Mansfield
District Council

Hackney Carriage and Private Hire Licensing Policy

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Mansfield
District Council

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1.Introduction

Mansfield District Council ("The Licensing Authority") is responsible for the regulation of the Hackney Carriage and Private Hire trades within the District of Mansfield.
Mansfield District Council recognises the important role of Hackney Carriages and Private Hire vehicles in enabling people to travel around the District and portraying a positive image of Mansfield.

The Licensing Authority recognises all its drivers/operators as Ambassadors for the District and with this there is an expectation to provide a positive customer experience by transporting customers safely on every journey.

This policy and related procedures detail how the Licensing Authority carries out its functions. The policy has been developed by Mansfield District Council in consultation with other Statutory Agencies, the Public and the Licensing Trade. The following have also been taken into consideration:

- The Council's licensing objectives;
- Legislation;
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003;
- Taxi and PHV Licensing Criminal Conviction' Policy, LGA;
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014;
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2013;
- Regulators' Code 2014;
- The Department for Transport ''Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010.
- Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire Trade institute of licensing April 2018.

This document sets out the requirements and standards that must be met.

It should be noted however, that nothing in this document will bind the Licensing Authority to a particular course of action, and it will continue to consider each application on its own merits. Similarly, this policy does not take precedence over any statutory provision or established case law.

2. Application and Definitions

2.1 Application

The Local Government (Miscellaneous Provisions) Act 1976, as amended, ("the 1976 Act") places a duty on the Licensing Authority to carry out its licensing functions in respect of Hackney Carriages and private hire vehicles. The Licensing Authority is Mansfield District Council.

This policy applies to:

- Hackney Carriages; being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public.

- Private Hire Vehicles: licensed as a vehicle to carry no more than 8 passenger seats, but must be booked in advance by customers through an operator and may not ply for hire in the street.

- Private Hire Operators

- Hackney Carriage and Private Hire vehicle drivers

In undertaking its licensing function, the Licensing Authority will have particular regard to:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Acts 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Public Health Act 1936

The Licensing Authority will also have regard to any principles laid out in statutory guidance and recommendations from Government departments such as the Department for Transport and other related bodies.

2.2 Definitions

a. In this policy:

- "**The Council**" or "**Licensing Authority**" means Mansfield District Council (MDC);
- "**Driver**" means any dual licensed Hackney Carriage and Private Hire Vehicle Driver issued by this Licensing Authority.

- "**The Operator**" means the holder(s) of the Private Hire Operator's licence issued by this Licensing Authority;

- **"Vehicle**" means any licensed private hire vehicle (and hackney carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator.

b. Terms defined under section 80 of the 1976 Act shall bear the meanings set out therein, as indicated below:

- "**The Act of 1847**" means the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages;

- "**The Act of 1936**" means the Public Health Act 1936;

- "**Authorized officer"** means any officer of a district council authorized in writing by the council for the purposes of this Part of this Act;

- "**Contravene**" includes fail to comply;

- "**Controlled district"** means any area for which this Part of this Act is in force by virtue of
  (a) a resolution passed by a district council under section 45 of this Act; or
  (b) section 255(4) of the Greater London Authority Act 1999;

- "**Daily fine**" means a fine for each day during which an offence continues after conviction thereof;

- **"The district**", in relation to a district council in whose area the provisions of this Part of this Act are in force, means—
  (a) If those provisions are in force throughout the area of the council, that area; and
  (b) If those provisions are in force for part only of the area of the council, that part of that area;

- **"Driver's badge**" means, in relation to the driver of a hackney carriage, any badge issued by a district council under byelaws made under section 68 of the Act of 1847 and, in relation to the driver of a private hire vehicle, any badge issued by a district council under section 54 of this Act;

- **"Driver's license"** means, in relation to the driver of a hackney carriage, a license under section 46 of the Act of 1847 and, in relation to the driver of a private hire vehicle, a license under section 51 of this Act;

- "**Hackney carriage**" has the same meaning as in the Act of 1847;

- "**Hackney carriage byelaws**" means the byelaws for the time being in force in the controlled district in question relating to hackney carriages;

- "**operate"** means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;

- "**Operator's license**" means a licensee under section 55 of this Act;

- "**private hire vehicle"** means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers;

- **"proprietor"** includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

- **"public service vehicle**" has the same meaning as in the Public Passenger Vehicles Act 1981;

- "**taximeter**" means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both; and

- "**Vehicle licensee**" means in relation to a hackney carriage a licensee under sections 37 to 45 of the Act of 1847 **[**in relation to a London cab a license under section 6 of the Metropolitan Public Carriage Act 1869**]**and in relation to a private hire vehicle means a licensee under section 48 of this Act.

c. In accordance with the Interpretation Act, the term 'person' may apply to both individuals and bodies corporate and un-incorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.

3.Licensing Aims and Objectives

The principal purpose of Hackney Carriage and Private Hire Vehicle licensing is to protect the public and promote public safety. The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

A. The protection of the public, safeguarding children and the vulnerable And the prevention of crime and disorder by:

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Commitment to work with the police and licensing authorities.
- An expectation that licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

B. The safety and health of the public and drivers by:

- Consideration of history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Mansfield area.
- Health and fitness to fulfil the role of a licensed driver.
- Vehicle specifications.
- Regular driver medical checks
- Commitment to work, and co-operation, with the police and licensing authorities

C. Vehicle safety, comfort and access by:

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks and use of ranks
- Provision of disabled facilities.

D. Encouraging environmental sustainability by:

- Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with European Emissions Standards.

In promoting these licensing aims and objectives, the Licensing Authority will expect to see all licence holders and applicants continuously demonstrate that they meet or exceed the standards set.

These aims and objectives will also be taken into account by the Licensing Authority when making decisions on applications/enforcement action.

The Licensing Authority will work in partnership with its licence holders, neighbouring authorities, the Police, local businesses and local people to ensure promotion of the above-listed aims and objectives.

It should be noted that it is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for a driver, vehicle or operator's licence.

4. Hackney Carriage and Private Hire Driver Requirements

4.1 Application process

The Licensing Authority issues licences that enable the driving of both Hackney Carriages and Private Hire Vehicles.

Before an application is made, the applicant should arrange, attend and pass a knowledge test.

Before an application will be accepted the applicant must include the following:

- Two recent colour passport standard photographs that are a good likeness of the applicant;
- DVLA driving photo-card;
- Completed DVLA mandate;
- Knowledge Test certificate
- Completed DBS certificate and all identification documents required as part of the DBS check (see 4.5 for more information)
- Certificate of good conduct (if applicable – see 4.5)
- Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work.
- Full Group 2 Medical Certificate or proof of exemption (if applicable).
- Safeguarding vulnerable people course certificate.
- Application fee (non-refundable)
- Any other documentation required to progress your application.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

The Licensing Authority will only consider an application when it has received all relevant documentation.

The Licensing Authority will normally issue a Hackney Carriage and Private Hire Vehicle Drivers licence for a three-year period. The Licensing Authority does have the discretion to issue licences for a shorter period, if it considers this to be necessary in the circumstances.

It is the responsibility of the applicant to ensure a renewal application is made prior to the expiry of an existing licence. Failure to do so will result in the driver being treated as a new driver and will be required to submit an application on this basis before a licence will be issued.

4.2 Drivers Responsibility

The Licensing Authority requires all its drivers to ensure that passengers are safeguarded when being transported in a licensed vehicle. Drivers are expected to:

- Ensure that they are fit to drive at all times;
- Ensure their vehicle is fit to be driven at all times;
- Not to use a vehicle which could put the public at risk;
- To remain professional at all times;
- To carry photo ID at all times, and wear it in accordance with any conditions of licence.
- Not to use offensive or inappropriate language;
- Not to swear;
- Not to behave in a manner that would make passengers feel uncomfortable, intimidated and/or threatened;
- Not to misuse personal information obtained during whilst working;
- Ensure a log is maintained which records all incidents, refusals and accidents involving passengers and/or reported to the Operator immediately and in any event before taking the next fare (see paragraph 6.9)
- Report any concerns about the safety, welfare or behaviour of an individual, to the police by telephoning 101 (or in emergencies by calling 999) and to the Licensing Authority.
- Ensure their vehicle is safe to carry members of the public and must refrain from driving it if there are any cosmetic/physical/mechanical concerns. Any concerns must be reported to the Private Hire Operator or the vehicle proprietor/owner as soon as practicably possible by the driver. The vehicle must not be used until the concerns have been rectified.

4.3 Knowledge Test

Applicants will be required to produce photographic evidence before the test can be commenced. The knowledge test must be passed and is designed to ensure applicants have sufficient knowledge in relation to the rules, regulations, and conditions of licence; and to evaluate literacy and numeracy skills.

As part of this process, applicants will be required to demonstrate that they possess English literacy skills of a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver.

The initial application fee will only include the initial test and is non-refundable upon failure. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

No refund will be provided for any cancellations with less than 24 hours' notice in writing.

4.4 Fit and Proper Person Test

Licensed drivers are in a position of trust and therefore must satisfy the Licensing Authority that they are 'fit and proper' to hold a drivers licence.

All drivers are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

This requirement to be 'fit and proper' is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is 'fit and proper' to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:

- Criminality including cautions
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards.

Once a licence is granted, drivers must remain a 'fit and proper' person for the duration of that licence. The fitness and propriety of a driver will be monitored / assessed, throughout the period that the licence is held, by the Licensing Authority and Partner Agencies.

4.5 Disclosure and Barring Service (DBS)

A criminal record check on a driver is necessary and deemed an important safety measure.

Applicants will be required to provide an Enhanced Disclosure through the Disclosure and Barring Service (DBS). This DBS will provide details of live/spent convictions, police cautions and other relevant information that will be considered when determining the application.

Hackney Carriage and Private Hire vehicle drivers are deemed as "exceptions" under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order"), therefore all applicants will be required to disclose all cautions, reprimands, warnings, endorsable, fixed penalties, offences and/or convictions on their application forms even if they are spent for other purposes. For criminal offences, details are required in respect of ALL offences no matter how old.

Certificates should be obtained using the Licensing Authority's approved DBS provider. Existing Enhanced DBS Certificates may be accepted provided that they have been issued within the last three months.

All drivers shall notify the Licensing Authority of any convictions, cautions, or fixed penalty notices received during their licence period as soon as is reasonably practicable. Failure to inform the Licensing Authority of these during the licensing period may result in suspension, revocation and/or any other course of action deemed appropriate by the Licensing Authority.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

The Licensing Authority requires all drivers to fund, obtain and produce an enhanced DBS check annually and the details contained within this will be retained by the Licensing Authority.

The Licensing Authority requires all drivers to fund, obtain and produce an enhanced DBS check annually and the details contained within this will be retained by the Licensing Authority. Licence holders will be invited to subscribe to the Disclosure and Barring Service Online Update; the applicant has 30 days to subscribe once the certificate is received. The Update Service can be used if an application is made for a renewal and there has been no changes. If no changes are recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence will be renewed/issued.

The applicant/licence holder must provide consent for the Licensing Authority to undertake checks of their DBS status as and when it is deemed appropriate to do so and failure to do this may result in an application being refused.

It may be necessary for the Licensing Authority to access the update service to monitor licence holders to be satisfied that they continue to be fit and proper to hold a licence.

All convictions, warnings and offences etc. will be considered in line with the Convictions and Offences set out in Appendix A.

Applicants with periods of residency outside the UK

If an applicant has spent six continuous months or more overseas since the age of 10, the Licensing Authority will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant remained overseas.

The Licensing Authority must be satisfied that sufficient background checks have been conducted to satisfy the fit and proper test for all applicants that have lived overseas.

For EU nationals (including UK citizens) an enhanced DBS check (or equivalent) should be obtained.

For countries where this is not available, the applicant must provide a certificate of good conduct authenticated by the relevant embassy from each country (unless previously seen by this Authority). For these purposes, a "Certificate of Good Conduct" means an extract from the judicial record or equivalent document issued by a competent judicial or

administrative authority in the relevant country testifying to good conduct or to any criminal convictions recorded against the individual.

The Licensing Authority may wish to approach the relevant Embassy or appropriate Body directly to verify the documents provided. The applicant will be advised of any costs to be incurred and these costs must be met by the applicant. Consent should not be unreasonably withheld.

Where necessary documents must be translated into English or another language by a translator approved by the Licensing Authority. The cost of obtaining an appropriate translation must be met by the applicant/driver.

DVLA Driving Licence Check

All applicants for and holders of a Hackney Carriage & Private Hire (Dual) Driver licence will be required to have an annual check of their DVLA Driver licence record.

A signed mandate will be required as part of the application process.

Any offences disclosed will be dealt with in accordance with the Council's "Relevant Convictions Policy".

Applications will only be accepted from applicants that have held a full driving licence for at least one year. The driving licence must have been issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). Applicants that hold full EC or EEA licences for at least one year will have the length of time that they have held such licences taken into consideration, however holders of these licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EC or EEA licence is exchanged for a full UK licence (as required by national legislation).

4.6 Right to work in the UK

The Licensing Authority requires all applicants to provide documentary evidence to confirm that they can legally work in the UK. For example:

- UK passport confirming that the holder is British Citizen
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further advice can be obtained from the Licensing Department upon request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

4.7 Medical Assessment

The Licensing Authority requires applicants and current licensees to undergo medicals through a provider approved by the Licensing Authority. The applicant will be responsible for arranging, attending and funding the medical appointment, as well as providing a copy of the medical certificate to the Licensing Authority.

Licensed drivers are expected to meet the DVLA Group 2 Standards of medical fitness.

A medical will be required on first application and then every five years from the age of 45. On reaching the age of 65 a medical will be required annually.
The Licensing Authority may contact the medical provider for further information regarding the fitness of an applicant. The application will be determined on the medical evidence available.

Licence holders must advise the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities as soon as is practicably possible. Failure to do so could result in suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

Exception:

Where an applicant is able to produce proof of a current Group 2 medical examination i.e. less than 3 months old, along with confirmation from a medical practitioner that there have been no changes since its issue, they shall not be required to undergo a further medical examination at the time of submitting their application.

If the applicant is not required to undertake a full Group 2 medical on renewal they will be required to complete and submit a self-medical certificate with their renewal application. The Licensing Authority reserves the right to request a further Group 2 medical where it is deemed appropriate. The applicant will be required to finance this.

