



# **Breckland Council**

## **Private Hire**

### **Licensing Conditions**

**and**

### **Byelaws**

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## **Important Note**

As Breckland Council issue dual drivers licences, all Hackney Carriage and Private Hire Drivers conditions apply to all drives regardless of the type of vehicle being used.

# Byelaws

# Byelaws

Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Breckland District Council with respect to Hackney Carriages in the Breckland District.

## Interpretation

1. Throughout these byelaws "The Council" means the Breckland District Council and "the district" means the Breckland district.

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

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

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

3. The proprietor of a hackney carriage shall:
  - a. provide sufficient means by which any person in the carriage may communicate with the driver;
  - b. cause the roof or covering to be kept watertight;
  - c. provide any necessary windows and a means of opening and closing not less than one window on each side;

- d. cause the seats to be properly cushioned or covered;
  - e. cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - f. cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - g. provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - h. provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - i. provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:
- a. the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - b. such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - c. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
  - d. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - e. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;

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

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

5. The driver of a hackney carriage provided with a taximeter shall:
  - a. when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - b. before beginning a journey for which a fare is charged for distance and time bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - c. cause the dial of the taximeter to be kept properly illuminated throughout any part of 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.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
  - a. proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - b. if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

- c. on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d. from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
  9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
  11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
  12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage, any greater number of persons than the number of persons specified on the licence for such carriage issued by the Council.
  13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.

14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
  - a. convey a reasonable quantity of luggage;
  - b. afford reasonable assistance in loading and unloading;
  - c. afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person.

**Provisions fixing the rate of fare to be paid for hackney carriages within the district and securing the due publication of fares**

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

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

16.
  - i. The proprietor of a hackney carriage for which any fares are fixed by any byelaw in that behalf shall:
    - a. cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures;
    - b. renew such letters and figures as often as is necessary to keep them clearly visible.
  - ii. The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

17. The proprietor or driver of a hackney carriage shall, immediately after the determination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
  - i. carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
  - ii. be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound for its estimated value (or the fare for the distance from the place of finding to the office of the Council whichever be the greater) but not more than five pounds.

**Penalties**

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

**Repeal of Byelaws**

20. The byelaws relating to hackney carriages in the Breckland District which were made by the Mayor, Aldermen and Burgesses of the Borough of Thetford acting by the Council on the 19<sup>th</sup> day of February 1957 and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 12<sup>th</sup> day of April 1957 and subsequently amended by:
  - i. Amending Byelaws 7, 15 and 16 made by the Council on the 26<sup>th</sup> day of March 1968 and confirmed on 13 June 1968;

- ii. Amending Byelaws 7 and 15 made by the Council on the 10<sup>th</sup> day of March 1968 and confirmed on the 12<sup>th</sup> day of May 1970; and
- iii. Amending Byelaw 16 made by the Council on the 17<sup>th</sup> day of November 1970 and confirmed on the 27<sup>th</sup> day of July 1971

are hereby repealed.

### **Provisions Fixing the Stands of Hackney Carriages**

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

Forecourt on Thetford Railway Station	6
Bridge Street Car Park, Thetford (adjacent to the pedestrian bridge across the Rivers Ouse and Thet)	4
Well Street, Thetford (on the west side of the street to the south of the layby)	5
Pike Lane car park (6.00 pm to 1.00 am only)	2
Mill Lane car park (6.00 pm to 1.00 am only)	2
Quebec Street, Dereham	8
Queens Square Attleborough	1
High Street, Watton	1
Opposite Pedlars Car Park, Swaffham	1

# Drivers Conditions

# Drivers Conditions

In these conditions "authorised officer" means an officer of the Council authorised in writing for the purposes of these conditions.

## General Prohibitions Under Licence

1. The licensee shall not assign or in any way part with the benefit of the licence. It is personal to the licensee.
2. The driver of a vehicle while driving or in charge of a vehicle shall not:
  - a. tout or solicit or cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any vehicle;
  - b. ply for hire by offering a vehicle for immediate hire while they or that vehicle are on a road or other public place;
  - c. accept an offer for the immediate hire of a vehicle while they or that vehicle are on a road or other public place except where the offer is first communicated to the driver in person by telephone or vehicle radio without him/her in any way procuring the offer.

