attended Civic Centre 2pm 9/3/16. I reminded him of our discussion the previous week, and informed him that the passenger had now identified him from a photograph. I asked him again whether he had taken the fare, he responded that he could not remember but it was possible.
- 3.7** I asked him whether he had taken any fares from the Station Taxi Rank on Tuesday 1/3/16, he responded that he had but it was more likely to be around 10pm. I reminded him that when he was interviewed on 3/3/16 he stated that he had undertaken the Stranraer run then only two other pre-booked fares and stressed to me that he had only take these two local fares. He said that he had stopped for something to eat after the two local fares and then went to the rank.
- 3.8** I put it to Mr Gomes that given the evidence - ie positive identification from the passengers, his demonstration of how he would secure a wheelchair sideways in his vehicle which matched the description of the complainant - it was reasonable to assume that he was indeed the driver. He accepted this point.
- 3.9** I explained that I would now put a report together and the case may be referred to the Regulatory Panel.

#### **4 LEGISLATION**

- 4.1** Section 61(1) of the Local Government Miscellaneous Provisions Act 1976 states that a District Council may suspend or revoke a Hackney Carriage Driver Licence on a number of grounds. **Appendix F**

#### **5 OPTIONS**

- 5.1** It is recommended that after hearing the evidence and any representations today, that members reach a decision in line with the suggested options:
- Take no further action
  - Issue a warning letter
  - Suspend Mr Kennedy's Hackney Carriage Drivers Licence for a period of time.
  - Revoke his Hackney Carriage Drivers Licence.

**Contact Officer:** Nicola Edwards, Licensing Officer    **Ext:** 7025

**Appendices  
attached to report:**

**A – DSA certificates**

**B – Disability Awareness session test**

**C – Letter regarding inappropriate parking**

**D – Current complaint**

**E – Birmingham case information**

**F – Legislation**



Official Use Only

© Crown Copyright 2000

W 13508 %

# Wheelchair Test Assessment Pass Certificate

 WTA10  
AUG 2003

 Driver Number  
of Candidate

G O M E S 8 0 2 1 2 1 M A G M L

Please note this certificate is valid for 1 year only from this date

Day	Month	Year
29	04	15

I certify that:

Name	MARIO ARTUR F GOMES
Address <small>(must be your permanent address in GB)</small>	68 MERUTH AVE CARLISLE
Postcode	CA1 2TP

has completed the Wheelchair Assessment as required by:

CARLISLE CITY COUNCIL

(Licensing Authority)

Please present this along with all other relevant documentation to the Licensing Authority.

Signature of Examiner

 Authorised by the Driving  
Standards Agency to conduct  
Wheelchair Test Assessments.

Test Centre

CARLISLE MPTC

Signature of Candidate

## Important – please remember

- Change of address** – if you have changed your name and/or address, put the new details on the back of your licence.
- Health** – you must tell DVLA at the onset or worsening of any medical condition which will affect your fitness to drive.



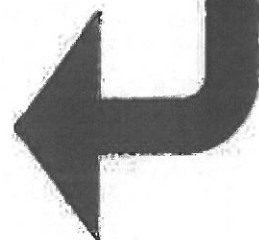
## Section 165 Passengers in Wheelchairs

### Duties of the Driver are:

- To carry the passenger in a W/C
- Not to make an additional charge
- If the passenger wants to sit on a seat, agree to carry W/C
- To take necessary steps to ensure the passenger is carried SAFELY and in reasonable comfort
- To give passenger mobility assistance as is reasonably required

## Wheelchair – Hackney Carriage Summary

- Ramps carried at all times
- Explain what you are going to do
- Always stay behind passenger
- Ask if they want help up the ramps
- Passengers always to face rear of vehicle
- Wheelchair locked into position, brakes on
- Seatbelt securely fastened
- Communicate with passenger
- Meter on!



**Name:** Yasir Abdul Fares Gohar **Disability Awareness**

**3** of the statements in each of the following are CORRECT.

Circle 3 of the correct statements only.

Even if you are not licensed to carry Wheel-chairs, you must still answer B

**A. When transporting a blind passenger & guide dog, you must:**

- ☒ ① Not stroke, pat or make a fuss of the dog
- ☒ ② As well as opening the door for the passenger, inform them which way the vehicle is facing & which side the seats are on
- ☒ 3. Always make the dog travel in the rear of the vehicle
- ☐ ④ Tell them the fare & count out the change
- ☐ 5. Charge extra for carrying the dog

**B. When transporting a Wheelchair user you must:**

- ☒ ① Always use ramps & extensions where necessary
- ☐ 2. Pull up as far away from the kerb as possible
- ☒ ③ Secure the Wheelchair in accordance with your vehicle instructions
- ☐ 4. Avoid sudden braking & acceleration
- ☒ ⑤ Push them forward facing down the ramps

**C. When transporting an Autistic passenger:**

- ☒ ① Always be punctual
- ☒ ② If it is a regular route you take, make sure you don't change it, unless roadwork dictate you must
- ☒ ③ Try to talk to the passenger as well as the carer
- ☐ 4. If it is a regular route, change it just to add variety for the passenger
- ☐ 5. They can choose if they want to wear seatbelts

**D. When transporting a hard of hearing or deaf passenger:**

- ☐ 1. Always sound the horn when you arrive
- ☒ ② If you don't understand each other, write it down
- ☒ ③ A map would be useful & advised to be carried
- ☐ 4. If unsure of their instructions, its ok to have a guess
- ☒ ⑤ Speak clearly face to face when talking, don't shout, as they may be lip-reading

**E. When transporting a passenger with learning difficulties:**

- ☒ ① Do not grab hold of their arm without the person giving their consent
- ☐ 2. If speech is slurred, don't assume they are drunk
- ☒ ③ Use easy to understand words & phrases and avoid 'jargon'
- ☒ ④ Its ok to make inappropriate or personal remarks, if meant in jest
- ☐ 5. Assume they won't be able to understand the handling of money.



## Governance Directorate

**Director of Governance: M D Lambert LLB (Hons)**

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023  
Document Exchange Quote DX 63037 Carlisle Type talk 18001 01228 817000  
Council Website [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

Mr M Gomes  
68 Merith Avenue  
Carlisle  
Cumbria

Enquiries to: Barry Sharrock  
Direct Dial: 01228 817523  
email: [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)

23 November 2015

Dear Mr Gomes

**MT15 FKJ**

On the 23rd of November 2015, at approximately 13.30, my licensing officer observed the above taxi parked and unattended at the end of Scotch Street, Carlisle. The vehicle was obstructing the main access point for emergency vehicles to the city centre pedestrian area.

He later observed you coming out of the Market/Wilkinsons shopping area.

Should one of the City's Civil Enforcement Officers (traffic wardens) have seen the vehicle it would have been issued with a fixed penalty ticket.

As you were also in breach of the conditions attached to your Hackney Carriage drivers licence the matter could have been dealt with through the Regulatory Panel who have the power to suspend or revoke your licence.

This incident will be recorded on your file and may be mentioned should any future similar matter occur.