The Licensing Authority also reserves the right to request a driver/applicant to produce a medical certificate upon request at any point during the period of the licence. The driver may be required to cover the cost of this. Failure to comply with such a request may result in immediate suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

4.8 Assistance Dogs

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without an additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. The Driver must provide medical evidence to prove the need for an exemption certificate. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be clearly displayed in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

4.9 Safeguarding training

Applicants are required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

The training will involve attending a session at a location approved by the Licensing Authority. At the end of the session all applicants will be required to pass a test.

The initial test fee is included in the application fee and is non-refundable upon failure. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable upon failure.

4.10 Vulnerable Passengers

Drivers must confirm that appropriate provisions are in place for any vulnerable passengers prior to accepting any bookings and/or commencing a journey. Drivers are responsible for ensuring the passenger is able to be transported safely and comfortably.

If a responsible person is not accompanying a vulnerable passenger the driver should make reasonable attempts to obtain contact details for a responsible person in case of an emergency.

If a driver is unable to commence a journey due to safety concerns then all reasonable measures should be taken to ensure a responsible person is notified to enable alternative arrangements to be made.

4.11 Dress Code

Hackney Carriage and Private Hire Licensing in the District of Mansfield plays an important role in portraying a positive image of Mansfield. All Licensees are expected to conduct themselves in a manner that serves to enhance the professional image of the trade, and promotes the concept that drivers of licensed vehicles are professional drivers.

The Licensing Authority requires all drivers to adhere to the following dress code:

Drivers must ensure that at all times a smart standard of dress and cleanliness is maintained.

Employees working for companies operating their own dress codes will also be required to comply with this standard.

4.12 Driver Hours

Although there are no direct controls over the hours that Hackney Carriage and Private Hire drivers can work, the Licensing Authority deem that the number of hours worked by drivers can impact public safety and as a result seeks to promote the same limits that are applicable to drivers and crews of heavy goods vehicles or public service vehicles, namely:

- An average of 48 hours per week calculated over a 17 week period normally;
- In any single week up to 60 hours providing the 48 hour limit is maintained;
- Night work is limited to 10 hours per night unless there is an agreement to work longer hours;
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes. Breaks must be of at least 15 minutes in duration.

The Licensing Authority recommends that these requirements are used as a guideline to ensure drivers are fit to drive and that public safety remains paramount at all times.

4.13 Conditions

All drivers must comply with the standard licence conditions specified in Appendix B. Failure to comply with these conditions may result in enforcement action.

5.Hackney Carriage and Private Hire Vehicle Requirements

5.1 Application process - Initial application

A vehicle will only be licensed if it complies with the requirements of the Vehicle Specification (Compliance Test) in Appendix C, and the Supplementary Test in Appendix D.

Before an application is made, the applicant must arrange for a Compliance Test to be undertaken at the Council's vehicle testing station at the Hermitage Lane Depot. If the vehicle passes the Compliance Test, then the applicant can continue to submit an application.

Before an application will be accepted the applicant must include the following:

- A compliance certificate (new and replacement vehicles only)
- Completed vehicle application form
- The appropriate fee
- Vehicle registration document (V5) or a proof of purchase (pending the V5)
- Insurance certificate or insurance cover note for the vehicle
- Current MOT certificate
- HPI Certificate for new and replacement vehicles (as vehicles subject to a category A, B, C and D write off will not be considered for a licence)
- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing. Evidence of that testing and the vehicle having obtained SVA must be produced to the licensing office on application before the vehicle can be licensed.
- The Supplementary test must be satisfactorily completed before a licence can be issued.

Attention should be given to the Vehicle Specification and Supplementary Testing Manual BEFORE purchasing a vehicle.

It is the proprietor's responsibility to ensure that appropriate insurance and MOT are in place for the duration of the licence. If the insurance or MOT lapses this may result in suspension or revocation of the licence.

5.2 Compliance Test

The Compliance Test ensures that a vehicle fully meets the standards required in accordance with the Vehicle Specification (Appendix C). Any vehicle to be licensed must first pass a compliance test before an application can be made.

For the Compliance Test please bring the registration document, or if this is not possible, a manufacturers vehicle specification booklet with you. If the seating configuration is to be changed when the vehicle is carrying a wheelchair, you must also provide copies of the seating plan for the vehicle layout, with and without the wheelchair, and both layouts need to be approved.

For any proposed structural alterations to a vehicle currently licensed advice should be sought from Hermitage Lane Testing Station. The vehicle will be required to pass a Compliance Test following the alterations.

The licence status of a vehicle currently licensed under a previous specification will not be affected unless otherwise stated.

5.3 Supplementary Test

This inspection will include an assessment of the vehicle's mechanical and aesthetic condition, and will exceed the MOT standards set by the Driver and Vehicle Standards Agency. The inspection is intended to assess the vehicle for licensing suitability. The council will not issue an MOT certificate for the vehicle that will be the responsibility of the applicant to obtain at his own cost.

The person presenting the vehicle for inspection must submit to the vehicle inspector all necessary documents before the start of the vehicle examination.

The vehicle inspection checklist sheet will indicate to the proprietor of the vehicle

- if the vehicle "passed" or "failed" the inspection,
- what point(s) the vehicle failed on (where a failure is given)

The pass certificate must be produced as evidence that the vehicle met the required standard for the applicant to collect the licence and plates from the Council Offices (subject to the all the other elements of the application process being in place).

5.4 Application process - Renewals

For a renewal application the application form, relevant paperwork (as listed above) and fee must be submitted to the Licensing Authority before the date of expiry.

A Compliance Test is not required as part of the renewal process.

A Supplementary Test must be passed every 12 months. For vehicles over five years of age, a Supplementary Test must be passed every 6 months. The test must be completed no more than 4 weeks before the date of expiry of the current licence.

It is the applicant's responsibility to ensure that the vehicle is tested prior to the submission of the application.

Any vehicle licence suspended by an Authorised Officer, will also require a Supplementary Test to be carried out in order that the lifting of the Suspension Notice may be considered.

The Supplementary Test must be undertaken by the vehicle examiners at the Hermitage Lane Testing Station and these tests must be pre-booked.

If either the application form and corresponding paperwork or the vehicle test (in which the vehicle passes) is not completed prior to the expiry date, the vehicle licence will not be renewed.

5.5 Insurance

All insurance documents must be produced before a licence can be issued by the Licensing Authority, namely:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.

The Licensing Authority will undertake periodic audits of licensed vehicles to ensure that the vehicle is insured.

For a Hackney Carriage Vehicle the certificate of insurance must cover 'public hire'
For a Private Hire Vehicle the certificate of insurance must cover for 'private hire/hire or reward'.

5.6 Accidents

If at any time the vehicle is involved in an accident/incident, however minor, the driver must inform the Licensing Authority as soon as possible and in any event within 72 hours in writing or by email environmentallicensing@mansfield.gov.uk

Minor visual blemishes may not preclude the vehicle from remaining in service. Vehicle proprietors are advised to contact the Licensing Team, who may request an inspection by the Licensing Authority, before continuing to use the vehicle to carry fare paying passengers.

The vehicle must be presented for inspection to the Council as soon as possible after the accident has taken place – an appointment will be arranged upon notification to the Licensing Authority. Failure to present the vehicle for the appointment could result in the vehicle's licence being suspended and/or revoked.

The Licensing Authority may, at any time, request that a vehicle be tested. The vehicle should not be used for hire or reward until the Licensing Authority has confirmed it is satisfied that the vehicle is fit for use. The Licence may be suspended in the interim. If, following an inspection, it is deemed that the vehicle is not fit for use and/or roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy, or is being assessed by an insurance company, then the vehicle proprietor must inform the Licensing Authority as soon as possible and in any event within 72 hours. In these cases the proprietor should provide photographic or other evidence to justify why the vehicle is unable to be presented for examination. Failure to do so may result in the licence being suspended and/or revoked.

Any vehicle involved in an accident may be subject to an HPI check on request by the Licensing Authority at the proprietor's expense.

5.7 Meters

All Hackney Carriages must be fitted with a meter.

Meters used to calculate fares must be accurate, display the correct time and be

Capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.

- In the case of Private Hire Vehicles, any scale of charges provided by the operator of the vehicle.

Meters will be checked for accuracy by a measured mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.
Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals may result in suspension and/or revocation.

5.8 Advertisements on vehicles

No advertisements shall be placed on any vehicle licensed without the applicant receiving prior written approval from the Licensing Authority.

An application must be made in writing to the Licensing Authority with a copy of the advertisement. Please refer to the Standard Conditions in Appendix E.

5.9 Wheelchair accessibility

All members of the public should have reasonable access to Hackney Carriage and Private Hire services. There are requirements for all wheelchair accessible Hackney Carriages. Please refer to the Vehicle Specification in Appendix C.

5.10 Taxi Ranks

A full list of the locations of the Hackney Carriage ranks and the times they are in use are available in Appendix F.

Only Hackney Carriages licensed by Mansfield District Council can utilise the taxi ranks in the District. Taxi ranks should only be used when Hackney Carriages are waiting for their next hire. Hackney Carriages should not use taxi ranks as parking places. Hackney Carriage Proprietors must take steps to actively encourage drivers on arriving at a rank/stand to:

- Where the rank is not already fully occupied by other Hackney Carriages the Driver must:
- Park the vehicle immediately behind the last vehicle on the stand and face in The same direction; and

- Occupy the space previously occupied when the vehicle(s) immediately in Front move on;
- Drivers are required to turn off their engines whilst stationary on the rank in Order to reduce any potential pollution.
- Where the rank is fully occupied by other Hackney Carriages, the driver must Proceed to an alternative rank.

Private Hire Vehicles are not permitted on or in close proximity to taxi ranks. Private Hire Vehicles must not allow customers to alight from their vehicle at a taxi rank.

5.11 Conditions

All Vehicles must comply with the standard licence conditions specified in Appendix E. Failure to comply with these conditions may result in enforcement action.

6.Bookings and Fares

6.1 Bookings

Bookings can be made and accepted in the following ways:-

HACKNEY CARRIAGES:-

- When situated on an appointed rank (when on a rank, it is an offence to refuse a fare without reasonable excuse).
- When proceeding at a reasonable speed to one of the appointed ranks. Being hailed by a prospective hirer.
- When pre-booked

PRIVATE HIRE VEHICLES:-

- Only when pre-booked (By such methods as personal call, telephone call , mobile phone APPs or some other direct method of communication with the licensed operator's base), and entered in the operator's records before the commencement of the journey.

6.2 Illegal plying for hire

The Council will consider taking enforcement action in respect of illegal plying for hire in the following circumstances: -

HACKNEY CARRIAGES

- When a Hackney Carriage is parked other than on an appointed rank.
- The driver either in person or through agents, calling out or otherwise inviting any person to hire such carriage. Such action may amount to touting or importuning a fare which is an offence.

PRIVATE HIRE VEHICLES

- Inviting potential customers to hire the vehicle for an immediate booking.
- Accepting an offer for an immediate booking from a potential customer.

The above is not intended to be an exhaustive description of illegal plying for hire and the Council reserves the right to take enforcement action in other circumstances where it deems fit.

Any vehicle which has been pre-booked should attend promptly at the time and place and should not wait more than a reasonable time after the appointed time before moving off. Private hire vehicles must not rank up on a street or road with the drivers in attendance.

6.3 Fares

Private Hire Operators and / or Hackney Carriage Drivers may agree the cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted must be the price charged - there is to be no deviation from this price without the agreement of the customer. However if the meter shows a lower fare the lower fare must be charged.

On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

Hackney Carriages

The Hackney Carriage Table of Fares ("the tariff") is set by the Council and states the maximum fare that can be charged by Hackney Carriage drivers for journeys within the District.

Lesser fares can be negotiated by the hirer for journeys.

The hirer may agree to the fare for a journey which ends outside the district being charged other than at the metered rate.

It is an offence for any person to charge more than the metered fare and regulatory points may be issued to the Proprietor or Driver of the Hackney Carriage in such circumstances in line with the Council's Regulatory Points Scheme (Appendix H). Repeat occurrences may result in revocation of the licence.

The Council may review the Hackney Carriage fare table from time to time. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares will be provided to each Hackney Carriage licence holder, which must then be clearly displayed in each vehicle so that it is visible to all hirers.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

Private Hire Vehicles

The Council does not set fares for Private Hire vehicles.

Best practice is to agree the fare prior to the commencement of the journey with the Private Hire Operator.

Drivers must, if requested by the passenger, provide written receipts for all fares paid.

7. Private Hire Operator Requirements

7.1 Application process

Before an application will be accepted the applicant must include the following:

- Completed application form;
- Details of two referees;
- Application fee (non-refundable)
- Public Liability Insurance
- Employers Liability Insurance (where applicable)
- Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work
- Certificate of good conduct (if applicable see 4.5)
- Safeguarding vulnerable passengers course certificate;
- Basic DBS certificate for each applicant.

Applications for an Operator licence must be made in writing using the approved application form. Every question on the application form must be completed fully and accurately, and the form must be signed by every applicant.

- Where the application is being made by a single individual, the questions on the application form should be answered by that individual.

- Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants.

- Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors.

This is particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Licensing Authority must be satisfied as to the fitness and propriety of every applicant.

In accordance with the Interpretation Act, the term ‘person’ may apply to both individuals and bodies corporate and un-incorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.

If the application is in the name of a limited company a check of that company will be carried out through the Companies House.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

When all required documents and other information (including the reference checks) have been received, the application will be determined.

The Licensing Authority will normally issue a Operators licence for a five-year period. The Licensing Authority has the discretion to issue licences for a shorter period, if it considers this to be necessary in the circumstances.

7.2 Operators Responsibility

Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority. When an Operator is unable to fulfil a booking due to unforeseen circumstances, it may pass that booking to another Operator to fulfil the commitment providing it is done so in accordance with the law.

The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles.

Operators play a key role in ensuring that the public are kept safe, that drivers are suitably trained, experienced, supported to deliver a high quality service, ensure that vehicles are kept in a clean, safe and sound condition at all times.

Whilst it is accepted that operators will have less direct contact with the public than drivers (with the exception of receiving bookings for journeys), to ensure the safety of the public the Licensing Authority must apply similar checks when considering applications for licences. The Licensing Authority must be satisfied that prospective operators are fit and proper persons.

A licensed private hire vehicle must only be despatched to a customer by a Private Hire Operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle in line with the law.

The Operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:

- It shall be the duty of the licensed Operator to ensure that the licences of all vehicles and drivers are valid and current.