In this condition "road" means any highway and any other road to which the public has access and includes bridges over which a road passes.

3. Only a licensed driver may drive a licensed vehicle at any time. The vehicle must be licensed by Breckland Council.
4. A driver may only accept bookings through a Private Hire Operator licensed by Breckland Council.
5. No driver shall drive a vehicle without the proprietor's consent.
6. When hired to drive to a particular destination, a driver shall (subject to any directions given by the hirer) proceed to that destination by the shortest available route.

## Conduct of Driver

7. The driver shall:
  - a. carry a reasonable quantity of luggage when requested by any person hiring or seeking to hire a vehicle, and afford all reasonable assistance in loading and unloading passengers' luggage.
  - b. at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
  - c. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
  - d. not without the express consent of the hirer eat or drink in the vehicle.
  - e. not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
  - f. at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
  - g. when collecting passengers the driver will not beep the vehicle's horn but shall make his/her arrival known in person.
  - h. comply with all reasonable requests of hirers or passengers.
  - i. not use a non-hands free mobile phone whilst driving the vehicle.
  - j. not smoke in the vehicle.

## Copy of Conditions

8. The driver shall at all times when driving a vehicle carry a copy of these conditions and shall make it available for inspection by the hirer or any other passenger upon request.

## **Change of Address**

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

## **Convictions**

10. The driver shall notify Breckland Council in writing of any conviction, caution or driving offence imposed on him/her during the period of the licence within seven days of the conviction.
11. In the event of a disqualification from driving, a driver shall immediately inform Breckland Council and return their badge.

## **Badges**

12. The driver shall at all times when under hire or available for hire wear their badge on their person where it is clearly visible.
13. A driver shall not damage or deface a driver's badge nor allow any other person to do so.
14. The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence immediately return to Breckland Council the driver's badge issued when granting this licence.

## **Driving Licence**

15. A driver shall produce their DVLA driving licence for inspection by an authorised officer annually and at any point during the period of the licence (within 7 days of request).

## **Medical Fitness to Drive**

16. A satisfactory medical will be required on renewal of the licence (every 3 years) up to the age of 65. After the age of 65 has been reached a satisfactory medical will be required annually. Breckland Council will not renew a licence if a satisfactory medical is not produced.
17. A medical may be requested at any time by an authorised officer. If a medical is not produced Breckland Council may consider suspension or revocation of the licence.

18. If there is a change in medical fitness to drive, Breckland Council must be notified in writing within 72 hours of the change occurring. Changes could include an inability to move a limb, impairment of vision and back injuries although this list is not exhaustive.

### **Prompt Attendance**

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

### **Passengers**

20. The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than prescribed in the licence for the vehicle.
21. The driver shall not allow there to be conveyed in the front of a vehicle:
  - a. any child below the age of ten years; or
  - b. more than one person above that age.
22. The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.
23. The driver who shall knowingly convey in a vehicle the dead body of any person, shall immediately thereafter notify the fact to the Licensing Team, Breckland Council, Elizabeth House, Walpole Loke, Dereham, NR19 1EE.
24. No driver without reasonable excuse shall refuse to carry or refuse assistance to any person with a disability or refuse to carry an assistance dog (without the appropriate exemption certificate).
25. No extra fee may be charged for carrying an assistance dog or wheelchair.

### **Lost Property**

26. The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

27. If any property accidentally left in a vehicle by any person who may have been conveyed therein is found by or handed to the driver, it shall be taken as soon as possible and in any event within twenty four hours (if not claimed by or on behalf of its owner) to a convenient police station and left in the custody of the officer in charge after obtaining a receipt for it.

### **Animals**

28. The driver shall not convey in a vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.
29. The driver shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle except that an assistance dog accompanying a disabled person may sit in the front of the vehicle provided that the animal is properly trained to sit in the foot well of the vehicle with the disabled passenger.

### **Accidents**

30. A driver shall report to Breckland Council any accident involving a licensed vehicle as soon as possible and in any event within 72 hours of the accident occurring.

### **Breakdowns**

31. In the event of a breakdown during a hiring, the driver shall ensure that passengers have the means to continue their journey.

### **Taximeter**

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

### **Trailers**

33. A licensed driver will be permitted to tow a trailer whilst driving a licensed vehicle providing that:
  - a. the driver holds the appropriate category on his DVLA licence, which must be produced to the Council.

