





**Brighton & Hove
City Council**

Licensing Committee

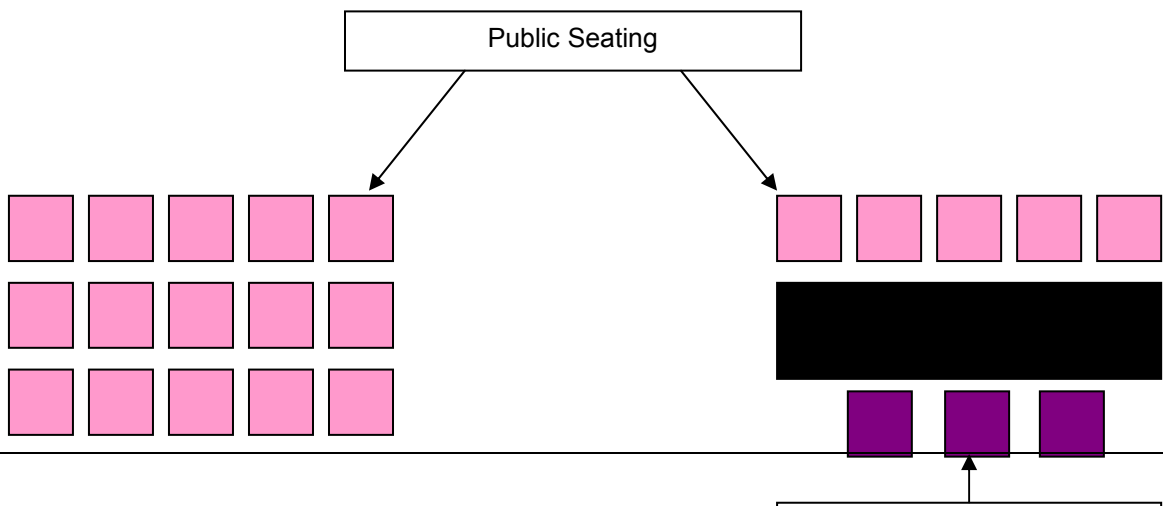
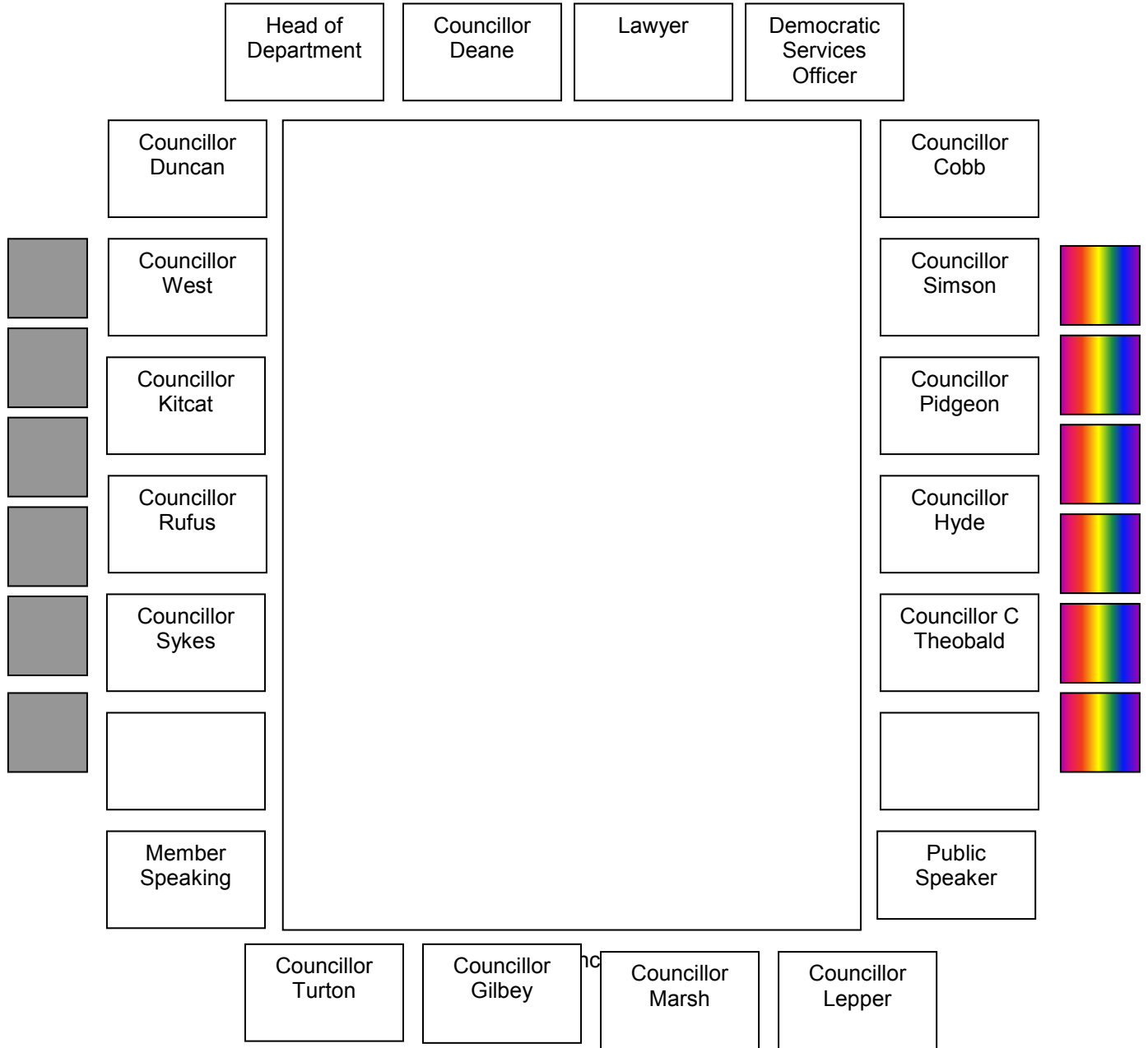
(Non-Licensing Act 2003 Functions)