- When a vehicle has been hired to attend at an appointed time and place the vehicle shall unless delayed or prevented by sufficient cause attend punctually;

- Premises provided by the Operator will be within the District or approved by the Licensing Authority and any waiting areas shall be kept clean, heated, ventilated, well-lit with adequate seating;

- Any telephone facilities and dispatch equipment are maintained in an effective working order

- Any complaints received by the Operator that could undermine public safety shall be referred in writing to the Licensing Authority, together with any action taken.

- All vehicles operated shall be maintained in a satisfactory and road worthy condition; and they shall ensure that any defects to vehicles are recorded and corrected as soon as possible.

- The Operator shall ensure, without prejudice to any other liabilities imposed under the Act, that all vehicles and drivers owned, controlled or operated in association with the Operator shall observe and perform the conditions of their licence.

- The Operator will monitor drivers working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi drivers hours, it is incumbent upon the Operator to ensure drivers do not work excessive hours and that they are fit to drive and thus will not put the public at risk.

7.3 Fit and Proper Person Test

The Licensing Authority must be satisfied that an operator is a 'fit and proper person' to hold an Operator's licence in accordance with section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is 'fit and proper' to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant, the Licensing Authority will consider the following factors:

- Criminality
- Right to work
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including Honesty and integrity).
- Any other relevant information

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards.

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. All Operators are required to undertake and maintain evidence of checks that satisfy them that their drivers and/or vehicles are suitable, fit and proper to be used in the course of their business. Failure to ensure that appropriate checks are in place may result in suspension or revocation of the operator's licence.

Examples of checks include:

- Ensuring vehicles are roadworthy;
- Monitoring the conduct of drivers;
- Good record keeping
    - Driver hours
    - Vehicle maintenance
    - Vehicle checks
    - Training records
- Appropriate complaints handling

- Records of any public safety issues/concerns involving drivers and/or vehicles and the reporting of such concerns to the Licensing Authority;

7.4 Disclosure and Barring Service

Applicants will be required to provide a Basic Disclosure through the Disclosure and Barring Service (DBS). This DBS will provide details of unspent convictions and police cautions.

Whilst Operators come into contact with the public less frequently than drivers, they still play a critical role in ensuring the safety of the public. In assessing an applicant's fitness and propriety, the Licensing Authority will take into account any convictions or cautions when determining an application.

A serious view will be taken where there are offences relating to dishonesty, financial impropriety, violence, substance misuse, abuse of a person with a protected characteristic, safeguarding offences or misconduct under taxi and private hire legislation. The convictions policy applicable to drivers will be used as a guideline when considering offences for Operators.

It shall be the duty of the Operator to inform the Licensing Authority of the following:

(a) Any convictions incurred by them or any partner, director or company secretary during the period of the licence for any offence. They must be reported to the Council in writing within 7 days

(b) Change of address, in writing within 7 days

(c) Any other changes that could affect the licence

In cases where the Operators consists of more than one individual, a certificate must be obtained and supplied in respect of each individual applicant, or each director/company secretary of a limited company applicant. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 3 months before the date on which the application was made.

Exemption

Any applicant who holds a current private hire or hackney carriage driver's licence issued by the Licensing Authority will not be required to provide a Basic Disclosure certificate as long as their Enhanced DBS certificate has been issued within the last 3 months. The operator's licence application will not be determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.

7.5 Right to work in the UK

Please refer to section 4.6.

7.6 Safeguarding Training

Applicants are required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

The training will involve attending a session at a location approved by the Licensing Authority. At the end of the session all applicants will be required to pass a test.

The initial test fee is included in the application fee and is non-refundable upon failure. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable upon failure.

7.7 Transfer of Operators Licences

Operator's licences are non-transferrable. In the event of the control of a licensed business passing to a different person, the new owner of the business must apply for a new licence.

7.8 Conditions

All Operators must comply with the standard licence conditions specified in Appendix G. Failure to comply with these conditions may result in enforcement action.
Failure to comply with the conditions set out in this document may result in enforcement action.

7.9 Planning

Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc.) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice from the planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

Planning officers can be contacted during normal working hours on 01623 463259, or by email to Planning&BuildingControl@Mansfield.gov.uk. Applicants must note that both planning and licensing requirements must be satisfied prior to the commencement of any operation.

7.10 Insurance

Operators are required to have the relevant insurance policies in place:

- Vehicle;
- Public Liability;
- Employers Liability (where applicable)

7.11 Trading names

Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

While trading names are a matter for an Operator to determine, the Licensing Authority will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.

In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- An expletive, derogatory or offensive term
- A term associated with inequality
- A term with political implications
- A registered trademark (unless the applicant can demonstrate a right to use that mark)
- The trading name of an existing Private Hire Operator, either licensed in the Mansfield area, or trading in a neighbouring area
- The trading name used by a Mansfield hackney carriage proprietor, where the proprietor has previously notified the Council of the use of that name and the name has been used regularly since
- A name which implies official recognition or endorsement by the Council or another regulatory body
- A term in any language other than English which when translated would fall within any of the preceding categories.

Legally, only hackney carriages may display the words ‘taxi’ or ‘cab’ on their vehicles. For this reason, trading names which include the words ‘taxi’, ‘cab’, ‘hackney’ or ‘public hire’, or which are phonetically or visually similar, will not be permitted by private hire operators.

If, however, the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

Should concerns arise about the suitability of a trading name; in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.

Where an operator licence is revoked by the Licensing Authority, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another

operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

This section of the policy will not be retrospectively applied to any operator's trading name which has been continuously in use since before the 1st August 2016 (and where an operator's licence has been continually maintained in respect of this), but will apply to any new operator (including new applications made following the lapse of a previous licence) or new trading name applied by an existing operator.

7.12 Door signs and advertising

Vehicles which are operated by an operator must display that operator's door signs in prescribed positions, at all times. The door signs must be of a design and colour scheme approved by the Council.

A sample or proof of the proposed door sign should accompany an initial application for an operator's licence, or if this is not possible, should be supplied to the Licensing Authority as soon as practicable following the confirmation of grant of the licence.

A door sign that has not been approved cannot be used on a vehicle. Proofs may be supplied either on paper or electronically. Approval of a design will not be unreasonably withheld, so long as the signage includes the required wording, is of a suitable size, and relates to the operating company's services only, and not to any other product or service.

7.13 Complaints / Records

Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for the duration of the Licence and should be available at all times for inspection by a Police or authorised Officer.

7.14 Exemptions

The Licensing Authority may consider requests from certain operators for their business or part of their businesses to be exempted.

Exemptions will only be granted in exceptional circumstances and for specialist businesses, for example, those providing novelty vehicles such as stretch limousines and/or executive chauffeur businesses.

In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria above. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.

Where exemptions are granted, the Licensing Authority reserves the right to impose additional conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternative.

All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Licensing Authority can no longer be satisfied that the exemption is necessary, or if there is evidence to suggest it is no longer suitable.

The Licensing Authority will not grant exemptions from the signage requirements for hackney carriages.

8.Fees

The Licensing Authority reserves the right to review its fees at any time. If varied, a notice of the variation will be published by the Council.

All relevant objections will be considered before a determination is made.

The current fees applicable are available on the Council's website www.mansfield.gov.uk

9. Communication and Information Security

9.1 Personal Information

In the course of their business, operators and/or drivers will be required to process and store various pieces of data, some of which will be personal data.

The processing and storage of this data will fall under the provisions of the General Data Protection Regulations, which require certain measures to ensure the security of that data, and to prevent unauthorised breaches of security or usage of the information for unauthorised purposes (e.g. sending marketing information without consent).

Licensees are required to establish whether they need to register with the Information Commissioner's office as a data controller. For further information on whether registration is required, please refer to the website of the, at www.ico.org.uk.

9.2 Radios

Where a Licensee maintains a radio network for use, the range and/or frequency used by the system may require a business radio licence from Ofcom.

Operators will be asked to confirm whether they have satisfied this requirement on making an application. For further details please visit:
http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio

9.3 CCTV

Approval in writing must be obtained from the Licensing Authority before CCTV equipment is installed and used in the vehicle.

Each system must be registered with the Information Commissioner's Office with proof of registration supplied to the Licensing Authority before the system can be used. The system must be operated in accordance with the General Data Protection Regulations.

Any material recorded on the equipment shall be used only as evidence in court proceedings or to aid investigation of a crime or to confirm or rebut complaints made against the driver.

Material captured by the system shall be accessible only to the Police, authorised Council Officers or the CCTV Operator. The system should be of evidential quality, indicate the time and date and be retained for a period of 31 days.

The CCTV Operator must ensure recommended signage and appropriate contact details are displayed in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The CCTV Operator must ensure that the notices are maintained in a clean and legible condition.

10. Compliance and Enforcement

10.1 Enforcement

The primary consideration of the Licensing Authority is to protect and promote the safety of passengers, pedestrians and other road users. The Licensing Authority aims to provide the delivery of efficient, targeted and proportionate regulatory services and as such will monitor its licence holders to ensure compliance.

The Council will investigate and respond to complaints made by the public and referrals from other agencies & bodies. Officers will undertake proactive inspections and compliance testing as either day to day activity or as part of programmed operations. Officers will also carry out other relevant checks to ensure any licence holder is a "fit and proper" person to hold a licence and/or the vehicle is safe and meets with the standards set by the Council.

Any breach of the required standards, policies and conditions may result in suspension, revocation and/or any other action deemed appropriate by the Licensing Authority e.g. warnings, regulatory points, suspension, revocation and/or prosecution.

10.2 Decision Makers

The Council's constitution details who is responsible for making decisions on matters relating to taxi licensing. The Council operates a scheme of delegation where certain powers are delegated to Officers and the Licensing Committee/Sub-Committee.

10.3 Hearings

Decisions regarding taxi matters are made at a meeting or hearing in which the information is presented and considered by a decision maker (delegated officer or Sub-Committee).

Hearings may be held to make decisions on the suitability of an applicant or current licence holder where there has been a breach of the Licensing Authority's Policy or conditions.

A report will be provided ahead of the Hearing to the applicant / licence holder detailing the reasons why the matter requires such a decision to be made.

The applicant or licence holder will be given an opportunity to make representations (unless to do so would delay a decision in circumstances where public safety would be at risk).Representations can consist of the applicant's version of events, mitigation or any other information in support of their case and these can be submitted verbally or in writing prior to the hearing. Licence holders are also invited to attend a hearing to give their representations in person. All representations will be given full consideration prior to a decision being made in respect of the application and/or matter to be considered.

The options available to the Sub-Committee / Delegated Officer include (but are not Limited to):

- The grant / refusal of an application

- Suspension of the licence
- Revocation of the licence
- Warning
- The imposition of additional conditions and / or requirements placed on the applicant / licence holder
- To take no further action

The Licensing Authority will consider information from other sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory/non-statutory bodies.

Please note the surrender of a licence prior to a hearing may not be accepted by the Licensing Authority.

10.4 Suspension / Revocation

The Licensing Authority can suspend and/or revoke a licence in accordance with:

- Section 60(1) Local Government (Miscellaneous Provisions) Act 1976 for vehicle Licences;
- Section 61(1) Local Government (Miscellaneous Provisions) Act 1976 for driver Licences;
- Section 62(1) Local Government (Miscellaneous Provisions) Act 1976 for operator Licences.

The Licensing Authority has the power to suspend/revoke the licence with immediate effect if it is necessary in the interests of public safety. The overriding consideration is the safety and protection of passengers and the general public. Matters such as employment status and personal circumstances must not be taken into account when determining whether an applicant is fit and proper to hold a licence.

Notification of any such decision will be provided in writing to those affected.

Where a decision is made to suspend and/or revoke with immediate effect, the licence holder cannot work during any appeals process.

<u>Revocations by another Authority</u>

Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by another Licensing Authority, this Licensing Authority will not normally grant a licence until at least twelve months has elapsed since the revocation.

10.5 Appeals

If an applicant or licence holder is dissatisfied with a decision of the Licensing Authority, an appeal may be lodged with the local Magistrates Court but this must be made within 21 days being notified of the decision.

10.6 Prosecution

The Licensing Authority reserves the right to prosecute licence holders for relevant offences.

10.7 Regulatory Points Scheme

The Council operates a Regulatory Points Scheme as a method of enforcement. The scheme applies to drivers, operators and vehicles.

The Scheme allows the Licensing Authority to issue points on a licence where the Licensing Officer is satisfied that the licence holder has committed a relevant offence or breach of condition as listed in Appendix A.

Any points issued by the Licensing Officer will be confirmed in writing. Points will remain on the licence holder's file for a period of 12 months. If a licence holder has justifiable reasons why the points should not have been issued, they can request to have the matters reviewed. This request must be made in writing to the Licensing Team Leader within 10 working days of the points being issued.

If a licence holder accrues 12 points within any 12 month period, then the matter will be referred to the Licensing Authority's Sub-Committee to review the licence. This could result in a warning, additional conditions, suspension or revocation of the licence.

10.9 National Register of Taxi Licence Refusals and Revocations

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. Full details are in appendix I.

10.10 Service Requests and Complaints

Members of the public can submit any service requests, complaints and/or concerns about licensed drivers, vehicles and/or operators to the Licensing Team at:-

Mansfield District Council
Civic Centre
Chesterfield Road South
Mansfield
NG19 7BH

Telephone: - 01623 463181
Email: - licensing@mansfield.gov.uk
Website:- www.mansfield.gov.uk

Appendix A

Convictions and Offences

1. Introduction

1.1 This policy provides guidance to the Licensing Authority (and its Committee/ Sub-Committee) on considerations when determining whether an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence. Any decision made by the Licensing Authority/Committee(s) will be on the balance of probabilities and will not be required to meet the 'beyond all reasonable doubt' standard of proof.

1.2 It is the responsibility of the Licensing Authority Mansfield District Council (referred to as the Council hereafter) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty the Council will consider the safety of the public as its primary consideration.

1.3 The Licensing Authority will ensure that each case is considered on its individual merits. The Policy may be departed from but this should be proportionate and justifiable in the circumstances. If an applicant has been convicted of a criminal offence(s), the Licensing Authority is not permitted to review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]

1.4 In this policy the word "conviction" includes convictions and cautions.

1.5 In this policy "date sentence has ended" is taken to be the date at which the whole of the period as sentenced by the court has elapsed (and not necessarily the length of time served by the applicant). For example, if a sentence is five years imprisonment but the applicant only served 3 years, the date that the sentence ends will be five years from the date of sentencing. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term '"since completion of sentence" is to be construed in a similar way to "date sentence has ended".