- b. it is the proprietor's responsibility to ensure that the trailer towed by his vehicle complies with the legislation and licensing conditions.
- c. it is the proprietor's responsibility to ensure the driver towing the trailer holds the appropriate category DVLA licence.

**Fares to be Demanded**

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

**Written Receipts**

- 35. The driver shall, if requested by the hirer of a vehicle, provide him with a written receipt for the fare paid.

**Complaints by Hirers**

- 36. Where a hirer has, during the course of a hiring, cause to make a complaint it is required that the hirer be given certain information to enable him/her to identify the driver, vehicle and proprietor if they wish to report the matter to Breckland Council. For this purpose the driver must ensure that there is provided within the vehicle a sufficient supply of clean and legibly printed tickets in the following form, or substantially in this form:

<b>Breckland Council Complaint Record</b>	
Driver's No: .....	Driver's Name: .....
Vehicle plate No: .....	
 <b>Keep this Ticket</b>	
In case of complaints please contact the Licensing Team, Breckland Council, Elizabeth House, Walpole Loke, Dereham, NR19 1EE.	
Tel: 01362 656876	

## Penalties

37. 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. In addition, such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence.

## Code of Conduct

38. Hackney Carriage and Private Hire Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its Licensing Team and Committees, have to ensure that all Drivers are 'fit and proper' to undertake their work as Drivers and that they also act as ambassadors for the district. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

On occasions, Drivers may become aware of, or have suspicions that, their passengers may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, Drivers themselves may be accused of misconduct or inappropriate behaviour through the misinterpretation of the Driver's actions or conversation.

Therefore, Breckland Council has introduced this **Code of Conduct** which is aimed at providing the best possible service by protecting both passengers and Drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the Driver being referred to the Licensing Appeals Committee to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, Drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the Code does not override any obligations that are enshrined in legislation, licence conditions or contractual obligations, such as County Council contracts.

**Drivers should:**

- a. Act in a professional manner at all times
- b. Treat passengers and other road users with respect
- c. Keep relationships with passengers on an appropriate, professional basis
- d. Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity

**And be aware of:**

- a. Safety and well-being of passengers must be paramount
- b. The importance of the use of appropriate language
- c. Be aware of the vulnerability of children and adults
- d. Be aware of passengers with special needs
- e. Any instruction given about the care or first aid requirements of a passenger
- f. Personal beliefs and standards, including dress and religion
- g. Passengers misreading situations
- h. The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a Driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites

**Drivers should never:**

- a. Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism
- b. Inappropriately touch a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger

- c. Administer medication unless a specific request has been made by the hirer
- d. Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant Codes of Practice issued by the Home Office or Information Commissioner's Office
- e. Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games (other than for clear and obvious business connections)
- f. Phone or send text messages to passengers other than directly concerning the hiring of your vehicle
- g. Swear, make personal/humiliating comments, or tell inappropriate jokes in person or by any other means e.g. social media
- h. Offer cigarettes or gifts of any sort
- i. Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- j. Show passengers videos or pictures on your mobile phone or any other electronic device

### **Safeguarding:**

If a driver has concerns or suspects abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any suspicions or concerns about the way someone is being treated it is important to report this. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a driver is working under a Norfolk County Council contract then their documents and guidance procedures should be followed alongside any training received by the driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation:

### **Action to be taken if you have concerns:**

- a. If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on **999 or 112**.
- b. If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent matter, please call Breckland Council Licensing Team on 01362 656876.
- c. If you would prefer to speak to the police on a non-urgent matter then call them on **101** and follow the directions for Norfolk Constabulary.



# **Private Hire Vehicle Licence Conditions**

# Private Hire Vehicle Licence Conditions

## Identification Plate

The yellow plate which identifies the vehicle as a Private Hire Vehicle and required to be exhibited on a Private Hire Vehicle by virtue of Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976, shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be able to be removed by an authorised officer of the Council or a Police Constable.

The licence plate is the property of Breckland Council to whom it must be returned within 7 days of demand if the vehicle licence is suspended, revoked or not renewed for any reason.

## Return of Identification Plate

On suspension, revocation or expiry of a Private Hire Vehicle licence, the Council will require the Proprietor to return the identification plates within 7 days and any authorised officer of Breckland Council or any Police Officer is entitled to remove the plate from the vehicle and retain it.