Yours sincerely

Licensing Manager



## CARLISLE CITY COUNCIL

## COMPLAINT FORM

Appendix D

## Licensing Section

**Name of Complainant:** Carol Topliss

Member of the Public

**Address:** 91 Sheenan Crescent, Carlisle, CA2 7HH**Complaint relates to :** Hackney Driver

**Nature of complaint:** Mrs Topliss and her husband, Mr Topliss hired a Taxi from the Station Taxi Rank to take them home (Sheenan Crescent) at approximately 9pm on 1/3/16. Mr Topliss has a wheelchair and the driver assisted him into the vehicle. Mr Topliss was put in sideways behind the driver's seat. The driver secured the wheelchair by one strap round the back wheels of the wheelchair then clipped to the floor. Mr Topliss was not fastened with the vehicles seat belts. The driver said that the wheelchair didn't have the special hooks.

Mrs Topliss sat on the nearside back seat. When the taxi turned the corner of English Street and Victoria Viaduct (B&M stores), the wheelchair started moving from right to left in the cab, Mrs Topliss moved seat to sit at the drivers side of the back seat so that she could put her feet up against the wheelchair to stop it moving within the cab.

On arrival home the driver assisted Mr Topliss from the vehicle. Andrew Topliss (Son) came out of the house. Mrs Topliss noted the meter stated £6.65 but when she went to pay the driver he asked for £7.10.

Mrs Topliss stated that they have a regular driver who puts the wheelchair in so that it is backed up to the driver and the passenger is facing backwards. The straps are fastened securely to the wheelchair and the vehicles seat belt is fastened around her husband. She was concerned about the way he was strapped in on this journey but as it was a short journey she didn't like to make a fuss.

After getting home, Mrs Topliss felt concerned about what had happened and made contact with her regular driver who advised her how a wheelchair should be secured correctly in a vehicle and suggested that she contact the Licensing Department.

Mrs Topliss made some investigation into who the driver was and telephoned Carlisle Taxi Hire (424242), she gave them a description of the driver and it was confirmed that they knew who the driver was but would not disclose this information. The man on the phone also said that the driver had the right to leave the meter on.

Mrs Topliss and her son Andrew Topliss attended the Civic Centre on Thursday 3rd March 2016 and identified the driver as Mario Gomes from a photograph.

**Complaint received by:** Nicola Edwards**Date:** 02/03/2016**Signed (Complainant)**Carol Topliss**Date**7/3/16

## RESPONSE TO COMPLAINT

### Officer Receiving Complaint: Nicola Edwards

**Action Taken:** 2/3/16 – Telephone 424242 spoke to David Irving who said that he thinks that the driver was Mario Gomes and he hires a radio from Carlisle Taxi Hire and therefore advertises 424242 on his cab. Mario hires a vehicle from John Moore. I telephone John to ask whether he knew if Mario was working on 1/3/16, he did not.

I tried to contact Mr Gomes by telephone but the number we had on file was not recognised, and therefore I sent a letter first class asking him to come to speak to me about a complaint that had been received.

Mario Gomes attended the Civic Centre at 3pm on Thursday 3/3/16. I asked him whether he had taken a fare from the Station Taxi Rank to Sheenan Crescent at approximately 9pm on Tuesday 1/3/16. He replied that he had not. He went on to explain that he had driven to Stranraer at 4pm on that date and this takes 2hr 20mins each way. He then picked up a regular customer from The Near Boot at Houghton at 9pm and took them to Green Lane. He then picked up a customer from Bellgarth Gardens and took them to Denton Holme. These were the only fares he had taken on 1/3/16. I asked whether he had taken a fare to 91 Sheenan Drive at any time that week, he replied he had not.

I asked Mr Gomes how he secures wheelchairs into his vehicle and what direction would the passenger be facing. He explained to me that he would wheel then in and then secure the wheels. I asked which way the wheelchair would be facing and he replied that they would be looking out the side window. As it seemed to me that he was describing the wrong way to secure a wheelchair, I asked that we go outside to his vehicle so that he could show me.

Mr Gomes showed me the vehicles ramp and that he would push the wheelchair into the vehicle. He would not turn the wheelchair (therefore facing sideways) and would put the vehicles straps around the wheelchair wheels. I asked why would he not turn the wheelchair around so that the passenger was facing backwards, he replied that the customers didn't like facing backwards and wanted to be in the cab sideways. I asked Mr Gomez whether this was the way he had fastened a wheelchair into a cab when he undertook his DSA Wheelchair Test. He replied no. I asked if he recalled the Disability Awareness Training that he attended in May 2015 when it is stressed that a wheelchair should never be fitted sideways in a vehicle. I explained the sever consequences of not securing a wheelchair correctly in the vehicle and advised him that if a customer did not want to be secured in the correct manner that he was in his right to refuse the fare.

Mrs Topliss attended the Civic Centre at 3:45pm on 2/3/16 – I showed her a photograph of Mr Gomes and asked whether this was the driver, she gave no hesitation in confirming this. Her son, Andrew Topliss was also present and he also confirmed the drivers identity (he was at home when Mr and Mrs Topliss returned on 1/3/16).

I wrote to Mr Gomes on 3/3/16 to request that he attends for a formal interview on 9/3/16 at

2pm.

Mr Gomes attended Civic Centre 2pm 9/3/16. I reminded him of our discussion the previous week, and informed him that the passenger had now identified him from a photograph. I asked him again whether he had taken the fare, he responded that he could not remember but it was possible

CCTV.

I asked him whether he had taken any fares from the Station Taxi Rank on Tuesday 1/3/16, he responded that he had but it was more like 10pm. I reminded him that when he was interviewed on 3/3/16 he stated that he had undertaken the Stranraer run then only two other pre-booked fares and stressed to me that he would only take these two fares. He said that no he had stopped for something to eat after the two local fares and then went to the rank.

I put it to Mr Gomes that given the evidence - ie positive identification from the passengers, his demonstration of how he would secure a wheelchair sideways in his vehicle which matched the description of the complainant - it was reasonable to assume that he was indeed the driver. He accepted this point.

Mr Gomes stressed that he would not charge waiting time to unload the wheelchair.

I explained that I would now put a report together and the case may be referred to the Regulatory Panel.

**Date closed:** [Click here to enter a date.](#)



1<sup>st</sup> March 2016

Went out for a meal in town. When we were finished we walked down to the taxi Rank down from the train Station. As my husband is in a wheelchair I waved for a big black Cab to come to the top so we could get my husband and myself in the Cab. The taxi pulled up put the ramp down and then started to put my husband ~~on~~ the Ramp and into the Cab. I said nothing. The driver then pushed my husband in and left him cross ways in the back of the Cab. I waited out side till he tried fastening him in. To my horror he left my husband facing the window so as my husband was not facing me but side ways on. he put a piece of bolt like thing through the right side back ~~wheel~~ wheel across to the left hand back wheel and onto a clip. The taxi man then told me to get in. We set off. I told him our address and off we started. We turned left at the lights just ~~past~~ from the taxi Rank and round towards B. AND M as we came round the corner my husband's wheelchair began to sway right and left. I had to move from the left hand rear seat from behind the passengers side of the taxi and move over to sit just beside my husband's side.



Pin. my Seat up against the front of my husbands front wheels to stop him swaying from right to left by this time i was sitting behind the driver. WE USE TAXIES ALOT for myself and Victor my husband But had Never used these before.