1.6 In this policy the word "applicant" refers to new applicants and existing licence holders.

1.7 Whilst the Licensing Authority may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, the applicant would normally be required to:

a. Remain free of conviction for an appropriate period as detailed below; and

b. Evidence that they are a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).

1.8 The Licensing Authority may depart from the guidelines provided in this policy where it is proportionate and justifiable in the circumstances. Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2. Outstanding Charges or Summonses

2.1 If the Licensing Authority is notified of an outstanding charge or summons which could pose a risk to public safety the Licensing Authority may suspend, revoke or adjourn the application until proceedings have been concluded or information is provided which satisfies them that the risk no longer exists.

2.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, permits a Licensing Authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. The Licensing Authority will consider all relevant convictions, particularly where there is a history of offending or a pattern/repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.

2.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to be satisfied that an applicant licence is a "fit and proper" person to hold such a licence. If, however, an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will consider:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court and the Judges reasons (obiter dicta) for coming to that decision
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant, for example:
  (a) The previous conduct of an existing or former licence holder,
  (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
  (c) Information provided by other agencies / council departments.

2.4 Existing Licence Holders of driver's licences are required to notify the Licensing Authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.

2.5 The Licensing Authority requires an enhanced disclosure from the Disclosure and Barring Service (DBS) for any applicant for a driver's licence. Applicants applying for

the grant or a renewal of a driver's licence will also be required to provide an enhanced DBS at their own expense on application and at any other time as determined by the Licensing Authority. Alternatively, a subscription to the update service is available.

2.6 Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 states that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section he shall be guilty of an offence.
A serious view will be taken of any person failing to disclosure information or giving false information and this will be taken into account as part of any application or renewal.

2.7 For renewal applications and current licence holders this policy will be applied retrospectively.

2.8 The Licensing Authority reserve the right to take any information or offences into account even if not specifically covered by this Policy.

3. Offences

This section deals with offences and will apply to new and renewal applications and existing licenses for Drivers and Operators. Unless there are exceptional circumstances the Policy restrictions below will apply.

The time periods stated do not automatically mean that a licence will be granted following the time lapse and the Licensing Authority will consider all aspects of whether the applicant is fit and proper.

3.1 Serious offences

Licensed drivers have close regular contact with the public. A serious view will be taken of applicants who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

3.1.1 A licence will not be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Kidnapping or abduction
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

3.1.2 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least **10 years** have passed since the completion of any sentence and /or licence period:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Threats to kill
- Resisting arrest
- Hate crime against a person
- Or any similar offences (including attempted or conspiracy to commit).

3.1.3 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) below unless at least **5 years** have passed since the completion of any sentence and/or licence period:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Hate crime against property
- Or any similar offences (including attempted or conspiracy to commit).

3.1.4 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) below and at least **3 years** have passed since the completion of any sentence and/or licence period:

- Common assault/Battery
- Assault occasioning actual bodily harm
- Affray
- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Harassment
- Offences involving anti-social behaviour
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

3.1.5 A licence will not be granted if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

3.1.6 In the event of a licence being granted, despite convictions against the applicant, a strict warning both verbally and in writing will be issued. Warnings will remain in place for a period commensurate with the time periods in the relevant section

3.2 Possession of a weapon

A licence will not be granted if an applicant has been convicted of possession of a weapon or any other weapon related offence unless at least **3 years** have passed since the completion of the sentence, before a licence is granted.

3.3 Sexual and indecency offences

3.3.1 Licensed drivers often have close contact with vulnerable passengers. A serious view will be taken of applicants who have convictions for sexual offences. A licence will not be granted if the applicant has a conviction for an offence or similar offence to those below:-

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

3.3.2 A licence will not be granted if the applicant has a conviction for an offence or similar offence below unless **5 years** have passed since the completion of any sentence and/or licence period:

- Making indecent telephone calls
- Importuning
- Indecent exposure
- Soliciting (kerb crawling)
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

3.3.3 A licence will not be granted if an applicant has more than one conviction for an indecency offence.

3.3.4 In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

3.4 Dishonesty

3.4.1 Licence holders are expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

3.4.2 A licence will not be granted if the applicant has a conviction for an offence or similar offence below unless **3 years** have passed since the completion of any sentence and/or licence period:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit)

3.4.3 Applicants or existing licence holders that are found to have intentionally misled the Licensing Authority, or lied as part of the application process, will not be issued with a licence.

3.5 Alcohol and Drugs

3.5.1 Offences involving alcohol such as drunk and disorderly and drunk and incapable will be assessed on their own merits and may result in an application being refused.

3.5.2 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

3.5.3 A licence will not be granted where the applicant has more than one conviction for offences related to the supply of drugs unless **10 years** have passed since the completion of any sentence and/or licence period.

3.5.4 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs unless **5 years** have passed since the completion of any sentence and/or licence period.

3.5.5 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last **5 years** may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

3.5.6 If there is evidence of persistent drug or alcohol misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then

they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment.

3.6 Driving offences involving the loss of life

3.6.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not be granted if the applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit)

3.6.2 A licence will not be granted if the applicant has a conviction for an offence or similar offence below unless **10 years** have passed since the completion of any sentence and/or licence period

- Causing death by careless driving

3.7 Driving offences involving alcohol and/or drugs

3.7.1 A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. A licence will not be granted if an applicant has a conviction for driving under the influence of drink/drugs unless **5 years** have passed since the completion of any sentence and/or licence period.

3.7.2 In addition, applicants will normally be required to show a period of at least **5 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

3.7.3 Appendix 1 sets out the traffic offences relevant to this section.

3.8 Major Traffic Offences

3.8.1 A licence will not be granted if an applicant has a conviction for a major traffic offence (not resulting in disqualification) listed in Appendix 1 unless **2 years** have passed since the completion of any sentence and/or licence period.

3.8.2 For offences covered previously in this Policy e.g. serious offences, driving offences involving the loss of life and those relating to alcohol/drugs, the restrictions specified in these sections will take precedence.

3.8.3 A licence will not be granted if an applicant has been disqualified from driving as a result any offence listed in Appendix 1 unless at least **5 years** have passed after the restoration of the DVLA licence.

3.8.4 Where an existing licence holder is disqualified from driving the licence will be revoked.

3.9 Minor Traffic Offences

3.9.1 The number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences the applicant will be expected to show a period free of conviction of at least **12 months**.

3.9.2 A licence may not be granted where an applicant has a points total of **above 7.** A licence will not be granted where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving. The applicant will be expected to show a period free of conviction of at least **6 months**.

3.9.3 Where a number of traffic offences has resulted in a driver receiving 12 penalty points or more on his licence the driver will be disqualified from driving unless The Court is satisfied that exceptional hardship would be suffered by an Individual if disqualified. This is known as a "totting-up" disqualification. Where an applicant has a totting-up disqualification an application will not be granted until a period **2 years** has lapsed from the restoration of the DVLA licence.

3.9.4 Appendix 2 sets out the traffic offences relevant to this section.

3.10 Hybrid traffic offences

3.10.1 Offences of the type listed in Appendix 3 will be treated as **major** traffic offences if the court awarded **4** or more penalty points for the offence and as **minor** traffic offences if the court awarded **3** or less penalty points for the offence.

3.10.2 Any applicant who has committed an offence of plying for hire within **6 months** of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Further consideration will be given if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 3.12 below. It is the applicant's responsibility to prove that there was valid insurance in place at the time of the offence.

3.11 Insurance Offences

3.11.1 A licence will not be granted if an applicant has a conviction of driving (including aiding and abetting the driving of passengers for hire and reward) without insurance unless **3 years** have passed since the completion of any sentence and/or licence period.

3.11.2 A licence will not be granted if an applicant has been disqualified from driving as a result of an insurance offence unless at least 5 years have passed after the restoration of the DVLA licence.

3.11.3 Where an existing licence holder is disqualified from driving the licence will be revoked.

Appendix 1 - MAJOR TRAFFIC OFFENCES

AC10 Failing to stop after an accident
AC20 Failing to give particulars or to report an accident within 24 hours
AC30 Undefined accident offences
BA10 Driving while disqualified by order of court
BA30 Attempting to drive while disqualified by order of court
BA40 Causing death by driving while disqualified
BA60 Causing serious injury by driving while disqualified
CD10 Driving without due care and attention
CD20 Driving without reasonable consideration for other road users
CD30 Driving without due care and attention or without reasonable consideration for other road users
CD40 Causing death through careless driving when unfit through drink
CD50 Causing death by careless driving when unfit through drugs
CD60 Causing death by careless driving with alcohol level above the limit
CD70 Causing death by careless driving then failing to supply a specimen for analysis
CD80 Causing death by careless or inconsiderate driving
CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers
DD40 Dangerous driving
DD60 Manslaughter or culpable homicide while driving a vehicle
DD80 Causing death by dangerous driving
DD90 Furious driving
DG60 Causing death by careless driving with drug level above the limit
DR10 Driving or attempting to drive with alcohol level above limit
DR20 Driving or attempting to drive while unfit through drink
DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR40 In charge of a vehicle while alcohol level above limit
DR50 In charge of a vehicle while unfit through drink
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70 Failing to provide specimen for breath test
DR80 Driving or attempting to drive when unfit through drugs
DR90 In charge of a vehicle when unfit through drugs
DG10 Driving or attempting to drive with drug level above the specified limit
DG40 In charge of a vehicle while drug level above the specified limit
IN10 Using a vehicle uninsured against third party risks
LC20 Driving otherwise than in accordance with a licence
LC30 Driving after making a false declaration about fitness when applying for a licence
LC40 Driving a vehicle having failed to notify a disability
LC50 Driving after a licence has been revoked or refused on medical grounds
MS50 Motor racing on the highway
UT50 Aggravated taking of a vehicle
TT99 signifies a disqualification under the totting up procedure 12 or more points within three years

Appendix 2 - MINOR TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30 Using a vehicle with defective tyre(s)
CU40 Using a vehicle with defective steering
CU50 Causing or likely to cause danger by reason of load or passengers
CU80 Breach of requirements as to control of the vehicle such as using a mobile phone

MS10 Leaving a vehicle in a dangerous position
MS20 Unlawful pillion riding
MS30 Play street Offences
MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
MS60 Offences not covered by other codes
MS70 Driving with uncorrected defective eyesight
MS80 Refusing to submit to an eyesight test
MS90 Failure to give information as to the identity of driver etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

SPl0 Exceeding goods vehicle speed limit
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30 Exceeding statutory speed limit on a public road
SP40 Exceeding passenger vehicle speed limit
SP50 Exceeding speed limit on a motorway
SP60 Undefined speed limit offence

TS10 Failing to comply with traffic light signals
TS20 Failing to comply with double white lines
TS30 Failing to comply with a "Stop" sign
TS40 Failing to comply with direction of a constable/ warden
TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60 Failing to comply with school crossing patrol sign
TS70 Undefined failure to comply with a traffic direction sign

Appendix 3 - HYBRID TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30 Using a vehicle with defective tyre(s)
CU40 Using a vehicle with defective steering
CU50 Causing or likely to cause danger by reason of load or passengers

SPl0 Exceeding goods vehicle speed limit
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30 Exceeding statutory speed limit on a public road
SP40 Exceeding passenger vehicle speed limit
SP50 Exceeding speed limit on a motorway
SP60 Undefined speed limit offence

Other non endorsable motoring offences i.e. no MOT

NOTE:

All offences in Appendix 1-3 may also the following codes

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting
Offences as coded above, but with 0 changed to 4 (e.g. becomes CU14)

Inciting
Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

Appendix B

Standard Conditions – drivers

Conditions applicable to all drivers

Licences are issued subject to the following conditions; non-compliance may result in enforcement action being taken.

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:

- Cause any person to take offence at their actions
- Cause any person to believe their actions are inappropriate;
- Cause any person to fear for their physical safety;
- Cause any person to doubt their integrity; and
- Bring in to disrepute the integrity of the Council for having issued a licence to such person.

2. The driver shall, when standing or plying for hire, and when hired, wear or clearly display a badge of a nature approved by the Council in such position and manner as to be plainly visible.

3. The driver must report details of all accidents to the Licensing Team (and proprietor where appropriate) within 72 hours of the incident.

4. The driver shall refrain from smoking, vaping or using smoking paraphernalia at all times whilst in a licensed vehicle and ensure that no passengers smoke inside the vehicle (In line with The Health Act 2006).

5. The driver shall, whilst driving a licensed vehicle, refrain totally from the use of a hand-held mobile telephone or any other handheld electronic device. This also includes if the vehicle is stationary but the engine is still running.

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

7. When hired to drive any particular destination shall, subject to any directions given by the hirer, without reasonable cause unnecessarily prolong the journey, in distance or in time.

8. The driver shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified in the licence issued in respect of that Hackney Carriage Vehicle.

9. The carrying of pets shall be at the driver's discretion unless it is an assistance dog whereby you will be legally required to it carry unless you have a medical exemption approved by the Council

10. The Driver shall:
    - Take a reasonable amount of luggage including wheelchairs and children's pushchairs (the pushchair shall be folded and secured in the luggage area of the vehicle);
    - Give reasonable assistance in loading and unloading luggage;
    - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
    - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.

11. The Driver shall when in charge of a designated Wheelchair Accessible Hackney Carriage or Private Hire Vehicle make the vehicle available for hire to any person requiring "wheelchair mobility assistance", and provide any necessary assistance to assist the wheelchair user with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.

12. The Driver shall not charge a higher price for any journey, for a person requiring "Mobility assistance" than would otherwise be charged for a person without a need for the provision of "mobility assistance" for the same journey.

13. The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.

14. The driver shall if any property accidentally left therein by any persons who may have been conveyed in the carriage be found by or handed to him take the same within twenty four hours, if not sooner claimed by or on behalf of its owner, to the Police Station, Great Central Road, Mansfield, Nottingham.

15. If a passenger appears to become seriously ill (severe chest pain, shortness of breath) non responsive, or loses consciousness, the driver must safely park the vehicle, stay with the passenger and ring 999 for assistance.

16. The driver must ensure when a vehicle is wheelchair accessible they correctly load, unload and secure the wheelchair and its user.

17. A notice must be provided as follows: -
"All vehicles and drivers are licensed by Mansfield District Council. For complaints or compliments, please note the Licence Number (from the licence plate on the rear of the

vehicle) or the driver's I.D. badge number and contact the Licensing Team on 01623 463181".

Such notice to be prominently displayed in licensed vehicles in such a position that it could be easily seen by passengers.