## Insurance

- a. During the period of the Private Hire Vehicle licence, the proprietor shall keep in force, in relation to the use of the vehicle as a Private Hire Vehicle, a policy of insurance in respect of public hire and complying with the provisions of Part VI Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. The certificate of insurance shall be produced to an authorised officer of the Council for inspection whenever required.
- b. It shall be the responsibility of the proprietor of a Private Hire Vehicle to produce proof of continuous insurance cover. The insurance proof is to be reviewed by the licensing authority within 7 days of the expiry of the preceding certificate or cover note.
- c. If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within 7 clear days of the request to an authorised officer of the Council. Failure to comply shall result in suspension of the Private Hire Vehicle licence.

## **First Aid and Fire Equipment**

There shall be provided and maintained in a licensed Private Hire Vehicle the following equipment:

### **Fire Extinguisher**

To be carried as to be readily accessible and available in any emergency. The fire extinguisher should be either a 1kg dry powder or a 1 litre AFFF. Both types should have gauges to show the state of charge and should be manufactured to satisfy relevant BSEN accreditation.

### **First Aid**

A standard size and type of first aid equipment which complies with the requirements laid down by the Department of Transport for taxis and minibuses and to contain not less than:

- 10 x medifresh or equivalent
- 1 x 7.5cm bandage
- 2 x triangular bandages
- 24 x assorted plasters
- 3 x large ambulance dressings
- 2 x eye pads and elastic to secure
- 12 x assorted safety pins
- 1 x pair scissors
- 2 x pairs disposable gloves

in a secure and clearly identifiable first aid container.

### **Advertising on outside of Vehicle**

During the currency of the licence, advertising will be permitted on licensed vehicles, subject to the following conditions:

- a. The proprietor of a Private Hire Vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Licensing Authority.

- b. Advertising is to be limited to the front door and back door panels of licensed vehicles. Advertising on parts of the vehicle over and above front and back door panels may be permitted but only after prior written approval of the Council has been given.
- c. Proprietors of private hire vehicles shall ensure that any advertisements carried on their vehicles are not disfigured or damaged and shall immediately remove any advertisements that are or become damaged or disfigured.
- d. All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
- e. No advertisement shall relate to or advertise alcohol, nudity, gambling, smoking materials or be of a political nature.
- f. The same advertising must be displayed on the front nearside and offside doors of vehicles.
- g. Any advertising may cover both doors.
- h. Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
- i. No advertising containing the words "taxi", "cab" or "hire" will be permitted.

### **Signs Which Must be Displayed**

The following signs and notices will be displayed on private hire vehicles during the currency of the licence and shall not be displayed on the windows or windscreen of the vehicle:

- a. Notices issued from time to time by Breckland Council for the information of the traveller.
- b. A sign stating 'Seat Belt Regulations – Seat Belts Must Be Worn'.
- c. The number of passengers and licence number of the vehicle displayed in a clearly visible position.

## **Signs, Notices, etc**

During the period of the licence no signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever will be displayed on, in or from the vehicle except as may be required by any statutory provision, including byelaws, or permitted by these conditions.

Provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:

- a. is displayed in or from the vehicle while it is stationary; and
- b. contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on his business and in either case, the name of a passenger or passengers to be carried in the vehicle; and
- c. is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named on the sign.

## **Vehicle Accidents**

The proprietor of a Private Hire Vehicle must report to the Council as soon as possible, or in any event within 72 hours, any accident which has caused damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

## **Vehicle Inspections**

A vehicle which fails an inspection/safety check during the currency of a licence will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.

A Private Hire Vehicle may be inspected by an authorised officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Officer or Police Officer is so satisfied.

If the Officer or Police Officer is not so satisfied within 2 months of the initial inspection the Private Hire Vehicle licence shall be deemed revoked.

## **Maintenance of Vehicle**

The proprietor of a Private Hire Vehicle will ensure that the vehicle and all its fittings are at all times when the vehicle is in use or available for hire, be kept in a safe, tidy and clean condition and comply with the relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations.

## **Transfer of Licence to a New Vehicle**

The proprietor of a licensed Private Hire Vehicle wishing to replace a licensed vehicle with another vehicle must apply for a new vehicle licence.