~~At the other taxi~~ When we finally Reached our house the taxi man got out Went Round and took my husband out i walked out after him when looking up the meter Read £6.65p and so i wanted to give him the money to my disgust he said to me its £7.10p I paid but Wonce i got in i phoned a taxi. That i trust and asked for sum advice he said what had happend so i told him everything I only used the 01228 52 75 75 normally but No one was there ~~it~~ then was given some numbers to try to see where the taxi that picks us up from town to put in a Complaint to the taxi I gave a driver a brief description of what the taxi man look like and he said he thought he new the taxi was We found out that the taxi was Not the Name of the man but the taxi he works for its

CARLISE TAXI HIRE (01228 42 42 42)

55 Drumburgh AVENUE

CARLISE CA3 @ PD



# Birmingham Coroner calls for new taxi restraints for wheelchairs

Jul 8 2009

THE Birmingham Coroner has called for the compulsory use of restraints for wheelchair users in taxis following the tragic death of a 14-year-old disabled girl.

Aidan Cotter also said Birmingham City Council should make it part of the terms of the driver's licence and that they should also attend a five-hour seminar on disability discrimination training.

He made his comments after hearing that a black cab driver had picked up Razan Begum from Birmingham Children's Hospital in February.

Razan was with her father and her younger sister and suffered from a "terrible illness" which made her spine very fragile.

The wheelchair she was in was loaded sideways into the vehicle which then set off.

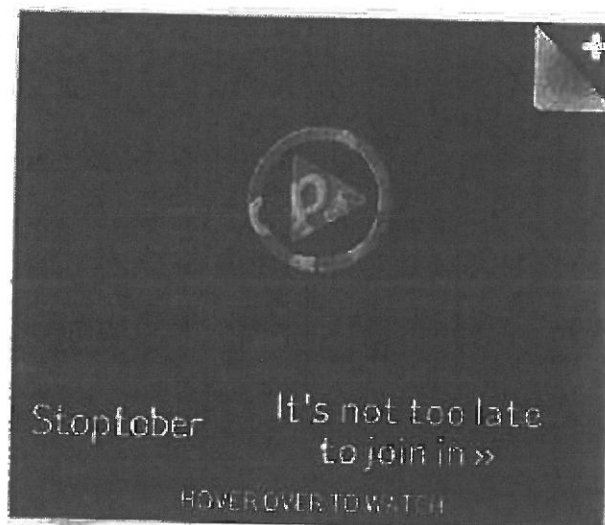
Mr Cotter said something then happened to cause the wheelchair to "jerk" and Razan lost consciousness almost immediately. She died two days later despite attempts to save her.

He said neither the cab driver nor her father had committed any criminal offence and there was no suggestion the driver had driven badly.

He recorded a verdict that Razan of Rupert Street, Netchells died as a result of an accident.

Taxi driver Ashfaq Hussain said because of the design of his cab it had been impossible for him to fit the restraints on the wheelchair as well as having two passengers.

He said he had told Razan's father that if necessary he should hold onto the chair



Page 2 of 2

Peter Barrow, head of licensing for Birmingham City Council, said Mr Hussain received his taxi licence in 2003 and that it only became a requirement for new drivers the following year to receive disability training.

He added that it would appear to be "common practice" to put wheelchairs into taxis sideways and that this did pose a risk

received his taxi licence in 2003 and that it only became a requirement for new drivers the following year to receive disability training.

He added that it would appear to be "common practice" to put wheelchairs into taxis sideways and that this did pose a risk.

Aiden Keith Cotter LL.B., M.B.A., C.M.D.

Her Majesty's Coroner for the City of Birmingham and the Borough of Solihull,  
Coroner's Court, 50 Newton Street, Birmingham B4 6

Our ref: AKC/lmh  
31<sup>st</sup> July 2009

Mr Peter Barrow  
Head of Licensing  
Birmingham City Council  
Ladbroke House  
Bordesley Street  
Digbeth  
Birmingham B5 5BL

Dear Mr Barrow

Re: Ramzan Begum (deceased)

I am reporting this matter to you in accordance with rule 43 Coroners Rules 1984 (as amended by the Coroners (Amendment) Rules 2008). I enclose a copy of the Rule (as amended).

In accordance with rule 43, a copy of this report is being sent to the Lord Chancellor and all the other properly interested persons identified at the inquest (together with other people who I believe may find I useful or of interest). A list of copy recipients can be found at the end of this report. Your response to this report will also be shared with those listed.

I enclose herewith a copy of the **Inquisition**.

It was clear from the evidence that Ramzan's death may well have been avoided if her wheelchair had been secured in the taxi.

I hope that Birmingham City Council will give serious consideration to requiring all taxi drivers operating within the City to secure wheelchairs within the vehicle.

I understand that taxi drivers applying for a licence after June 2004 are required to attend a course of training under the Disability Discrimination Act. I can see no justification to restricting that necessary and invaluable information to a small group of the taxi drivers. I would be grateful if Birmingham City Council would arrange for all taxi drivers operating within the City to undergo that training.

It may well be that the City have already put these matters in hand. I look forward to hearing from you.

Yours sincerely

*Aiden Keith Cotter*

*H. M. Coroner*

*Birmingham and Solihull Districts*

---

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

---



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART II

#### HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### **61 Suspension and revocation of drivers' licences.**

- (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—
- (a) that he has since the grant of the licence—
    - (i) been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
  - (b) any other reasonable cause.
- (2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.
- (b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 1 on the standard scale].

[<sup>F2</sup>(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.]

(3) Any driver aggrieved by a decision of a district council under [<sup>F3</sup>subsection (1) of] this section may appeal to a magistrates' court.

#### Annotations:

##### Amendments (Textual)

- F1 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46
- F2 S. 61(2A)(2B) inserted (16.3.2007) by Road Safety Act 2006 (c. 49), ss. 52(2), 61; S.I. 2007/466, art. 2
- F3 Words in s. 61(3) inserted (16.3.2007) by Road Safety Act 2006 (c. 49), ss. 52(3), 61; S.I. 2007/466, art. 2

##### Modifications etc. (not altering text)

- C1 S. 61: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B4

# Report to Regulatory Panel

Agenda  
Item:

**A.2**

Meeting Date: 30th March 2016  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework YES  
Public / Private Public

Title: HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER -  
DURATION OF LICENCE AND FEES  
Report of: Director of Governance  
Report Number: GD 19/16

## Purpose / Summary:

The De-regulation Act 2015 has amended Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 which amends the standard duration of hackney and private hire drivers' licences from 1 to 3 years, with only 'individual exceptional circumstances' negating the issue of a 'lesser' period of licence. Accurate calculation of fees has been undertaken and consultation on these have now concluded.

## Recommendations:

Members are requested to consider this report and agree the fee structure in 3.3 and recommendations in point 4.

## Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

## 1. CURRENT POSITION

- 1.1 At present, Carlisle City Council issues one year licences to new and existing drivers and fees are calculated on this basis. At present we have 250 hackney carriage drivers and 90 private hire drivers, although this can fluctuate from month to month.
- 1.2 **New drivers** are required to pass a driving standards agency test, a local knowledge and language test, doctors medical, provide a criminal record disclosure as well as attend a disability awareness session.
- 1.3 Appropriate checks are also undertaken at **renewal** time, which include:
- A self-medical declaration (full Doctors' medical every 3<sup>rd</sup> year)
  - A signed statutory declaration from the driver to inform of any motoring and criminal convictions since the previous year
  - An updated photo of the driver
  - Their Operator, if any
  - Their consent to disclose their data at Regulatory Panel, court or tribunal in relation to their licence.
- 1.4 Hackney Carriage Driver renewal licences mainly fall due on 31<sup>st</sup> August each year, and Private Hire renewals on 31<sup>st</sup> January, which are busy times for the licensing office.
- 1.5 Checks are also undertaken every 3 years with external agencies to ensure all drivers pass the required standards to drive a taxi or private hire vehicle which include:
- A Doctor's medical examination – to determine the driver is fit to drive to DVLA group 2 standards
  - A criminal record check with the Disclosure and Barring Service to confirm if the driver has any undeclared criminal convictions
  - DVLA Driving Licence check to verify the driving status and any undeclared motoring convictions
- 1.6 All drivers over the age of 65, or drivers who have a pre-existing medical condition are required to undergo an annual medical check with their Doctor.



## **2. PROPOSALS**

- 2.1** Although the legislation states that a driver's licence should be granted for 3 years, there may be circumstances in which it may be appropriate to grant a licence for a shorter period.
- 2.1** Advice from the Institute of Licensing and the Council's Legal section is that each driver's request for a shorter period of licence should be considered on its own merits. Examples of circumstances where it may be appropriate to grant a shorter licence period could be:
- Drivers who are intending to retire within the next three years
  - Drivers who are required to undergo an annual doctors medical check
  - New drivers who have a conviction or an amount of motoring points on their licence
  - Drivers who are being phased into a 3 year licence as explained in 3.4 below
- 2.2** Delegated Authority will be sought to enable the Licensing Manager to grant or refuse a licence for a lesser period, in circumstances which she considers appropriate, and to charge the proportionate fee. If a request is refused, the applicant would have appeal rights to the Panel.
- 2.2** In order to streamline administration both for the driver and the licensing office it is proposed that licence renewal dates are brought into line with the DBS renewal date, as well as align with a driver's medical and DVLA licence check. This would be an instance when a 'lesser period' licence will be issued until all dates align and then a 3 year licence can be issued/offered (an example of this would be where a drivers licence expires 31/9/16 and DBS does not expire until 31/12/17 – a 15 month licence would be issued, then a 3 year on 31/12/17)
- 2.3** In doing this, the renewal of licences would be more evenly spread throughout the year, rather than at concentrated times and would also reduce administration costs for both the licensing office and drivers
- 2.5** Taxi licence fees are levied under the Local Government Miscellaneous Provisions Act 1976, s53 (2) in respect of drivers licences. This section is very descriptive in relation to what expenditure can be recovered and states '*Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or private hire vehicle, as the case may be, such a fee as the consider reasonable with a view to recovering the cost of issue and administration and may remit the whole or part of*

*the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so ‘*

Fees have been calculated for the various licence periods. The methodology used to calculate the fees is summarised below and is based only on the costs incurred in the issue and administration of a licence

The proposed fees take account of the cost of:

- Initial enquiries from new drivers
- Local knowledge and language tests for new drivers and re-tests
- Disability Awareness training for new drivers
- External agency checks
- Processing and administration
- Monitoring costs
- Committee hearings apportioned across all taxi and private hire drivers
- Legal advice apportioned across all drivers
- Complaints received and investigated apportioned across all drivers
- Issuing and producing of badges and licences
- Annual administration check
- Training of staff
- Recharges to Licensing by other council Departments

**2.6** It is proposed that we will no longer accept Cumbria County Council's DBS disclosures from 1<sup>st</sup> April 2016, due to their driver disclosures being of a lower level of check and their expiry dates not in line with our licence renewal dates.

**2.7** It is proposed that we no longer use an external agency to check DVLA driving licence information as this is now available through the government's digital checking service and providing a driver gives authority to check their information, this will be the quickest and cheapest process. If a driver does not give the Council authority, it will be up to them to provide us with a driving licence summary that is currently available to them on the same website.

**2.8** It is proposed that an annual administration check will be carried out after year 1 and 2 in respect of 3 year licences, to ensure:

- A self-medical declaration is completed
- A statutory declaration to confirm all convictions
- A DVLA driving licence check

An up to date photo if the identity of the driver has significantly changed from previous year.

**2.9** 3 year licence fees will be reviewed annually along with all other fees.

### **3. CONSULTATION**

**3.1** Consultation with trade and the public commenced on 12<sup>th</sup> February and concluded on 10<sup>th</sup> March 2016.

**3.2** No responses were received from the public or trade.

**3.3** Fees proposed from 1<sup>st</sup> April 2016, are as per report of 20<sup>th</sup> February 2016:

	Existing fee – 1 year	Proposed fee – 1 year	Proposed fee 3 year
New driver	110.00	115.00	235.00
Renewal	70.00	75.00	185.00

### **4. RECOMMENDATIONS**

**4.1** To align renewal licence dates with DBS & medical expiry dates over a 3 year period

**4.2** To delegate authority to the Licensing Manager to enable the grant or refuse a 'lesser period licence', in circumstances which she considers appropriate, and to charge the proportionate fee.

**4.3** If decision to refuse of a lesser period of licence is made, a driver will have appeal rights to the Regulatory Panel and a report submitted for their casting decision

**4.4** To no longer accept Cumbria county council DBS certificates

**4.5** To check DVLA licences annually through the DVLA Government digital system, with the permission of each driver.

**4.6** To carry out an annual administration check as in 2.8

**4.7** Agree fees as detailed in 3.3

**4.8** To review fees on an annual basis in line with the charging report.

### **5. CONCLUSION**

**5.1** To comply with Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 and De-Regulation Act 2015 Chapter 10, which details that duration of drivers' licences for hackney and private hire drivers are provided for a 3 year period, or lesser only where the Council think appropriate in individual cases with effect from 1<sup>st</sup> April 2016. **Appendix A** and to amend HD driver codes of practice and PH driver terms of conditions to reflect the new three year period. **Appendix B**

**Contact Officer: Sue Stashkiw  
Licensing Manager**

**Ext: x7029**

**Appendices  
attached to report: Appendix A – Legislation  
Appendix B – HC Driver codes of practice and PH Driver terms  
and conditions**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- **None**

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – N/A**

**Deputy Chief Executive – N/A**

**Economic Development – N/A**

**Governance – N/A**

**Local Environment – N/A**

**Resources – N/A**



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART II

#### HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### **53 Drivers' licences for hackney carriages and private hire vehicles.**

(1) (a)

Every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or for such lesser period as the district council may specify in such licence.

(b) Notwithstanding the provisions of the <sup>M1</sup>Public Health Act 1875 and the <sup>M2</sup>Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period as they may specify in such licence.

(2) Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

(3) The driver of any hackney carriage or of any private hire vehicle licensed by a district council shall at the request of any authorised officer of the council or of any constable produce for inspection his driver's licence either forthwith or—

(a) in the case of a request by an authorised officer, at the principal offices of the council before the expiration of the period of five days beginning with the day following that on which the request is made;

---

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

---

(b) in the case of a request by a constable, before the expiration of the period aforesaid at any police station which is within the area of the council and is nominated by the driver when the request is made.