18. The Driver shall notify the Licensing Authority in writing, within 14 days, of any Change in his or her details that have occurred since the most recent application (I.e. home address, telephone number, traffic offences, and speeding fines).

19. The Local Government (Miscellaneous Provisions) Act 1976, provides that any person who acts in contravention of the provision of Part II of the Act shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000.

Additional conditions applicable to Hackney Carriage drivers

1. The Driver

(a) IF THE TAXIMETER is fitted with a flag or other device bearing the words 'FOR HIRE':-

(i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;

(ii) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring;

(b) IF THE TAXIMETER is not fitted with a flag or other device bearing the words 'FOR HIRE':-

(i) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate a sign which shall bear the words 'FOR HIRE' in plain letters at least one and a half inches in height and be capable of being operated so that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire;

(ii) as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words 'FOR HIRE' are not conveniently legible by persons outside the carriage;

(iii) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

(c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes

of the Road Traffic Act, 1972, and also at any other time at the request of the hirer.

2. Shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

3. Shall, when plying for hire in any street not actually hired:-

   (a) Proceed with reasonable speed to one of the stands allocated by the Licensing Authority;

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

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

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

4. When standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

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

Additional conditions applicable to Private Hire Drivers

The Driver:

1. Shall not assign or in any way part with the benefit of the Licence. It is personal to the Licensee.

2. Shall not while driving or in charge of a private hire vehicle:

   (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
   (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried in any private vehicle, or
   (c) offer that vehicle for immediate hire while the Licensee or that vehicle is on a road or other public place, or
   (d) Accept an offer for the immediate hire of that vehicle while the Licensee or that vehicle is on a road or other public place except where such offer is first communicated to the Licensee by telephone or by apparatus or wireless telegraphy fitted to that vehicle without the Licensee in any way procuring the offer.

"Road" means any highway and any other road to which the public has access, and includes bridges over which a road passes.

Appendix C

Vehicle Specification (Compliance Test)

The vehicle's mechanical condition needs to conform to Sections 45 and 58(1) of the Road Traffic Act 1988 and the Motor Vehicle Type Approval Regulations 1984 and any subsequent amendments. It shall also comply with all tests included in the Mansfield District Council Hackney Carriage/Private Hire Vehicle Inspection.(supplementary testing manual)

Specification (all vehicles)

1. Licensed vehicles must comply with the Council's Supplementary Testing Manual.

2. The vehicle must comply in all respects with the requirements of –

- Motor Vehicle (Type Approval) Regulations 1980
- Motor Vehicle (Type Approval) Regulations (Great Britain) 1984
- Road Vehicle (Construction and Use) Regulations 1986
- British and European Vehicle Regulations
- 'Type Approval' to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended.

3. All vehicles must be right-hand drive with the exception of special event details.

4. A permanent roof, which is watertight, must be provided. Sunroofs are only allowed if they were fitted as new by the manufacturer.

5. Tow bars are permitted, but the towing of trailers or other items will not be permitted for business purposes.

6. No luggage will be carried on the roof of the vehicle. Minibuses must have a caged area for the conveying of luggage.

7. All vehicles must have a minimum of 80BHP

8. Wheels and Tyres

- All vehicles shall have 4 road wheels fitted with the manufactured recommended size tyres. They shall all be less than 10 years old.
- The tyre load ratings must be to the manufacturers recommendations.
- All tyres are to be either cross-ply or radial. Remould tyres may be used but only if they comply with the British Standard.
- The tyres will a minimum of 2mm of tread depth over the central three quarters of the tyre and around the entire circumference
- Jacking equipment and a wheel brace of a type suitable for the vehicle must be provided. (Trolley jacks would not be acceptable).
- A spare wheel and tyre, or run flat type tyre or smart repair kit must be provided – this spare will match the existing road wheels unless it is a 'space saver'.
- If a vehicle is fitted with alloy wheels and the spare wheel is a steel wheel, the steel wheel must be secured by the correct fasteners (i.e. nuts and bolts) and to the correct tightness, as prescribed by the manufacturer. The vehicle can only

continue to run on a steel wheel which does not match the existing road wheels for a period of up to 5 days.

- The spare wheel can only be a 'space saver' subject to the following:-
- A space saver wheel can only be used when it is provided as standard by the manufacturer and the vehicle does not have provision to carry a full sized spare wheel (i.e. it will not fit flush in the wheel well).
- Only one manufacturer issued space saver wheel can be fitted to the vehicle at any one time.
- The space saver wheel must be painted yellow so that it can be easily identified.
- The space saver wheel must be used in line with the manufacturer's guidelines (i.e. in relation to speed, weight etc.).
- The space saver wheel can only be used to get the passenger(s) to safety and/or complete the journey.

No passenger(s) can be collected if a space saver wheel or repair kit is in use on the vehicle (the driver must replace the space saver or repair kit with a full sized wheel before he/she is able to continue to work).

9. Seating

- Shall be for no less than 4 passengers and no more than 8.
- The seating should be properly cushioned or covered.
- Sideways facing seats will not be permitted.
- Rearward facing seats which are over or are rearward of the rear wheels and axle having access only through a rear door will not be permitted.
- Seat belts must be fitted to all seats.

10. All vehicles to have both nearside and offside external rear view mirrors fitted.

11. There is no upper age limit on existing vehicles.

12. The vehicle shall have at least one window on each side of the vehicle. These windows should be capable of being opened and closed

13. The vehicle shall have a separate area for the carriage of luggage which is away from the passenger area. If it is contained in an area to which passengers may have access, then a permanent grille shall be fitted to prevent the luggage from coming into contact with passengers travelling in the vehicle. (e.g. an estate vehicle must have a grille).

14. The internal floor of the vehicle must be covered with suitable carpet, mat or other floor covering.

15. The top of the tread for any entrance must be at floor level of any passenger compartment and must not exceed 38cms above ground level unless there is an intermediate step which makes the height a passenger has to lift their leg within the 38cms limit.

16. No other permanent fittings, other than those approved may be attached to, or carried on the inside or outside, of the vehicle.

17. Fire Extinguisher

- A fire extinguisher must be fitted in a fixed bracket from which it can be readily removed in the event of a fire.

- The minimum size of such an extinguisher shall be 1.0kg Dry Powder.
- A sign is to be displayed both prominently and legibly as to where the extinguisher is located, and it shall be permanently marked with the registration number of the vehicle.

18. A licensed vehicle must be of a clean and smart appearance both internally and externally.

19. If a wheelchair lift is fitted it must conform to the current safety legislation for the particular application and be accompanied by the manufacturers safety certificate.

20. The Licensing Authority will consider licensing dual fuel, electric and hybrid vehicles. The Hermitage Lane Testing Station will advise if vehicles meet the requirements for the individual types of vehicles. Please contact Hermitage Lane for with the details and technical specification relating to the vehicle prior to purchasing a vehicle. The licence fee will be reduced by 25% for vehicles using "green fuel".

21. Any vehicle which is over five years of age is required to be tested twice per year. Failure to comply with this requirement may result in suspension and/or revocation of the licence.

Additional specification for Non-Wheelchair Accessible Hackney Carriage Vehicles

1. Existing Hackney carriages which are NOT wheelchair accessible [e.g. saloon cars] may be replaced with similar non-wheelchair accessible vehicle. Replacement vehicles must at least euro 6 at the time of replacement.

2. Hackney Carriage saloon vehicles will be painted white with a black bonnet and boot unless this is overwritten by an approved advertisement.

3. The vehicle shall have at least 4 doors.

4. The top of the tread for any entrance must be at floor level of any passenger compartment and must not exceed 38cms above ground level unless there is an intermediate step which makes the height a passenger has to lift their leg within the 38cms limit.

Additional specification for Wheelchair Accessible Hackney Carriage Vehicles

For the Compliance Test please bring the registration document or a manufacturers vehicle specification booklet with you. If the seating configuration is to be changed when the vehicle is carrying a wheelchair, you must also provide copies of the seating plan for the vehicle layout with and without the wheelchair and both layouts need to be approved.

1. New and replacement Hackney Carriage licences will only be issued to wheelchair accessible vehicles. Applications will only be considered if the vehicle is at least Euro 6 on the date of the original application.

2. Wheelchair accessible Hackney Carriages will be all black unless this is overwritten by an approved advertisement.

3. The vehicle shall have at least 4 doors and all passengers must have access to at least one of them.

4. The vehicle shall have at least one window on each side of the vehicle and at the rear. Passenger door windows must be capable of being opened and closed easily by passengers when seated. The control for opening a window must be clearly identified to prevent being mistaken for any other control.

5. The vehicle body must be of the Fixed Head Type.

6. There must be a partially glazed partition separating the passengers from the driver, and the vehicle must have a suitable means by which passengers can communicate with the driver and vice versa.

7. Grab handles are to be placed at all door entrances

8. All types of purpose built vehicles must comply with the requirements of the Construction and Use Regulations 24-27, and be marked “TAXI”.

9. Vehicles offered for approval must be so constructed as to facilitate the carriage of a disabled person, and be capable of accommodating a disabled person in a wheelchair in the passenger compartment.

10. Ramp(s) are to be made available at all times for the use of wheelchair access at the nearside passenger door.

11. An adequate lock must be fitted to ensure that the ramps do not slip or tilt when not in use. Provision must be made for the safe stowage of the ramps when not in use. Ramp(s) are to be made available at all times for the use of wheelchair access at the nearside passenger door and these are to be marked in a legible manner with the registration details relating to the vehicle (if they are not fixed to the vehicle).

12. Where the seats face each other there must be a minimum space of 42cms between any part of the facing seats provided that adequate foot room is maintained at floor level.

13. The rear seat dimensions must be able to carry 2 or 3 adult passengers comfortably where the vehicle is licensed to carry 4-7 passengers respectively

14. The occasional seats must be at least 40cms in width and the minimum distance from the back of the upholstery to the edge of the seat must be 35.5cms.

15. The seat must be so arranged as to rise automatically when not in use. Front seats should not obstruct the doorways.

16. There must be suitable means provided to assist persons to rise from the rear seats.

17. A manufacturer approved door locking device shall be fitted to the passenger doors. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

The interior door handle must be clearly identified to prevent being mistaken for any other control.

18. The vehicle must be fitted with a fascia mounted warning light and / or buzzer to indicate when the doors are not properly secured.

19. Windows must be provided at the sides and at the rear. Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a window must be clearly identified to prevent being mistaken for any other control.

20. Adequate lighting must be provided for the driver and the passenger. Separate lighting controls for both the driver and the passenger compartments must be provided. Lighting must be provided at floor level to each passenger door, and this must be activated by the opening of the doors.

21. A sign is required in the passenger section of the vehicle stating: "Warning: It is unsafe to carry children in pushchairs in this vehicle. Please remove your child from the pushchair before the taxi moves off."

22. Other Dimensions

- Height of the doorways must not be less than 1.2 metres
- Door and doorway used for getting a wheelchair in to and out of the vehicle must be constructed as to permit an unrestricted opening across the doorway of at least 75cms
- Vertical distance between the highest part of the floor and the roof in the passenger compartment shall not be less than 1.3 metres
- The top of the tread for any entrance must be at floor level of any passenger compartment and must not exceed 38cms above ground level unless there is an intermediate step which makes the height a passenger has to lift their leg within the 38cms limit.
- Outer edge of the floor at each entrance must be fitted with non-slip treads, and the flooring of the passenger compartment must be fitted with a non-slip material which can be easily cleaned.

Additional specification for Private Hire Vehicles

1. A Private Hire vehicle licence will not be issued to any vehicle which has the appearance of a Hackney Carriage Vehicle.

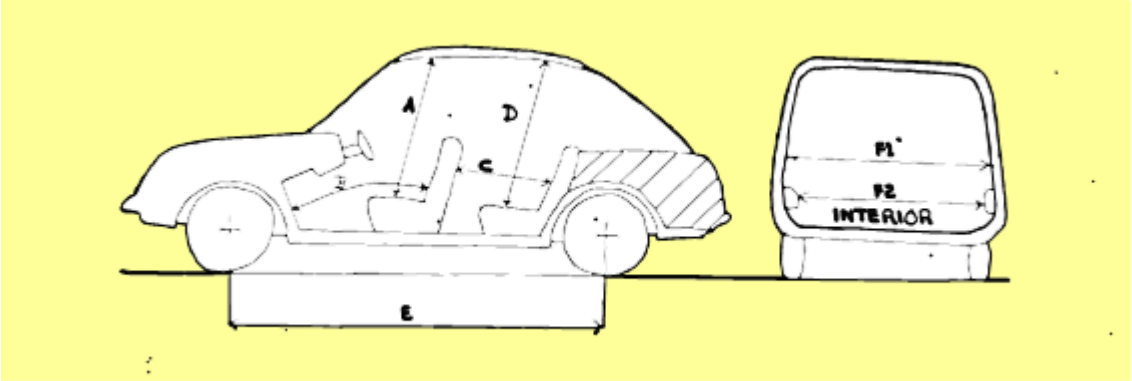
2. No Private Hire vehicle is to be painted white with a black bonnet and boot lid.

3. New Private Hire Vehicles must be at least Euro 6 at the date of the original application.

4. No Private hire Vehicle will be black in colour.

5. Dimensions:

In relation to saloon, estate and other vehicles, the following dimensions shall apply; these dimensions should be taken as being minimum distances
(This does not apply to Mini Buses)



A 93cms minimum – cushion not compressed.
B 96cms minimum – seat fully rearward.
C 61cms minimum – front seat fully rearward.
D 87cms minimum – cushion not compressed.
E 245cms minimum – wheelbase for rear wheel drive vehicles.
F1 133cms minimum – interior width measured in line with the top face of the seat cushions, but excluding any arm rests and at a point on the body sides 5cm below the bottom edge of the side window aperture.
F2 122cms – interior width measured between any armrest on the door.

6. Doors
Up to Four Passengers - the vehicle must have at least three doors for the use of passengers, other than the driver's door.

An effective means must be provided whereby passengers being conveyed in the vehicle may open each door.

Multi Purpose Vehicle (People Carriers)
Appropriate emergency exits facilities i.e. two emergency doors as follows:

- Rear door and one side opening door in addition to the driver and front passenger doors (unless coach built construction) both of which must be capable of being opened from the inside with direct access for all passengers; or
- Two side opening doors in addition to the driver and front passenger doors both of which must be capable of being opened from the inside and direct access for all passengers.
- Where the rear door is used as an emergency exit, the access gangway to the exit must be not less than 40cm.