## **Transfer of Vehicle**

Any proprietor transferring a licensed vehicle to a new proprietor must inform Breckland Council in writing within 14 days of the transfer.

## **Proprietor's Responsibility**

During the period of a licence, the holder shall be in direct control of the day to day running of the vehicle.

## **Roof Signs**

No roof signs or top lights are permitted on Private Hire Vehicles.

## **Copy of Conditions**

The driver of a Private Hire Vehicle shall carry with him/her a copy of these conditions and shall make them available for inspection by the hirer or any other passenger on request.

## **Notification of Conviction**

The proprietor shall, within 7 days, disclose to the Council in writing details of any conviction imposed on him/her (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

## Trailers

A Private Hire Vehicle will be permitted to tow a trailer subject to the following conditions:

- a. The proprietor presents the trailer for a compliance inspection to an approved Council testing station for further inspections as an authorised officer may require.
- b. The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.
- c. The trailer must be maintained in a satisfactory condition and comply with all current road traffic legislation requirements.
- d. The tow bar and fitting should be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.
- e. No advertising will be permitted on any part of the trailer.
- f. The trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use for hire and reward.
- g. The trailer must be of a design that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps.
- h. The trailer must be hard bodied and be fitted with securely fastening covers, which can be hard top or canvas tarpaulin type, to prevent the ingress of liquid on to any luggage being carried. The trailer shall be covered at all times whilst in transit.
- i. There must be current insurance which must be produced to an officer on request to prove the vehicle is insured to tow a trailer and that there is adequate cover for the carriage of luggage and/or goods.
- j. Any defect or damage of any kind occurring on the trailer must be reported to the Council as soon as possible or in any case within 72 hours.
- k. When the approved trailer is used with the licensed vehicle, a Breckland Council licence plate should be affixed to the rear of the trailer and made clearly visible.

- I. The kerbside weight of the trailer when fully laden should not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.

## **Televisions**

If televisions and videos are fitted to the vehicles they must comply with the requirements of the Motor Vehicle (Construction and Use) Regulations.

## **Alteration of Vehicle**

During the currency of the Licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council. All vehicles must have four doors with the exception of purpose built vehicles.

## **Change of Particulars**

The proprietor shall notify the Council in writing of any change in the particulars supplied by him in his application for the vehicle licence including his address during the period of the licence and within 7 days of any such change taking place.

## **Citizen Band Radios**

No citizen band radios may be fitted in any Private Hire Vehicles during the currency of the licence.

## **Radio Scanning Devices**

No radio scanning devices of whatsoever type or sort may be fitted to, carried in or used in or in the vicinity of any Private Hire Vehicles during the currency of the licence.

## **CCTV Cameras**

Private Hire proprietors may, subject to the written approval of the Council, install and use a visible closed circuit TV surveillance camera in their vehicles for the purposes of personal safety and as a deterrent only.

If an approved camera is fitted a sign must be displayed inside the vehicle, visible to passengers, stating 'Closed circuit TV surveillance in operation'. Similar signs shall be displayed outside the vehicle to warn prospective customers of the possible use of the surveillance camera.

### **Roof and Boot Racks**

No roof or boot racks may be fitted to Private Hire Vehicles during the currency of the licence.

### **Deposit of Drivers Licence**

Where the proprietor of a Private Hire Vehicle employs any other person to drive the vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to him his Private Hire Drivers Licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle which he operates.

### **LPG Conversions**

A Private Hire Vehicle proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions:

- a. That the installation of a LPG tank can be undertaken by an LPG approved installer.
- b. That the proprietor produces a certificate of compliance by an approved LPGA installer.
- c. That the LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.
- d. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
- e. A doughnut tank is fitted in a spare wheel well of the boot, the spare wheel must be securely placed in a position not obstructing the entire luggage space.
- f. The proprietor of the vehicle must notify DVLA Swansea of the change in fuel from petrol to both LPG and petrol.

- g. The vehicle must be annually serviced by a person competent in LPG powered vehicles.

### **Limousines Conditions**

These conditions shall apply in addition to the Council's standard conditions for Private Hire Vehicles.

The vehicle shall be tested every 6 months.