(4) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

**Annotations:**

**Modifications etc. (not altering text)**

**C1** S. 53: functions of local authority not to be responsibility of an executive of the authority (E.)  
 (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B4

**Marginal Citations**

**M1** 1875 c. 55.

**M2** 1889 c. 14.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to :**

- s. 44(1C) inserted by S.I. 2013/755 Sch. 2 para.153
- s. 48-54 modified by S.I. 2009/2863 reg. 4 Table
- s. 65(7A) inserted by 2012 anaw 2 Sch. 2 para. 10(3)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 55A 55B inserted by 2015 c. 20 s. 11

**Commencement Orders yet to be applied to the Local Government (Miscellaneous Provisions) Act 1976**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2009/3318 art. 2-4 commences (2009 c. 20)
- S.I. 2011/2329 art. 2 3 commences (2011 c. 5)
- S.I. 2011/3019 art. 3 Sch. 1 commences (2011 c. 13)



# Deregulation Act 2015

## 2015 CHAPTER 20

*Measures affecting business: particular areas*

### **10 Taxis and private hire vehicles: duration of licences**

- (1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.
- (2) In section 53 (drivers' licences for hackney carriages and private hire vehicles)—
  - (a) in subsection (1)(a), for “for such lesser period as the district council may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”;
  - (b) in subsection (1)(b), for “for such lesser period as they may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”.
- (3) In section 55 (licensing of operators of private hire vehicles), for subsection (2) substitute—
  - “(2) Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.”



## CITY OF CARLISLE

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

#### CODE OF PRACTICE FOR HACKNEY CARRIAGE DRIVERS

The holder of a Hackney Carriage driver's licence (hereinafter called the driver) shall observe and perform all the following codes of practice which shall be attached to and form part of his Hackney Carriage driver's licence.

1. This Licence is personal to the driver named herein and the driver shall not in any circumstances assign it or in any way part with the benefit thereof to any other person.
2. The driver shall at all times when acting as a driver of a Hackney Carriage, wear or display the driver's current year identity card issued by the Council **in such a position and manner as to be plainly and distinctly visible to the hirer.**
3. The driver's identity card issued by the Council remains the property of the Council and shall be returned to the Council by the driver or a person appointed by them within seven days of the date of the suspension or revocation of or refusal or failure to renew this Licence.
4. The driver shall not, at any time whilst driving or in charge of any Hackney Carriage (the Hackney Carriage):-
  - (a) station the Hackney Carriage on any place which is marked out as a bus stop or loading bay, or on any length of highway during times when a prohibition on loading and unloading is in operation;
  - (b) station the Hackney Carriage on a public highway in such a manner so that it is double parked or otherwise obstructing the free flow of traffic and this condition shall apply at all times and including whilst and before and after the hirer is boarding or alighting from the Hackney Carriage;
  - (c) station the Hackney Carriage so as to obstruct the exit or fire exits of any place licensed for regulated entertainment or to station the Hackney Carriage in such a way that a condition attached to the premises licence as to access for emergency vehicles cannot be complied with;
  - (d) leave the Hackney Carriage parked and unattended on any taxi rank.
5.
  - (a) The driver shall not permit or cause or suffer to be carried in any licensed Hackney Carriage, a greater number of persons than that specified in the licence for that Hackney Carriage and shall provide that the seating arrangements are as specified in the licence for that Hackney Carriage.
  - (b) The driver shall not allow there to be conveyed in the front of a Hackney Carriage beside him:-

(1) any child below the age of ten years; or

(2) more than one person.

unless the Hackney Carriage has been specifically designed to provide more than one passenger seat in the front, in which case the above rules apply to each seat.

(c) The driver shall not without the consent of the hirer of a Hackney Carriage convey, or permit to be conveyed, any other person or animal in that Hackney Carriage.

6. The driver shall not demand from any hirer of a Hackney Carriage a fare in excess of any previously agreed for that hiring between himself and the hirer or in excess of the fare shown on the face of the taximeter.
7. The driver of a Hackney Carriage shall not cause the fare recorded on the meter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
8. The driver, except where he is the proprietor of the Hackney Carriage, shall report to the Proprietor of any Hackney Carriage as soon as practicable and in any case within 24 hours of its occurrence, details of any accident in which such Hackney Carriage has been involved.
9. The driver of a Hackney Carriage 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 the appointed time and place.
10. The driver shall when requested by the hirer convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in removing to and from the entrance of any house or other place where he collects or sets down his passengers. The driver shall not accept a hiring if the hirer abandons a shopping trolley on a road or public place unless the driver first returns such a trolley to the store from which it was brought. He shall also provide all reasonable assistance with wheelchair bound, disabled, elderly and vulnerable passengers.
11. The driver shall not refuse to carry within the vehicle any household pets providing they are accompanied by an adult and providing such pets are suitably restrained or contained so as not to cause a nuisance or damage.
12. At the end of each hiring and before commencing any further hiring the driver shall search the vehicle for any property accidentally left by the immediately preceding hirer. It is the drivers legal obligation to try and reunite all lost property with the owner and shall as soon as practicable and in any case within 48 hours after the discovery of property, attempt to return it to the owner. Failing that and still within 48 hours, all identifiable property shall be handed into the Police Station within the Council's area and a receipt obtained, which must be kept by the proprietor of the vehicle. Identifiable property can range from purses, bank cards, driving licences, mobile phones, laptops, cameras, i.e anything that can identify the owner.  
ALL unidentifiable property shall be kept by the proprietor for a minimum of 28 days and a record kept of the description.

ALL found property must be reported to the Licensing Section, Civic Centre, Carlisle within 48 hours where a record will be taken ‘

13. The driver shall, every three years, submit via the Council which is a registered body, an application to the Disclosure & Barring Service (DBS) for an enhanced disclosure.
14. The driver shall, every three years, produce to the Council a certificate signed by his registered medical practitioner, to the effect that he is fit to be the driver of a Hackney Carriage. He should come to this decision using Group 2 standards for vocational drivers as laid down in the current issue of “At a glance guide to the current medical standards of fitness to drive” issued by the Drivers Medical Unit, DVLAS, Swansea. In addition he shall if so required, whether or not such medical certificate has been produced, submit to an examination by a registered medical practitioner selected by the Council as to his fitness to be such a driver.
15. The driver shall at the request of any authorised officer of the Council or any police constable produce for inspection his Hackney Carriage Driver's licence either forthwith or before the expiration of seven days beginning with the day following the date of the request:-
  - (a) in the case of a request of an authorised officer of the Council at the offices of the Council's Assistant Director (Governance), or
  - (b) in the case of a request of a police constable at any police station within the Council's area which is nominated by the driver when the request is made.
16. The driver shall: -
  - (a) if requested by the hirer of a Hackney Carriage provide him with a written receipt for the fare paid;
  - (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
  - (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
  - (d) not without the express consent of the hirer drink or eat in the vehicle;
  - (e) 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;
  - (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
  - (g) at all times when driving a Hackney Carriage carry with him a copy of these codes of practice and shall make it available for inspection by the hirer or any other passenger on request;

(h) at all times ensure that the Hackney Carriage lights are fully operative, the tyres are within the legal limits, the Hackney Carriage is clean and tidy and that it has a serviceable fire extinguisher and fully stocked first aid kit readily available.