- The vehicle must be fitted with a fascia mounted warning light and /or buzzer to indicate when the rear doors are not properly secured.
- The distance between the ground and the floor of the passenger compartment of the vehicle must not exceed 38cm, unless there is an intermediate step which makes the height a passenger has to lift their leg within the 38cm limit.

An effective means must be provided whereby passengers being conveyed in the vehicle may open each door.

Up to Eight Passengers (Mini Bus)
Appropriate emergency exits facilities i.e. two emergency doors as follows:

a) Rear door and one side opening door in addition to the driver and front passenger doors (unless coach built construction) both of which must be capable of being opened from the inside with direct access for all passengers; or
b) Two side opening doors in addition to the driver and front passenger doors both of which must be capable of being opened from the inside and direct access for all passengers.
c) Where the rear door is used as an emergency exit, the access gangway to the exit must be not less than 40cm.
d) The vehicle must be fitted with a fascia mounted warning light and /or buzzer to indicate when the rear doors are not properly secured.
e) The distance between the ground and the floor of the passenger compartment of the vehicle must not exceed 38cm, unless there is an intermediate step which makes the height a passenger has to lift their leg within the 38cm limit.

An effective means must be provided whereby passengers being conveyed in the vehicle may open each door.

Additional specification for Special Event Private Hire Vehicles

The Licensing of Special Event Vehicles shall be dependant upon the Licensing Authority being satisfied that the vehicle is suitable in size, type and design for use as a Special Event Vehicle. A Special Event Vehicle is a vehicle which falls outside the normal Private Hire Specifications i.e. a Limousine or Fire Engine. The prime consideration of the Council is the safety and comfort of the travelling public.

1. No Special Event Vehicle is to be painted white with a black bonnet and boot lid.

2. A Special Event Private Hire Vehicle may be black providing that it does not resemble a Hackney Carriage in any way.

3. Special Event Vehicles shall at least Euro 6 , this to be calculated as being from the date of original manufacture (stated on the registration document) to the date when first presented for licensing at the Council.

4. All vehicles must have a minimum of 80BHP

5. Vehicles may be either right or left hand drive, and shall have a vehicle registration document issued by the DVLA.

6. Seating
   - Shall be no more than 8 passengers
   - The seating should be properly cushioned or covered
   - Sideways facing seats will be permitted in Special Event Private Hire Vehicles.

Seatbelts shall be fitted to all passenger seats and used as legally required.

Appendix D – Supplementary Test

MANSFIELD DISTRICT COUNCIL

THE LICENSING OF HACKNEY CARRIAGES AND
PRIVATE HIRE VEHICLES

SUPPLEMENTARY TESTING MANUAL

Vehicles will be tested to full MOT standard unless otherwise indicated
in the supplementary testing manual

AMENDED SEPT 08

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SECTION 9 - FIRE EXTINGUISHERS
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1. EXTERIOR OF THE VEHICLE

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
1.1The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes), i.e. steam cleaned.	Contamination preventing proper inspection.	If the vehicle comes for annual inspection in a filthy condition the inspection will not be carried out.
1.2 Check the operation of all external door catches and locks to ensure that all doors can be securely closed and easily opened.	Defective external door catches which prevent a door opening and closing properly. Missing or ineffective door locks.	
1.3 Check all doors to ensure that they are properly aligned and will close easily.	Poorly fitting doors to the vehicle	The Councils vehicle specification requires that minibus vehicles up to 8 passenger seats are required to have hinged or sliding doors fitted to both sides of the vehicle together with access steps
1.4 Ensure that the door hinges are in good condition allowing free movement of the door	Defective door hinges.	
1.5 Check all wind-check positions to ensure that doors are held in place when opened.	Wind-checks which fail to hold the doors in place when opened.	Any wind check straps must be of a type approved by the manufacturer.
1.6 Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs.	Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.	Engineer's certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.
1.7 Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).	Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed. Paintwork so deteriorated, damaged, rust blistered or stone chipped, that it detracts from the overall appearance of the vehicle. Renovations to paintwork	<u>Additional Specification relating to Hackney Carriages only</u> The colour is to be white with black bonnet and boot if a saloon car or white with black bonnet and tail gate if an estate car. The door pillars must also be white.

	which produce runs, flat or uneven finish or of non-matching colour, i.e. not compatible with adjacent panels. Repairs incomplete in primer or undercoat. Vehicle resprayed in unapproved colour or colours. Overspray on glass or other fittings. Vinyl roof covering dirty, stained, discoloured, painted (other than with vinyl refurbishment product), torn or becoming detached. Roof covered in unapproved material. Finisher moulding insecure, incorrectly fitted or missing.	No coach lines or flashers, etc. are permitted. If the vehicle is a London type taxi (FX4, E7 or Metro Cab) or a minibus vehicle up to 8 passenger seats, the colour shall be black. <u>Additional Specification relating to Private Hire Vehicles only</u> No Private Hire Vehicle to be painted white with black bonnet and boot lid, or be painted all black, be similar to London type taxi.
1.8 Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.	Missing or defective door/wing mirrors.	
1.9 Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.	Damaged or inadequately secured front or rear bumpers. .	
1.10 Ensure that front and rear number places comply with the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations. (see Notes).	Damaged front or rear number places. Number plates which do not comply with the vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations. Rear number plate which is not screwed or bolted in position.	Registration mark obscured or indistinguishable is contrary to Section 43(1) of vehicle Excise and Registration Act 1994. The vehicle registration plate at the rear of the vehicle shall be either screwed or bolted in position. Registration mark failing to conform is contrary to regulation 17 of Road Vehicles (Registration and Licensing) regulations and section 59(1) of the Vehicle Excise and Registration Act 1994.

		Registration numbers should be cars/mini bus) 80mm Height 57mm Width 14mm Stroke width 11mm Space between letters 33mm Space between group of letters and figures The year letter shall be regarded as a figure. Italic or gothic will normally contravene the stroke width measurement. It is an offence to rearrange, alter or misrepresent figures to form words or names.
1.11 Examine the rubber seals to every door for serious damage, looseness or absence.	Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.	The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.
1.12 Ensure that the vehicle boot lid / tailgate opens, closes and locks properly, and that the hinges and opening mechanism adequately support the lid when it is in the open position.	Worn hinges to boot lid / tail gate, defective lock, weak or defective opening device.	
1.13 Check the operation of the number plate light; reversing lights rear fog lights and front fog lights [if fitted].	Inoperable or insufficient number plate, reversing or fog lights	Lights may be of insufficient intensity when incorrect bulbs have been fitted. Any lamp fitted must work correctly and be properly aligned.

2.SIGNS - HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SIGNS

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
2.1 Examine the roof mounted sign affixed to the vehicle (see Notes), and ensure that its size, design and construction conform to the Council's standards. Ensure that the sign is undamaged and the lettering clearly legible.	A sign that does not conform to the Council's standards affixed to the vehicle. .	Roof Signs – Notices – Advertisements The Council's licence conditions require:- A roof sign which shall bear to the front the words "FOR HIRE" and to the rear the words "DISTRICT OF MANSFIELD", together with the licence number, which shall also be displayed on either side of the top sign. The sign shall be capable of being illuminated at all times when the vehicle is plying for hire but not otherwise; and such sign shall be fixed in such a manner and position and be of such size as shall be approved by the Council. In the case of London Type Taxis (FX4, E7 or Metro Cab) no roof sign shall be displayed on the vehicle with the exception of the word "Taxi" which shall appear in the allotted place. Any advertising inside the vehicle shall be confined to:- (a) one notice on each passenger door, size thereof not to exceed 165cms x 65cms Such adverts to be approved by the

		Council. (b) small notice, not exceeding 10cms x 10cms, incorporating the Council Logo and bearing the words "MANSFIELD AND DISTRICT HACKNEY CARRIAGE ASSOCIATION". (c) External advertisements are allowed on the whole of both offside and nearside rear passenger access doors of the vehicle (d) All advertisements shall comply with the Advertising Standards Code of Practice, a copy of which is available for reference at the Civic Centre (e) No advertisements of a religious, political, or controversial nature shall be displayed without prior consent of the Council. (f) The company name and telephone number may be displayed by Notice, on both front driver and passengers doors, and where appropriate the tailgate doors of the vehicle. The overall dimensions of the Notice must not exceed 30cm x 46cm. (g) No advertisements or telephone numbers relating to the provision of any other Private Hire Vehicle service will be permitted.

		(h) Advertisements shall be maintained in good condition.
2.2 Examine the fixing brackets which affix the roof mounted signs to the vehicle to ensure that the signs are secured in a satisfactory manner and are not likely to work loose.	A sign that is not satisfactorily secured to the vehicle.	
2.3 Check that roof mounted signs are properly illuminated (see Notes).	A sign which is damaged or has lettering which is not clearly legible.	The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means e.g. an isolator switch, automatically extinguishes the sign.
2.4 Check that the roof moun sign may be switched off by separate switch.	A sign which cannot be switched off by separate means.	
2.5 Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions. .	Non-compliance with conditions.	The Council's licence conditions requires:- Notices (a)A notice bearing the words "ADVANCED BOOKING ONLY" must be provided and affixed to the nearside and offside front doors of the vehicle. Each notice to be in 15 mm high black capital letters set on a white background with overall dimensions of 25 mm by 300mm. This may be incorporated within a larger sign. As of 1st January 2009 this needs to be incorporated into the existing door signs. (b) A notice must be

		provided bearing the words “All vehicles and drivers are licensed by Mansfield District Council. Should you wish to compliment or make a complaint it is necessary, in the case of a vehicle to note the licence number, which can be obtained from the licence plate situated on the rear of the vehicle”. Such a notice to be prominently displayed in the vehicle in a position that it can be easily seen by passengers. (c)A notice may be provided and affixed to one, or both front door panels of licensed vehicles. (In the case of a non-saloon type vehicle a notice may be affixed on one or more rear door panels.) The Council’s licence conditions requires:- <u>Notices</u> (a) A notice bearing the words “ADVANCED BOOKING ONLY” must be provided and affixed to the nearside and offside front doors of the vehicle. Each notice to be in 15 mm high black capital letters set on a white background with overall dimensions of 25 mm by 300 mm. This may be incorporated within a larger sign. As of 1st

		January 2009 this needs to be incorporated into the existing door signs. (b) A notice must be provided bearing the words “All vehicles and drivers are licensed by Mansfield District Council. Should you wish to compliment or make a complaint it is necessary, in the case of a vehicle to note the licence number, which can be obtained from the licence plate situated on the rear of the vehicle”. Such a notice to be prominently displayed in the vehicle in a position that it can be easily seen by passengers. to (c) A notice may be provided and affixed to one, or both front door panels of licensed vehicles. (In the case of a non-saloon type vehicle a notice may be affixed on one or more rear door panels.) Notices must measure 30cm by 46 cm and contain only the following information:- (i) The name of the Licensing Authority i.e. Mansfield District Council. (ii) Licensed Private Hire Vehicle. (iii) Name of operator. (iv) Telephone number of operator.

		ADVERTISEMENTS advertisements will be he vehicle on both the off- r-side rear passenger s. (b) All advertisements shall be on self-adhesive vinyl sheeting, or similar material. No paper based materials, or water soluble adhesive paste shall be used. (c) All advertisements shall comply with the Advertising Standards Code of Practice, a copy of which is available for reference at the Civic Centre. (d) No advertisements of a religious, political or controversial nature shall be displayed without the prior consent of the Council. (e) No advertisement indicating that the vehicle can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the District, or on or near any such premises indicating that the vehicle can be hired as those premises shall include the word “taxi” or “cab” whether in the singular or the plural or any word of similar meaning or appearance to either of those words and whether alone or as part of another word. (f) Advertisements shall be maintained in good condition.

3. LICENCE PLATES

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
3.1Inspect the vehicle licence plate fixed to the rear of the vehicle for signs of damage or excessive wear, and ensure that it is securely fixed. Ensure that the information on the plate is clearly legible.	A damaged plate or a plate with information not clearly legible.	Plates should be secured to the vehicle in accordance with the Local Authority's licence conditions but must be able to be removed by Police Officer or authorised officer of the Council.
3.2 Examine the plate fixing to the vehicle to ensure that it is securely fixed in accordance with the Local Authority's Licence Conditions. (See Notes)	Missing or damaged notices with information not clearly visible	The Licence plate is to be fixed and displayed on the Authorised Vehicle at all times during which the vehicle is being used as a Hackney Carriage, and is to be fitted to the centre or the off side of the rear exterior of the vehicle on either the rear bumper or by using the approved bracket. (Please note a plate can not be fitted to the near side of the vehicle).
3.3 Ensure that a sign showing the licence number is affixed to the interior of the vehicle and is clearly visible to the passenger.	Missing or damaged notices with information not clearly visible.	The Licence number shall be displayed inside the vehicle in such a manner and place that the particulars thereon are clearly visible to a passenger being conveyed in the vehicle.

4. TYRES AND SPARE WHEEL

METHOD OF INSPECTION	REASONS FOR FAILURE	**NOTES**
4.1 Tyres must be of the same type (see Notes). Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels	Variation in type of Tyre. A spare wheel not provided with the vehicle. A tyre which is of a different size or construction.	A SPARE WHEEL MUST BE PROVIDED If a car has tyres in a combination which conforms to current legal requirements (e.g. radial and crossply), the

(see Notes).		carrying of one spare wheel/tyre cannot be accepted since it can only be used in limited circumstances. The vehicle must therefore fail the test, even if the spare tyre is in good condition and matches one pair of the tyres fitted to the vehicle. A space saver tyre will not be accepted.
4.2 Examine the tyres for signs of damage or excessive wear (see Notes), ensure that the spare tyre complies with all legal requirements for tyres when fixed to the vehicle.	Damaged, worn, substandard or otherwise illegal tyres. Tyres below the Council's minimum tread depth (see Notes).	A mix of steel and cord radials on one axle will not be accepted. Recut tyres are not acceptable. A remould will only be acceptable if it carries a clearly legible manufacturer's mark that the tyre conforms to the current British Standard – BSAU144E. Tyre tread pattern should be a minimum of 2mm in depth throughout the complete circumference and tread breadth of the tyre.
4.3 Check all tyre pressure to ensure that it is inflated to the correct pressure for the vehicle.	Under or over inflated spare tyre.	
4.4 Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.	Failure to satisfactorily secure the spare wheel.	
4.5 Check the rims of all wheels for any signs of distortion or damage.	A damaged or distorted wheel rim.	