The vehicle shall comply with the following:

- a. The vehicle shall not be over 10 years old.
- b. Be equipped with a minimum of four road wheels and a full sized spare wheel.
- c. Be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed.
- d. All seats shall be fitted with seat belts which must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
- e. The maximum length of the stretch conversion (measured between the rear edge of the front door and the front edge of the rear doors) shall not exceed 3048mm/120".
- f. The vehicle must not be fitted with a two-way radio system.

No person, under the age of 18 years, being conveyed in a stretched limousine shall be allowed to consume alcohol.

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.

Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children.

A limousine will not be permitted to tow a trailer.

## Executive Vehicles

Applications for exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met:

- a. The type of work undertaken is 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.
- b. In view of the vast numbers of makes and models of vehicles available, it is preferred not to produce a definitive list that can be approved, but vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as 'S' and 'E' Class Mercedes Benz, 7 series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons.
- c. Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.
- d. Male drivers are required to wear a suit or jacket and trousers plus shirt and tie at all times. Female drivers must follow an equivalent dress code but will not be required to wear a tie. This dress code shall be followed at all times the vehicle is being used to undertake a booking.

## Spare Wheel

Vehicles must be fitted with either:

- a. A spare wheel with appropriate brace and jack to change the wheel; or
- b. A space saver spare wheel where it is supplied as standard by the vehicle manufacturer with appropriate brace and jack to change the wheel; or
- c. Inflation aerosol/sealant devices/tyre weld where supplied as standard by the vehicle manufacturer; or

- d. Run flat tyres where supplied as standard by the vehicle manufacturer.  
The vehicle must be fitted with a tyre pressure sensor/warning device.

The services of a space saver spare wheel, inflation aerosol/sealant device/tyre weld or run flat tyres may only be used to get the vehicle to a location where the tyre can be changed for a full sized tyre. No bookings or hirings may be undertaken until this is completed.

All tyres must comply with the vehicle manufacturers' specification.

# Private Hire Operators Conditions

# Private Hire Operators Conditions

In these Conditions "The Council" means Breckland Council and "Authorised Officer" means any officer of the Council authorised in writing for the purposes of these conditions.

1. a. An Operator shall record details of every private hire booking made by him/her. The following information shall be recorded in an easily retrievable method (e.g. computer database or page numbered log) before the commencement of each journey, and shall include the following:
  - i. the date and time of each booking;
  - ii. how the booking was received, i.e. telephone or personal call;
  - iii. the time of pick-up;
  - iv. where the journey was from and to;
  - v. the name and address of the hirer;
  - vi. the Private Hire licence plate number of the vehicle allocated the booking;
  - vii. the name of the driver allocated the booking.
- b. The records shall be kept for a period of one year, or such longer period as required by an Authorised Officer of the Council.
- c. The records shall be produced, on request, to any Police Officer or Authorised Officer of the Council.
2. a. An Operator shall maintain at his premises details of all vehicles operated by him, which shall include the following:
  - i. the Private Hire licence plate number;
  - ii. the vehicle registration number;
  - iii. the name and address of the proprietor of the vehicle;

- iv. the name(s) and address(es) of the driver(s) of the vehicle(s);
  - v. the badge number(s) of the driver(s).
- b. The above records shall be produced on request to any Authorised Officer of the Council or Police Officer.
3. No operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking. The charge can be notified in writing or verbally.
4. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times. This includes the following:
- a. Ensure that when a private hire vehicle has been hired to attend at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually at the appointed time and place.
  - b. Keep clean, adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purpose of booking or waiting.
  - c. Ensure that any waiting area provided by the operator has adequate seating facilities.
  - d. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
  - e. The operator 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 operator's licence is in force.
5. An Operator shall undertake to ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their driver's licence and/or Private Hire Vehicle licence.

6. Bookings by and for disabled people accompanied by assistance dogs.

The Disability Discrimination Act 1995 makes it an offence for a private hire operator to fail or refuse to take a booking for a private hire vehicle:

- a. if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
- b. the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.

This is subject to medical exemption certificates.

It is also an offence for the operator to make any additional charge as a result of the need to carry an assistance dog.

7. **Change of Address**

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

8. **Convictions**

The operator shall within 7 days disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

9. **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 level 3 on the standard scale (currently £1,000). In addition such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence.