17. This licence may be suspended, revoked, not renewed or the holder may be required to undertake a Driving Standards Agency "Taxi" test by the Council:-

(a) if the driver commits an offence or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847.

(b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;

(c) if the driver becomes disqualified from driving under any of the Road Traffic Acts, in which case the licence shall be automatically revoked;

(d) on any other reasonable grounds;

18. The driver who as a result of any Court decision or other administrative or judicial process, is convicted, sentenced or receives any penalty in respect of any offence or other decision of the Court during the currency of this licence, shall within 7 days inform the Council in writing of such decision. Such notification may not be delayed until the next application for renewal of the licence is due.

19. The Council may at any time add to, delete or alter any of the foregoing code of practice and upon notice thereof having been served upon the Driver such additions, deletions or alterations shall as from the date of such service be deemed to be incorporated herein.

20. Any notice required to be served by the Council under this Licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976, or Town Police Clauses Act 1847, shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the driver.

21. This Licence shall continue in force until the expiry date specified unless previously suspended or revoked pursuant to any statutory or other provisions.

22. If the driver is permitted or employed to drive a Hackney Carriage of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle, deposit his Hackney Carriage Driver's Licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle operated by that proprietor.

23. If during the currency of this Licence any of the particulars supplied in the driver's application shall change, details of the change shall be notified in writing to the Licensing Manager, Civic Centre Carlisle within seven days. Such notification may not be delayed until the next application for renewal of the Licence is due.

24. The driver shall not drive any wheelchair accessible Hackney Carriage, unless he has passed the wheelchair element of the Driving Standards Agency test, or was granted

grandfather rights by the Council and has been issued with the appropriate licence and identity card.

25. In the interpretation of these codes of practice the masculine gender shall be deemed to include the feminine and the singular shall be deemed to include the plural.

**CITY OF CARLISLE**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
**TERMS AND CONDITIONS ATTACHED TO**  
**PRIVATE HIRE VEHICLE DRIVER'S LICENCES**

The holder of a private hire vehicle driver's licence (hereinafter called the driver) shall observe and perform all the following terms and conditions which shall be attached to and form part of his private hire vehicle driver's licence.

1. This Licence is personal to the driver named herein and the driver may not in any circumstances assign it or in any way part with the benefit thereof to any other person.
2. The driver shall at all times when acting as a driver of a private hire vehicle wear or display the driver's current year identity card issued by the Council in such a position and manner as to be plainly and distinctly visible.
3. The driver's identity card issued by the Council remains the property of the Council and shall be returned to the Council by the driver or a person appointed by him within seven days of the date of the suspension or revocation of or refusal or failure to renew this Licence.
4. The driver shall not, at any time whilst driving or in charge of a vehicle licensed for private hire :-
  - (a) station his vehicle on any place provided as a stand for hackney carriage vehicles or which is marked out as a bus stop or loading bay or on any length of highway during times when a prohibition on loading and unloading is in operation.
  - (b) station his vehicle for hire or ply for hire or solicit any person to hire or to be carried for hire or reward on any road or in any public place or in any place readily accessible and visible from a road;
  - (c) cause or procure any person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle or offer that vehicle for immediate hire while the driver or that vehicle is on a road or other public place; or
  - (d) accept an offer for the hire of the vehicle whilst the driver of that vehicle is on a road or other public place except where such offer is first communicated to the driver by or on behalf of the licensed Operator for that vehicle by use of a telephone or by a two way radio system (other than C.B. radio) fitted to that vehicle.
  - (e) station the vehicle on a public highway in such a manner so that it is double parked or otherwise obstructing the free flow of traffic and this condition shall apply at all times and including whilst and before and after the hirer is boarding or alighting from the vehicle;
  - (f) station the vehicle so as to obstruct the exit or fire exits of any place licensed for regulated entertainment or to station the vehicle in such a way that a condition attached to the premises licence as to access for emergency vehicles cannot be complied with.



5. (1) The driver shall not permit or cause or suffer to be carried in any vehicle licensed for private hire a greater number of persons than that specified in the licence for that vehicle the seating arrangements must be as provided in the licence.  
  
(2) The driver shall not allow there to be conveyed in the front of a private hire vehicle beside him:-  
  
(a) any child below the age of ten years; or  
  
(b) more than one person.  
  
unless the vehicle has been specifically designed to provide more than one passenger seat in the front, in which case the above rules apply to each seat.  
  
(3) 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.
6. 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 or, 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.
7. The driver of a private hire vehicle fitted with a taximeter 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.
8. The driver if he is not the Proprietor of the vehicle shall report to the Proprietor of any vehicle licensed for private hire as soon as practicable and in any case within 24 hours of its occurrence details of any accident in which such vehicle is involved.
9. The driver of a private hire vehicle which has been hired to be in attendance at an appropriate time and place shall unless delayed or prevented by some sufficient cause punctually attend at the appointed time and place.
10. The driver shall when requested by the hirer convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in removing to and from the entrance of any house or other place where he collects or sets down his passengers. He should also provide all reasonable assistance with wheelchair users, disabled, elderly and vulnerable passengers. Provided that the drivers shall not accept a hiring if the hirer abandons a shopping trolley on a road or public place unless the driver first returns such a trolley to the store from which it was brought.
11. The driver shall not refuse to carry within the vehicle any household pets providing they are accompanied by an adult and providing such pets are suitably restrained or contained so as not to cause a nuisance or damage.
12. At the end of each hiring and before commencing any further hiring the driver shall search the vehicle for any property accidentally left by the immediately preceding hirer. It is the drivers legal obligation to try and reunite all lost property with the owner and shall as soon as practicable and in any case within 48 hours after the discovery of property, attempt to return it to the owner. Failing that and still within 48 hours, all

identifiable property shall be handed into the Police Station within the Council's area and a receipt obtained, which must be kept by the proprietor of the vehicle. Identifiable property can range from purses, bank cards, driving licences, mobile phones, laptops, cameras, i.e anything that can identify the owner.

ALL unidentifiable property shall be kept by the proprietor for a minimum of 28 days and a record kept of the description.