BOOT/LUGGAGE COMPARTMENT

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
5.1 Examine for evidence of damage, corrosion or water penetration.	Damage or corrosion to the floor inner wing panels or lid.	
5.2 Examine floor covering to ensure that it is in good condition and offers adequate protection to the luggage which may be stored.	Excessive wear, damage or staining floor covering.	
5.3 Examine the interior for accumulations of dirt, dust, grease, litter, etc. or staining of any surface with which luggage may come into contact.	Accumulations of dirt, grease, rubbish, etc. which could soil or damage luggage stored therein.	
5.4 Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).	Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	These materials are a fire hazard. They may also contaminate passengers luggage, taint food, etc.
5.5 Ensure that all interior panels are in position, covering electrical wiring and associated fittings.	Panels insecure or missing.	
5.6 Ensure that luggage space accords with the Councils Vehicle Specifications	Luggage space not in accordance with the Councils Vehicle Specifications	

Note: A jack, first aid kit, fire extinguisher and wheelchair ramps (where applicable) may be carried in the luggage compartment.

6.ENGINE COMPARTMENT/TRANSMISSION/MOUNTINGS

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
6.1 Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	Any fuel leakage. Any oil leakage where oil contamination is apparent over parts of the engine or underside of the vehicle or where oil is seen to be dripping from the vehicle.	Inspection to be carried out from both above and below the vehicle.
6.2 Ensure that the battery is properly secured in position	Insecure battery.	
6.3 Examine all	Significantly worn or	

rubber/plastic hoses for signs of wear or deterioration.	deteriorated hoses.	
6.4 Check the fan belt for signs of incorrect adjustment and/or deterioration.	An incorrectly adjusted or deteriorated fan belt.	
6.5 Examine the engine mountings for signs of deterioration.	Insecure or deteriorated engine mountings.	
6.6 Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	A leaking or inadequately secured radiator.	
6.7 Examine the inner wing panels and suspension mounting tops for evidence of corrosion (see Notes).	Corrosion to the inner wing panels and suspension mounting tops.	This should include any corrosion around handlamp mountings.
6.8 Check the master cylinders for any signs of spillage or leakage of fluid.	Leaking master cylinders.	
6.9 Check the clutch mechanisms for correct operation.	Fluid leakage or a mechanical wearing of any component in the clutch mechanisms.	
6.10 Check the operation of the bonnet release catch.	Defective bonnet release catch/mechanism.	

7.INTERIOR OF VEHICLE

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
7.1 Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.	A vehicle which is in a dirty condition with accumulations of dust, litter, debris, etc. or staining to the carpets or upholstery.	Vehicle will be failed if cushion/backrests, upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, dirty or stained.
7.2 Check that there are no excessive unpleasant odours noticeable inside the vehicle.	Unacceptable smells of vomit, food or other contaminants.	
7.3 Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.	Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/ heating system.	
7.4 Examine any mats provided to ensure that they are not worn or damaged.		Correctly fitted seat covers will be acceptable

7.5 Ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver.		
7.6 Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose.	Seats which are not adequately secured to the vehicle.	
7.7 Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches.	Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches.	The Council's specification for Wheelchair Accessible Hackney Carriage vehicles requires that the vehicle must be fitted with a fascia mounted warning light to indicate when the rear doors are not properly secured.
7.8 Examine the interior rear view mirror and ensure that it is securely fixed.	A loose, damaged or missing rear view mirror.	
7.9 Check the operation of the heater/ windscreen demister to ensure that it is in satisfactory working order.	Defective heater/windscreen demister.	
7.10 Examine the clutch and brake pedal rubbers for signs of excessive wear.	Worn or missing brake and/or clutch pedal rubbers.	
7.11 Check the operation of all window winders [or electric buttons] ensuring that they allow all windows to be fully lowered and raised easily.	Window winders [or electric buttons] that do not allow windows to be easily lowered or raised.	
7.12 Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.	Defective interior door release catches.	
7.13 Ensure that child proof locks (if fitted) to rear doors are in working order.	Defective child proof locks.	
7.14 Air Conditioning should be checked to ensure that it is operative	Defective parts or instruments which have no function should be noted.	Not a reason for a 'failure', but a note should be placed on the testing sheet for

		reference.
7.15 Check that luggage space accords with Council vehicle specifications.	Does not accord with Council Vehicle Specifications. Loose or incorrectly fitted grille or exposed parts which could cause injury.	
7.16 Check to ensure that compliment/complaint notice is displayed in a prominent position easily seen by passengers.	Not provided or placed in a position not easily seen by passengers. NB On first licence only do not fail vehicle because there is no Complaints/Compliment notice in the vehicle	The Council' conditions of licence require that a notice must be provided bearing the words:- "All vehicles and drivers are licensed by Mansfield District Council. Should you wish to compliment or make a complaint, it is necessary, in the case of a vehicle to note the Licence Number, which can be obtained from the licence plate situated on the rear of the vehicle. A driver's details can be obtained from his/her I.D. badge worn by the driver. Contact can be made with the Licensing Team at the Civic Centre via the telephone or personal visit or in writing to the Head of Regulatory services."

8.FIRST AID KIT

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
8.1 Ensure that a first aid kit is provided within the vehicle. Examine the kit to ensure the contents are suitable, and which conform to the requirements laid down in the Council's specification (see Notes).	Failure to provide a first aid kit, or a kit which does not conform to the Council's specification.	The Health and Safety (First Aid) Regulations 1981 relate to the Specification for travelling First Aid Kits The Council's recommended specification for first aid kit states that each kit should contain the

		following:- (a) 6 x individually wrapped sterile adhesive dressings. (b) 1 x medium sized sterile un-medicated dressing (approx. 10cms x 8cms.). (c) 1 x sterile bandage. (d) 6 x safety pins. (e) 1 x pair of disposable gloves (f) 6 x waterproof plasters
8.2 Ensure that the first aid kit is correctly sited (see Notes)	A first aid kit which is sited in a position which is not conspicuous or readily accessible to the passengers and where there is not legible sign displayed on the dashboard indicating the location of the kit.	The first aid kit should be visible from the front and rear seats of the vehicle. If the kit cannot be sited in the above stated positions, a clearly legible sign should be affixed to the dashboard stating the position of the first aid kit.
8.3 See that the first aid kit is permanently legibly marked with the Registration No. of the vehicle being tested.	A first aid kit which is not permanently legibly marked with the Registration No. of the vehicle.	

9. FIRE EXTINGUISHERS

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
9.1Ensure that the fire extinguisher provided is a minimum size of 1 kg dry powder and is marked with the British Standard mark.	Failure to provide a fire extinguisher, or a fire extinguisher of the stated type, within the vehicle.	The Council's specification requires a fire extinguisher to be provided.
9.2See that the fire extinguisher is sited in a conspicuous and easily accessible position within the vehicle.	A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.	A fire extinguisher may be secured in the boot area provided a sign to the effect is displayed prominently and legibly inside the vehicle.
9.3 Examine the fire extinguisher to ensure that it is within the test date and	(a) A fire extinguisher which has a broken seal.	

that the seal is not broken. Where a contents gauge is fitted ensure that the extinguisher is at the correct level.	(b) A fire extinguisher which is more than 5 years old from date of manufacture.	
9.4Examine the fire extinguisher mounting to see that it is sufficiently well secured to the vehicle to prevent it becoming dislodged by normal use of the vehicle.	A fire extinguisher which is not securely fixed within the vehicle	It is to be securely mounted in a secure mounting
9.5Check whether the fire extinguisher is permanently legibly marked with the Registration No. of the vehicle.	A fire extinguisher which is not permanently, and legibly marked with the Registration No. of the vehicle.	

10. ROAD TEST (All vehicles will undergo a road test)

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
10.1 Check for any vibrations through the steering column or transmission.	Any unreasonable vibration through the steering column or transmission.	
10.2 Check that the steering is true and positive and does not 'pull' to the nearside or offside.	Steering which pulls to the nearside or offside or which is not positive.	
10.3 Check that the operation of the footbrake does not cause the vehicle to judder, or to pull the vehicle to the nearside or offside.	Juddering or pulling to nearside/offside when the footbrake is applied.	
10.4 Listen for any unusual noise from the engine and transmission.	Unacceptable engine or transmission noise.	
10.5 Check the clutch for correct operation.	A clutch which fails to give proper clearance or slips in operation.	
10.6 Check the operation of the gear-lever for signs of wear in the mechanism.	Evidence of wear in gearlever mechanism.	
10.7 Observe the vehicle exhaust emission for evidence of excessive smoke.	Excessive smoke emission.	
10.8 Observe the	Any evidence that there is a	

performance of the engine during the road test for signs of any misfiring, lack of engine power, etc., or any indication that the engine is not functioning in the correct manner.	problem affecting the performance or reliability of the vehicle.	
10.9 Check the operation of the speedometer.	Speedometer inoperative or defective.	
10.10 Report any other matters which affect the fitness of the vehicle for use as a Hackney Carriage or a Private Hire Vehicle.		

11. METERS

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
11.1 Ensure that the meter is sited in a position where it can be clearly seen from all passenger seats within the vehicle or in accordance with the Authority's licence conditions.	Absence of a meter, or a meter which is not suitably sited within the vehicle.	Private Hire Vehicles are not required to have a meter fitted within the vehicle. However, if a meter IS fitted to a Private Hire Vehicle, it must comply with the specifications as set out in this sheet. NB The table of fares need not be the same value as the Council's tariff for Hackney Vehicles - but any fare so indicated shall not exceed the rate presently charged for a Hackney Vehicle. The meter needs to be tested in accordance with the tariff charged by the operator.
11.2 Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle.	A meter which is not adequately secured within the vehicle.	
11.3 Check the meter to ensure that the figures indicating the fare are illuminated.	Lack of adequate illumination to the meter display.	

11.4 Ensure that the meter is correctly calibrated and sealed in accordance with the agreed table of fares (see Notes).	An incorrectly calibrated meter. An unsealed meter.	The calibration test should be carried out by test driving the vehicle over a 'measured' distance and ensuring that the appropriate fare displayed corresponds to the distance covered. Check all tariff rates.
11.5 Check that a table of fares (in the format laid down by the Council), is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.	Failure to display a table of fares in a conspicuous position within the vehicle.	Applies to all hackney carriages and those private hire vehicles fitted with a meter (optional). The Council's licence conditions require:- The Hackney Carriage shall be so constructed or adapted as to be capable of carrying the fare-meter in a position acceptable to the Council and clearly visible to the passengers.
		When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the Proprietor is entitled to demand and take in pursuance of the Condition in that behalf for the hire of the carriage by distance. The taximeter shall be so placed in a safe position to be determined by the Council so that if possible all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that

		purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring. The taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Appendix E – Standard Conditions - Vehicles

Conditions applicable to all vehicles

1. LICENCE NUMBER/PLATE – EXTERNAL
   The Licence plate is to be fixed and displayed on the vehicle at all times while being used as a Private Hire Vehicle, and is to be fitted in the centre or off side of the rear exterior of the vehicle on either the rear bumper or by using the approved bracket (Please note the plate cannot be fitted to the near side of the vehicle).

   LICENCE NUMBER – INTERNAL
   The licence plate number shall be displayed inside the vehicle in such a manner and place that the particulars are clearly visible to passengers in the vehicle.

2. RETURNING OF THE LICENCE PLATE
   The Licence plate shall remain the property of the Council and shall be returned forthwith to Licensing Team if the Proprietor no longer holds a licence issued by the Council.

3. VEHICLE INSPECTIONS
   The Proprietor shall permit an Authorised Officer or any Constable to inspect the vehicle at all reasonable times. If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle the Proprietor shall, after being notified in writing, present it for inspection at such time and at such place within the District of Mansfield subject to the powers contained in Sections 48 and 68 of the Local Government (Miscellaneous Provisions) Act 1976.

   The Licensing Authority shall not require the Proprietor to present the vehicle for inspection and testing on more than three separate occasions during any period of twelve months.

4. VEHICLE TEST – FAILURE
   (a) If on inspection, the vehicle fails the supplementary test on any item listed as dangerous (codes 10-36) or any failure under the MOT regulations within the inspection report, it must not be used for licensed purposes. In this and all other cases of failure the vehicle must be returned for re-test within fourteen days unless by prior agreement with an Authorised Officer.
   (b) A retest fee will be payable in all instances.

5. REMOVAL OF THE LICENCE PLATE
   If the Authorised Officer or Constable is not satisfied as to the condition of the Vehicle upon completion of the inspection the Licence Plate shall be removed from the vehicle and handed to the Authorised Officer or Constable who shall keep it in his custody until such time as he is satisfied as to the condition of the vehicle, whereupon the Licence Plate will be returned to the Proprietor.

   It should be noted that plates should be fitted in such a way that the removal can accomplished easily without causing damage to the vehicle. The use of agents which affix the plate directly to the paint work are not recommended as this may cause damage when the plate is removed.

If during a period of twelve months a vehicle has it plate removed on more than two occasions due to poor maintenance, the future licensing of that vehicle shall be reviewed.

6. ADVERTISING

General advertising is permitted on the rear passenger doors, rear quarter, boot/tailgate and rear windows (but not the passenger door windows). Any advertisement on the rear window must be on a perforated vision film and must not inhibit in any way the view through the rear screen. This is in addition to the advertising of the company name and telephone number which must go on the front door panels.

- All proposed advertisements must be submitted to the Licensing Authority for consideration.
- Each advertisement will be considered on its merits, and the licensing Team will make their decision in writing within 15 working days.
- All advertisements must be approved in writing prior to affixing to the vehicle. A copy of this approval must be kept on the vehicle at all times and shown to the vehicle examiner at the time of testing and any other time as requested by a member of the Licensing Team. Any vehicle presented for inspection with unauthorised advertising will fail the test.
- Advertisements must comply with the guidelines issued by the Advertising Standards Agency
- Advertisements of the following nature will not be permitted
    - Alcohol, or any associated product
    - Tobacco products of any description or any associated products (i.e. e-cigarettes)Religion
    - Political
    - Controversial
    - Bad taste

No vehicle shall advertise the business or trade of any other Private Hire Operator or Hackney Carriage proprietor and no advertisement can include the word “TAXI” or “Hackney Carriage”. When requesting authorisation for an advert, you must supply an illustration/mock up (to scale) showing how the advert will appear on the vehicle. This must also show any other advertisements that are currently displayed on the vehicle.

All advertisements shall be on self-adhesive sheeting, or similar material and no paper based, or water soluble adhesive pastes shall be used.
Advertisements shall be maintained in good condition and must be of such form as not to become easily soiled or detached.