# Offences

# Offences

## Summary of the main provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847

### Local Government (Miscellaneous Provisions) Act 1976

- S47 (1) Council may attach conditions to licence.  
(2) Council may require vehicle to be clearly identified as a hackney carriage.
- S49 (1) On proprietor's interest in vehicle being transferred to notify Council within 14 days.  
(2) Offence not to inform of transfer.
- S50 (1) Vehicle to be presented for inspection and testing on request by Council on not more than 3 occasions in 1 year.  
(2) Requirement to inform Council where vehicle is kept when not in use.  
(3) Proprietor to report accident to vehicle within 72 hours.  
(5) Vehicle licence and insurance certificate to be produced on request.
- S57 (1) Power to require applicant to submit information.
- S58 (1) Return of plate or disc on revocation, suspension or expiry of licence within 7 days after notice.  
(2) (b) Authorised officer entitled to remove plate and retain it.
- S60 (1) Council may suspend or revoke or renew vehicle licence if – vehicle unfit for use, non-compliance with Act by driver or any other reasonable cause.  
(2) Within 14 days of the above Council to give notice of grounds.
- S63 Council may appoint hackney carriage stands.
- S64 Prohibition of other vehicles on hackney carriage stands.
- S65 Council may fix fares for hackney carriages.

- S66 If no agreement made for fare for journey ending outside district drive can only charge what would have been shown on meter.
- S67 If hackney carriage used as private hire, fare or charge cannot be more than current fare laid down by Council. Fare to be calculated from point in district at which hirer commences journey.
- S68 Authorised officer or police constable may inspect and test vehicle and taxi meter and issue notice suspending licence if not satisfied.
- S69 Offence to prolong journey.
- S73 Offence to obstruct authorised officer or police constable or comply with requirements.
- S76 Penalty for offences – fine not exceeding level 3 on the standard scale. (£400 at time of printing).

#### Town Police Clauses Act 1847

- S44 Notice of change of address by proprietors to be given in writing to Council within 7 days.
- S45 Offence to ply for hire without vehicle licence or while licence suspended or not having plate attached.
- S47 Offence for proprietor to employ unlicensed driver.
- S48 Proprietor to retain licence of driver.
- S50 Council may revoke licence on second conviction.
- S51 Offence not to have seating capacity plate attached to vehicle.

#### Disability Discrimination Act 1995

Carriage of guide, hearing and other assistance dogs in taxis.

- S73 Types of dogs covered. Duties of drivers and medical exemptions.
- S49 Offence section.



# Penalty Points System

## Penalty Points System

The penalty points which can be imposed on the drivers of Private Hire Vehicles and Hackney Carriages, proprietors of vehicles and Operators of Private Hire Vehicles are shown below. This system is designed for the public interest, as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need to resort straight to suspension/revocation or prosecution.

If an individual concerned accrues a total of 9 points within a 3 year period then he/she will automatically be referred to Committee to show just cause why their licence should continue.

Infringement	Penalty
Failing to have a Private Hire Driver or Hackney Carriage Driver badge in his possession whilst driving a licensed vehicle.	3 points
Not having an appropriate fire extinguisher and/or first aid kit in the vehicle	3 points
Failing to notify the Licensing Team, in writing within 7 days, of any points or convictions being imposed	3 points
Failing to notify the Licensing Team, in writing, of a change of address within 7 days	3 points
Failure to produce a valid insurance certificate/cover note within 7 days of request	3 points
Failure to carry white/yellow book whilst driving a licensed vehicle	3 points
Failure to display any plates, signs or notices required by Breckland Council	3 points
Failing to notify the Licensing Office in writing, of being involved in an accident within 72 hours of the accident occurring	3 points
Failing to deal with lost property in the correct manner	3 points
Leaving a vehicle unattended on the rank	3 points
Private Hire Operator failing to notify the Licensing Team of any complaints received	3 points
Private Hire Operator failing to maintain their records in the correct format	3 points
Failure to attend the Council Offices when directed by an authorised officer.	3 points
The issue of an Unfit vehicle notice for any reason other than for an accident.	3 points
Failure to notify the Licensing Office of any change in medical fitness to drive	6 points



Breckland Council, Licensing Team, Elizabeth House, Walpole Loke, Dereham,  
Norfolk, NR19 1EE  
Tel: 01362 656876

Email: [licensingteam@breckland.gov.uk](mailto:licensingteam@breckland.gov.uk)