13. The driver shall at the request of any authorised officer of the Council or any police constable produce for inspection his Private Hire Driver's licence either forthwith or before the expiration of seven days beginning with the day following the date of the request:-
  - (a) in the case of a request of an authorised officer of the Council at the offices of the Council's Licensing Section; or
  - (b) in the case of a request of a police constable at any police station within the Council's area which is nominated by the driver when the request is made.
14. The driver shall:-
  - (a) if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.
  - (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
  - (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
  - (d) not without the express consent of the hirer drink or eat in the vehicle.
  - (e) 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.
  - (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
  - (g) at all times when driving a private hire vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.
  - (h) at all times a Private Hire Driver should ensure that the vehicle lights are fully operative, the tyres are within the legal limits, the vehicle is clean and tidy and that it has a serviceable fire extinguisher and fully stocked first aid kit readily available.
15. This licence may be suspended, revoked not renewed or the holder may be required to undertake a Driving Standards Agency "Taxi/Private Hire" test by the Council:-
  - (a) if the driver commits an offence or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 including failure to comply with any part of these terms and conditions;



- (b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
  - (c) if the driver becomes disqualified from driving under any of the Road Traffic Acts in which case the licence shall be automatically revoked;
  - (d) on any other reasonable grounds;
16. The driver who as a result of any Court decision or other administrative or judicial process, is convicted, sentenced or receives any penalty in respect of any offence or other decision of the Court during the currency of this licence shall within 7 days inform the Council's Licensing Manager in writing of such decision. Such notification may not be delayed until the next application for renewal of the licence is due.
  17. The driver shall, every three years, submit an application to the Disclosure Barring Service (DBS) for an enhanced disclosure, via the Council, which is a registered body.
  18. The driver shall every three years, produce to the Council a certificate signed by his registered medical practitioner, to the effect that he is fit to be the driver of a Private Hire Vehicle. He should come to this decision using Group 2 standards for vocational drivers as laid down in the current issue of "At a glance guide to the current medical standards of fitness to drive" issued by the Drivers Medical Unit, DVLAS, Swansea. In addition he shall if so required, whether or not such medical certificate has been produced, submit to an examination by a registered medical practitioner selected by the Council as to his fitness to be such a driver.
  19. The Council may at any time add to delete or alter any of the foregoing conditions and upon notice thereof having been served upon the Driver such additions, deletions or alterations shall as from the date of such service be deemed to be incorporated herein.
  20. Any notice required to be served by the Council under this Licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the driver.
  21. If the driver is permitted or employed to drive a private hire vehicle of which the operator is someone other than himself, he shall before commencing to drive that vehicle deposit his Private Hire Driver's Licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle operated by that operator.
  22. If during the currency of this Licence any of the particulars supplied in the driver's application shall change, details of the change shall be notified in writing to the Licensing Manager at The Civic Centre within seven days. Such notification may not be delayed until the next application for renewal of the licence is due.
  23. In the interpretation of the conditions the masculine gender shall be deemed to include the feminine and the singular shall be deemed to include the plural.



# Report to Regulatory Panel

Agenda  
Item:

**A.3**

Meeting Date: 30<sup>th</sup> March 2016  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework YES  
Public / Private Public

Title: PRIVATE HIRE OPERATOR - DURATION OF LICENCE AND FEES  
Report of: Director of Governance  
Report Number: GD20 /16

## Purpose / Summary:

The De-regulation Act 2015 has amended Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 which amends the standard duration of Private Hire Operator licences from 1 to 5 years, with only 'individual exceptional circumstances' negating the issue of a 'lesser' period of licence.

Accurate calculation of fees has been undertaken and consultation on these have now concluded.

## Recommendations:

Members are requested to consider this report and agree the fee structure in 3.3 and recommendations in point 4.

## Tracking

Executive	n/a
Overview and Scrutiny	n/a
Council	n/a

## **1 CURRENT POSITION**

- 1.1** At present, Carlisle City Council issues one year Operator Licences, with renewal dates being 15<sup>th</sup> January each year and has 24 licenced Operators.
- 1.2** Charges are dependent on the amount of vehicles an Operator controls.
- 1.3** Licences are granted along with terms and conditions that an Operator must adhere to. These have been amended to include the need for an operator to undertake a basic criminal disclosure for directors and staff, provision for these includes:
- Inspecting and retaining a hackney/ private hire driver's licence
  - keeping appropriate records in accordance with section 56(2) LGMP Act 1976 regarding booking details
  - notifying the Council in writing of complaints received and action taken to rectify
  - Inform the Council of any conviction details imposed on himself/directors within 7 days
  - Ensuring all drivers employed by him, or vehicles they are responsible for, complies with terms and conditions and codes of practice attached to drivers and vehicle licences.
- 1.4** Licensing also receive and investigate complaints direct regarding Operators.
- 1.5** Licensing carry out administration and compliance checks of Operator records.

## **2 PROPOSALS**

- 2.1** Although the legislation states that an operator's licence should be granted for 5 years, there may be circumstances in which it may be appropriate to grant a licence for a shorter period.
- 2.2** Advice from the Institute of Licensing and the Council's Legal section is that each Local Authority should be undertaking disclosure checks of Operators. This would be in respect of all directors and telephone operators of companies. Under Section 55 LGMP Act 1976 it clearly states that each Council should not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence
- 2.3** Operators are given a wealth of knowledge and placed in a position of trust by the public and it is for the Local Authority to ensure an Operator is 'Safe and Suitable' or 'fit and proper' in line with driver suitability checks.

- 2.4** The aim of local authority licensing of the taxi and private hire trade is to protect the public and the Department of Transport's Best Practice guide supports this along with public safety in its widest sense.
- 2.5** It is therefore suggested to commence disclosure checks for directors and telephone operators of companies from 1<sup>st</sup> April 2016/their next renewal date and these be updated on renewal of the Operator Licence every 5 years.
- 2.6** Operator fees are levied under the Local Government Miscellaneous Provisions Act 1976 s70. Fees have been calculated for the various licence periods. The methodology used to calculate the fees is summarised below and is based on the costs incurred in the issue and administration of a licence, as well as the current fee setting structure.

The Proposed fees take account of the cost of:

- Initial enquiries from new operators
  - External agency checks
  - Processing and administration
  - Monitoring costs
  - Committee hearing apportioned across all Operators
  - Legal advice apportioned across all Operators
  - Complaints received and investigated across all Operators
  - Issuing and producing of Licences
  - Annual administration check
  - Training of staff
- 2.7** Operator Conditions will be amended to take account of the need to undertake basic criminal record checks for all directors and staff (**Appendix B 6a**)

### **3 CONSULTATION**

- 3.1** Consultation with the trade and public period commenced on 12<sup>th</sup> February 2016 and due to addendum at committee on 24<sup>th</sup> February was extended until 23<sup>rd</sup> March 2016.
- 3.2** No responses were received from public or trade.
- 3.3** Fees proposed from 1<sup>st</sup> April 2016 have been calculated as follows:

PH Operator	Existing 1 year	1 year new/renewal	5 year new/renewal
1-5 vehicles	140.00	175.00	495.00
6-10	210.00	245.00	550.00
11-20	390.00	460.00	670.00
21-30	445.00	595.00	745.00

## 4 RECOMMENDATIONS

- 4.1 To delegate authority to the Licensing Manager to enable the grant or refusal of a 'lesser period licence', in the circumstances which she considers appropriate, and to charge the proportionate fee.
- 4.2 If the decision to refuse a lesser period licence is made, an Operator will have the appeal rights to the Regulatory Panel and a report submitted for their casting decision.
- 4.3 Agree fees as detailed in 3.3
- 4.4 To review fees on an annual basis in line with the charging report.
- 4.5 To agree the commencement of basic criminal record checks for directors and staff of Operating companies with effect from 1<sup>st</sup> April 2016.