Officers, who are authorised by the Council under Part 2 of the Local Government (Miscellaneous Provisions) Act 1976, will have the right to request a Vehicle Proprietor to remove any advertisement which has not been authorised in writing or is thought to be offensive, inappropriate or undesirable.

7. TRANSFER OF INTEREST

The Proprietor shall not assign or in any way part with the benefit of the Vehicle Licence and if he transfers his interest in the vehicle to any other person, he shall, not less than seven days before such transfer, give notice in writing thereof to the licensing

authority specifying the name and address of the person to whom the vehicle is to be transferred.

8. PENALTIES

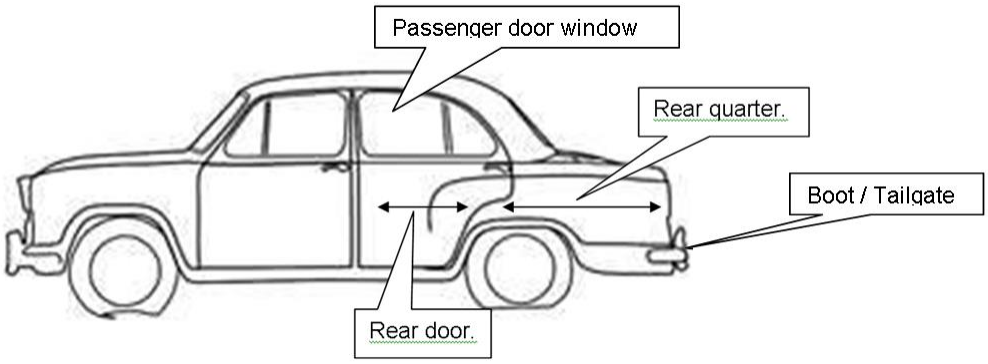
The Local Government (Miscellaneous Provisions) Act 1976 provides that any person, who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000. In addition, such action may lead to the suspension or revocation of an existing licence or non renewal of such a licence.

N.B. Your attention is drawn to the various provisions contained in the above Act which you are advised to obtain and read carefully.

Additional conditions for Wheelchair Accessible Hackney Carriages

1. ADVERTISING

General advertising is permitted on the vehicle including the rear windows (but not the passenger door windows) providing that it is on a perforated vision film and must not inhibit in any way the view through the rear screen. This is in addition to the advertising of the company name and telephone number which is permitted on the front door panels of the vehicle.



- All proposed advertisements must be submitted to the Licensing Team for consideration.
- Each advertisement will be considered on its merits, and the licensing Team will make their decision in writing within 15 working days.
- All advertisements must be approved in writing prior to affixing to the vehicle. A copy of this approval must be kept on the vehicle at all times and shown to the vehicle examiner at the time of testing and any other time as requested by a member of the Licensing Team. Any vehicle presented for inspection with unauthorised advertising will fail the test.
- Advertisements must comply with the guidelines issued by the Advertising Standards Agency.

Advertisements of the following nature will not be permitted

- Alcohol, or any associated product
- Tobacco products of any description or any associated products (i.e. e-cigarettes).
- Religion
- Political

- Controversial
- Bad taste

No vehicle shall advertise the business or trade of any other Private Hire Operator or Hackney Carriage proprietor. Hackney Carriage vehicles can advertise a company name that they are associated with, but cannot advertise a second name in addition to this.

All advertisements shall be on self-adhesive sheeting, or similar material and no paper based, or water soluble adhesive pastes shall be used.
When requesting authorisation for an advert, you must supply an illustration/mock up (to scale) showing how the advert will appear on the vehicle. This must also show any other advertisements that are currently displayed on the vehicle. Advertisements shall be maintained in good condition and must be of such form as not to become easily soiled or detached.

Officers, who are authorised by the Council under Part 2 of the Local Government (Miscellaneous Provisions) Act 1976, will have the right to request a Vehicle Proprietor to remove any advertisement which has not been authorised in writing or is thought to be offensive, inappropriate or undesirable.

ADVERTISEMENTS - INTERNAL
Any advertising inside the vehicle shall be confined to: -
One notice on each passenger door, the size thereof not to exceed 165mm x 65mm. Such advertisements must be approved by the Council.
One small circular notice, not exceeding 10cms x 10cms, incorporating the Council Logo and bearing the words “MANSFIELD AND DISTRICT HACKNEY CARRIAGE ASSOCIATION”

2. DOOR SIGNS

To prevent public confusion as to which vehicle is linked to which Operator -

- Any notice intended to be affixed to a licensed vehicle in accordance with this condition must be submitted to the Council’s Authorised Officer for approval in writing prior to it being displayed on the vehicle.
- Templates may be submitted for consultation, but a full sized and fully compliant sign must be handed to the Licensing Section for retention.
- Company logos of other Operators will not be allowed.
- A notice can be affixed to both door panels of licensed vehicles and in the case of a non-saloon type vehicle a notice may be affixed on one or more rear door panels/tailgate and must measure 30 cm by 46 cm.
- Other layouts can be presented to the Licensing Section in writing for consideration with an example of how they will look. (I.e. to permit advertising the company name as a continuous item across the two side doors thus utilising some of the other permitted advertising area, resulting in third party advertising being limited to the back window and boot/tailgate.

3. TRANSFER OF INTEREST

The Proprietor shall not assign or in any way part with the benefit of the Vehicle Licence and if he transfers his interest in the vehicle to any other person he shall not less than seven days before such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the vehicle is to be transferred

4. TAXI METER

The Proprietor of a Hackney Carriage shall cause the vehicle to be provided with a taximeter of an approved type, which is so constructed, attached and maintained as to comply with the following requirements –

(a) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply the fare recorded thereon.

(b) POSITIONING OF METER

The Hackney Carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and clearly visible to the passengers. All letters and figures on the face of the meter should therefore be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.

(c) METER SEALS

The taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. The seals are to be fitted by, or on behalf of the Vehicle Maintenance Depot based at Hermitage Lane, Mansfield.

5. FARES

(a) The Proprietor of a Hackney Carriage shall cause the official Rates of Fares to be shown on a card showing the correct tariff. This is to be exhibited in the vehicle as to be clearly visible by all passengers and at all times the cards must be kept in such a condition that all lettering thereon is clearly visible to the passengers. It shall be renewed as often as necessary in order to comply with these Conditions.

(b) The Proprietor of the Hackney Carriage herein licensed shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council and notified to the Proprietor. Such rate or fare shall be calculated by distance and time and may be subject to variation from time to time.

6. HIRE CHARGE

The fare charged shall be for the hire of the Hackney Carriage and there shall be no extra charge for luggage.

7. RECORDS

The Proprietor shall maintain a list of the names and addresses of all persons employed or otherwise used by him for the purposes of driving the carriage, and shall make such a list available for inspection by the Council on demand.

8. UNFIT VEHICLE

A Hackney Carriage that is mechanically unable to proceed shall not remain on the stand longer than is necessary to call for assistance to remove that Hackney Carriage from that stand.

9. TOP SIGNS

The Hackney Carriage shall carry upon the roof a sign of at least 48cm in length which shall comply with the following:-

(a) The words “FOR HIRE” in plain letters of at least one and a half inches in height must be displayed to the front.
(b) The words “DISTRICT OF MANSFIELD” or “MANSFIELD DISTRICT COUNCIL” must be displayed to the rear.
(c) The licence number must be displayed on either side in a clearly legible manner.
(d) If the sign is incorporated into the bulkhead of the vehicle (as standard) the word “TAXI” will be acceptable in place of the above.

The sign required by this Condition shall be capable of being illuminated internally in such manner that the words “FOR HIRE” or “TAXI” are illuminated to indicate clearly to persons outside the carriage at all times when the vehicle is plying for hire but not otherwise;

The Proprietor of the Hackney Carriage shall maintain so far as is reasonably practical such sign in efficient working order at all times.
No other roof sign shall be exhibited on the vehicle.

10. INDEMNIFICATION

The Proprietor shall be responsible for and shall keep the Council indemnified against all damage and injury of every description which may occur to the Bus Station or any part there of or to any person or persons using the Bus Station or to the property of any such person or persons arising out of the use of the hackney carriage.

Appendix F - Taxi Ranks

The taxi ranks situated within the district of Mansfield are located at:

- Old bus station, Rosemary Street, Mansfield - 24 hour rank
- New bus station, Quaker Way, Mansfield - 6am to midnight
- New bus station pick up area, Quaker Way, Mansfield - midnight to 6am
- Queen Street, Mansfield - 24 hour rank
- Clumber Street, Mansfield - 24 hour rank

Only vehicles that are licensed by Mansfield District Council are allowed to use these ranks.

Appendix G

Standard Conditions – Operators

1. No operator of a Private Hire vehicle which is licensed by Mansfield District Council shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such a vehicle, without first making available in writing or giving orally, to the person making the booking information as to basis of charge for the hire of the vehicle.

2. Every Operator of Private Hire vehicles who accepts a booking for a Private Hire vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.

3. The Operator, when accepting bookings under the terms and conditions of the licence, shall only operate drivers and vehicles licensed by Mansfield District Council.

4. The holder of an Operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.

5. If provision is made by the Operator on his or her premises for a reception for members of the public proposing to hire a vehicle, the operator must ensure that the premises are in a clean and tidy condition at all times, and that adequate arrangements are made for the seating of customers within the premises.

The Operator in his or her capacity as Operator and without prejudice to any other liability imposed under the Local Government (Miscellaneous Provisions) Act 1976, shall use his or her best endeavours to ensure that drivers and proprietors of vehicles owned or controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's licence and their Private Hire Vehicle Licence.

6. (a) The Operator shall maintain at his/her premises particulars of all vehicles operated by him or her, which shall include the following:-

- Licence Plate number
- Registration number
- Name and address of the proprietor
- Name(s) and address(es) of the above vehicle(s)
- Badge number(s) of driver(s) and
- Copies of licences for all vehicles and drivers

(b) The above records shall be produced immediately on demand to any authorised officer of the council or Police Constable.
(c) The council must be informed within 7 days of any changes in the particulars detailed in condition 7(a) above.

7. The Operator shall enter in a bound book, the pages of which are numbered sequentially , particulars of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:

- the time of each booking
- by what method the booking was received, i.e telephone call or personal call
- Journey from ……. to ……
- the name of the hirer and where the booking is received from another operator, the name of that operator.
- the name of the hirer and where the booking is received from another operator, the name of that operator.

An alternative method of record keeping may only be used with the written agreement from the Licensing Authority. The records shall be kept for a period of at least 2 yrs. A hard copy of the records must be produced immediately, on request, to any authorised Officer of the Council or a Police Constable.

8. Where a Private Hire booking is undertaken on behalf of or passed to another Operator details must be recorded in accordance with 7 above.

9. The operator shall not, knowingly or without prior written consent of the licensing authority engage in partnership with, or allow any involvement in the management of the operator hereby licensed by:

- Any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976, or any other legislation relating to private hire and Hackney Carriage licensing; and
- Any person who, for the purposes of Part II of the said Act, has been found by any licensing authority not to be a fit and proper person to hold a driver's or Operator's licence.

10. The Operator shall notify the Licensing Authority in writing of any change of their operating address during the period of the licence within 7 days of such change taking place.

11. The operator shall inform the Council in writing of any:

- Criminal convictions incurred, including driving offences, during the period of the licence within 7 days of the conviction.
- County Court judgements which may affect the Operators ability to carry on the business, including bankruptcy.

12. The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run the private hire business on their behalf.

Appendix H

Regulatory Points Scheme

	Offence/Breach of Condition	Number of Points	Driver	Vehicle Owner	Operator
1	Using any type of mobile device without the use of hands free facility whilst driving or whilst the vehicle is stationary with the engine running [mobile phones/tablets, satellite navigation systems, PDA's etc]	12	x		
2	Failure to display your licence badge in a visible position or production upon request	6	x		
3	Unsatisfactory appearance of vehicle [interior or exterior]	3	x	x	
4	Failure to display external licence plates. *	12	x	x	
5	Failure to carry a working fire extinguisher.*	6	x	x	
6	Using a non calibrated taximeter or tampering with the meter or seals in anyway.	12	x	x	
7	Obstruction of an authorised officer or police officer.	6	x		
8	Evidence of smoking or vaping any smoking products whilst inside the vehicle	6	x		
9	Failure to immediately notify the Licensing Section of a change in any medical circumstances that could[or may] affect your ability to drive or the safe transportation of passengers	3-12	x		
10	Failure to observe rank discipline in accordance with MDC Hackney Carriage Drivers Licence Conditions/Regulations No. 3 & 4.	3	x		
11	Waiting on double yellow lines or restricted areas without reasonable cause [picking up or dropping off, mechanical failure]	3	x		
12	Failure to issue a receipt on request.	3	x		
13	Using threatening, abusive or insulting language or behaviour towards any other person	6	x	x	
14	Incidents of hate crime reported	12			
15	Failing to use meter at all times whilst hired	3-12	x	x	

16	Failure to notify the Licensing section immediately, of any change of particulars including motoring or criminal convictions or cautions, change of address etc	6	x		
17	Failure to give reasonable assistance with loading / unloading of luggage.	3	x		
18	Failure to clearly display a current table of fares card and/or all other internal signs/notices required to be in the vehicle.	3	x		
19	Failure to carry a legal spare wheel and the facilities to correctly fit such wheel.	6	x	x	
20	Sounding your horn in a way to cause alarm, harassment or distress to others.	3	x		
21	Failure to report within 72 hours of an accident or damage to a licensed vehicle.	6	x	x	
22	Failing to carry an assistance dog without a medical exemption issued by Mansfield District Council.	12	x		
23	Providing false or misleading information on any licensing application form.	12	x	x	x
24	Carrying more passengers than the amount stated on the vehicle licence plate.	12	x	x	x
25	Refusing to accept hiring without reasonable excuse.	3-12	x	x	x
26	Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured and unloaded.	12	x		
27	Failure to comply with any of Mansfield District Council's vehicle, driver and operator conditions that are not already stated above.	3	x	x	x
28	Any other behaviour not listed above and not deemed satisfactory as to bring the reputation of the licensed fleet and [or] the Licensing Authority into disrepute.	3-12	x	x	x

* would not always relate to both driver and vehicle owner

Appendix I

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

Therefore:

Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.

All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of [applying for] [being granted], a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [link / set out separately].

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: https://ico.org.uk/make-a-complaint/