## 5 CONCLUSION

- 5.1 To comply with Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 and De-Regulation Act 2015 Chapter 10 which details that duration of Operators' licences for a 5 year period, or lesser only where the Council think appropriate in individual cases with effect from 1<sup>st</sup> April 2016. **Appendix A**  
To amend Operator Terms of Conditions to reflect the new 5 year period and disclosure checks **Appendix B**

**Contact Officer:** Sue Stashkiw **Ext:** x7029  
Licensing Manager

**Appendices** **Appendix A – Legislation**  
**attached to report:** **Appendix B – Operator terms and Conditions**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – N/A**

**Deputy Chief Executive – N/A**

**Economic Development – N/A**

**Governance – included within this report N/A**

**Local Environment – N/A**

**Resources – N/A**



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART II

#### HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### **55 Licensing of operators of private hire vehicles.**

- (1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

- (2) Every licence granted under this section shall remain in force for such period, not being longer than five years, as a district council may specify in the licence.
- (3) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.
- (4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court.

#### **Annotations:**

#### **Modifications etc. (not altering text)**

- C1** S. 55: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B5  
S. 55 extended (13.3.2000) by S.I. 2000/412, art. 4(4)





# Deregulation Act 2015

## 2015 CHAPTER 20

*Measures affecting business: particular areas*

### **10 Taxis and private hire vehicles: duration of licences**

- (1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.
- (2) In section 53 (drivers' licences for hackney carriages and private hire vehicles)—
  - (a) in subsection (1)(a), for “for such lesser period as the district council may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”;
  - (b) in subsection (1)(b), for “for such lesser period as they may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”.
- (3) In section 55 (licensing of operators of private hire vehicles), for subsection (2) substitute—
  - “(2) Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.”

**CITY OF CARLISLE**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
**PRIVATE HIRE VEHICLE OPERATORS LICENCES**  
**CONDITIONS**

**GENERAL**

The Operator of any Hackney Carriage or Private Hire vehicle shall observe and perform all the following terms and conditions which shall be attached to and form part of his Private Hire Vehicle Operator's Licence. Where a Hackney Carriage is allocated a private hire booking these terms and conditions shall also apply:-

1. Every contract for the hire of a licensed vehicle shall be deemed to be made with the Operator who has accepted the booking for the vehicle whether or not he himself provides the vehicle.
2. This Licence is pursuant to the Operator named herein and the Operator may not in any circumstances assign it or in any way part with the benefit thereof to any other person.
3. The Operator shall forthwith withdraw from operation any vehicle in respect of which the Licence is for any reason revoked suspended or not renewed.
4.
  - (a) The Operator shall not allow, or shall cease to allow forthwith, any person who does not hold or ceases to hold a current Hackney Carriage/Private Hire Vehicle Driver's Licence to drive any vehicle operated by him.
  - (b) Before allowing any person to drive a licensed vehicle the Operator shall first inspect and retain his current years Hackney Carriage/Private Hire Driver's Licence and failure to take such action shall be presumed to imply that the Operator had notice of any matter which would have been drawn to his attention should such action have been taken.
  - (c) The vehicle shall be classed as a Licensed Vehicle at all times whether or not it is under hire.
5. The Council shall have power to suspend, revoke or refuse to renew any Operator's Licence for any reasonable cause including:-

- (a) the committing by the Licensee of any offence under or non-compliance with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 including failure to comply with any part of these conditions;
  - (b) any conduct on the part of the Operator which appears to the Council to render him unfit to hold an Operator's Licence which may include the conviction for any offence whatever;
  - (c) where there has been a material change in the circumstances of the Operator on the basis of which the Licence was granted.
- 6.
  - (a) The Operator shall ensure that all company directors and staff Involved in bookings are 'fit and proper' and have undertaken a basic criminal disclosure check for each member' (apply through [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk))
  - (b) If during the currency of this Licence any of the particulars supplied in relation to the Operator's application shall change, details of the change shall forthwith be notified in writing to the Council.
- 7. The Council may at any time add, delete or alter any of the foregoing conditions and upon notice thereof having been served upon the Licensee such additions, deletions or alterations shall as from the date of such service be deemed to be incorporated herein.
- 8. Any notice required to be served by the Council under this Licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the premises from which the Licensee operates.
- 9. Records
  - (1) 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 of a Licensed Vehicle invited or accepted by him:-
    - (a) The time and date of the booking.
    - (b) The name and address of the hirer.
    - (c) How the booking was made (ie. by telephone, personal call etc.)
    - (d) The time of pick-up.

- (e) The point of pick-up.
  - (f) The destination.
  - (g) The time at which a driver was allocated to the booking.
  - (h) The registration number and licensing number of the vehicle allocated for the booking.
  - (i) The driver allocated the booking.
  - (i) Remarks (including details of any sub-contract).
- (2) 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.
  - (3) All records kept by the Operator shall be preserved for a period of not less than two years following the date of the last entry.
  - (4) This Licence and any book, register or record required to be kept under the terms of this Licence shall be produced on request to any authorised Officer of the Council and to any Police Constable for inspection.
- 10.
- (a) The Operator when accepting a booking shall communicate to the hirer the Licence number of the vehicle allocated to the booking.
  - (b) The Operator shall inform the driver of the allocated vehicle the name of the hirer.
  - (c) The Operator shall ensure that only the vehicle allocated to the hirer at the time of the booking is boarded by the hirer.

11. 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 Licensed 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) Ensure that a despatched vehicle is 'fit for the purpose of the hirer' e.g. correct number of seats for passengers, suitable size vehicle to accommodate wheelchair etc.
  - (c) 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.
12. (a) 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 business and of the action (if any) which the Operator has taken or proposes to take in respect thereof.
- (b) Lost Property – The Operator shall respond to lost and found property requests and inform customers and drivers that Police are under a duty to receive found 'identifiable property' (mobile phone, bank card, camera etc) but it is a drivers responsibility to try and re-unite any found property with the owner in the first instance as per a hackney driver's code of practice and private hire driver's terms and conditions

### 13. Convictions

The Operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or if the Operator is a company, on any of its directors and staff) during that period of the Licence.

### 14. Conduct of Drivers

1. The Operator shall ensure at all times that a driver in charge of a Licensed Vehicle shall not:-
  - (a) station his Private Hire vehicle on any place provided as a stand for Hackney Carriage vehicles or any Licensed vehicle in an area of the highway marked out as a loading bay or bus stop;
  - (b) station his Private Hire vehicle for hire or ply for hire or solicit any person to hire or to be carried for hire or reward on any road or in any public place or in any place readily accessible and visible from a road;
  - (c) cause or procure any person to tout or solicit on a road or other public place any person to hire or be carried for hire in any

Private Hire Vehicle or offer that vehicle for immediate hire while the driver of that vehicle is on a road or other public place;

- (d) accept any offer for the hire of the vehicle whilst the driver of that vehicle is on a road or other public place except where such offer is first communicated by the Operator to the driver by a telephone or by two way radio system (other than CB Radio) fitted to that vehicle;
  - (e) station any vehicle on a public highway in such a manner so that it is double parked or otherwise obstructs the free flow of traffic and this condition shall apply at all times and including whilst and before and after the hirer is boarding or alighting from the vehicle;
  - (f) station any vehicle so as to obstruct the exits or fire exits of any place licensed for regulated entertainment or to station the vehicle in such a way that a condition attached to the Premises Licence as to access by emergency vehicles cannot be complied with.
- 2. The Operator shall in general ensure that all drivers employed by him comply with the terms and conditions for the time being attached by the Council to their Hackney Carriage/Private Hire Vehicle Drivers Licences.
  - 3. In these conditions the term "him" shall include "her" as the case may be.