Title:	Licensing Committee (Non Licensing Act 2003 Functions)
Date:	23 June 2011
Time:	3.30pm or at Conclusion of Licensing Act Committee
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Deane (Chair), Cobb, Duncan, Gilbey, Hyde, Kitcat, Lepper (Deputy Chair), Marsh, Pidgeon, Rufus, Simson, Sykes, C Theobald, Turton and West
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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Councillor Phillips
Member Speaking
Councillor Phillips

Democratic Services: Meeting Layout



AGENDA

1. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

2. MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the meeting held on 10 February 2011 (copy attached)

3. CHAIRMAN'S COMMUNICATIONS

4. CALLOVER

NOTE: Public Questions will be reserved automatically.

5. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 16 June 2011)

No public questions received by date of publication.

6. REVIEW OF STREET TRADING

7 - 22

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Jean Cranford

Tel: 29-2550

Ward Affected: All Wards

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

7. BLUE BOOK REVIEW 23 - 110

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Martin Seymour Tel: 296659

Ward Affected: All Wards

8. HORSE DRAWN CARRIAGE LICENCE CONDITIONS 111 - 122

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Martin Seymour Tel: 296659

Ward Affected: All Wards

9. EQUALITIES ACT 2010 UPDATE 123 - 128

Schedule prepared by Head of Planning and Public Protection (copy attached)

Contact Officer: Jean Cranford Tel: 29-2550

Ward Affected: All Wards

10. ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the INSERT DATE Council meeting for information.

In accordance with Procedural Rule 24.3a the Committee may determine that any item is to be included in its report to Council. In addition each Minority Group may specify one further item to be included by notifying the Chief Executive by 10.00am on INSERT DATE.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065), email penny.jennings@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

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LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)	Agenda Item 2 Brighton & Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 10 FEBRUARY 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Cobb (Chairman), Lepper (Deputy Chairman), West, Harmer-Strange, Hawkes, Hyde, Kitcat, Marsh, Older, Phillips, Pidgeon, Simson, C Theobald, Watkins and Wrighton

Apologies: Councillor West

Officers: Jean Cranford, Licensing Manager, Rebecca Sidell, Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

23. PROCEDURAL BUSINESS

23a Declaration of Substitutes

23.1 There were none.

23b Declarations of Interest

23.2 There were none.

23c Exclusion of the Press and Public

23.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

23.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the Item on the agenda.

24. MINUTES OF THE PREVIOUS MEETING

24.1 **RESOLVED** – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on X be agreed and signed as a correct record.

25. CHAIRMAN'S COMMUNICATIONS

25.1 The Chairman explained that since the last meeting of the Committee the Hackney Carriage Office had:

Revoked one licence, suspended 1 driver on medical grounds and refused licences to two drivers.

In addition to this, two drivers had been given formal warnings which would remain on their records for three years.

25.2 **RESOLVED** – That the position be noted.

26. CALLOVER

26.1 All items were reserved for discussion.

27. PUBLIC QUESTIONS

27.1 There were none.

28. PETITIONS

28.1 The Committee considered a report of the Strategic Director of Resources detailing an e petition containing 74 signatures submitted in relation to enforcement of the legal duty for disabled taxi passengers.

28.3 The Chairman stated that the subject of the petition was the subject of a report elsewhere on that day's agenda and that Members would have the opportunity to discuss that in full.

28.3 Ms DesMoulins the main petitioner was given the opportunity to amplify on the points set out in her petition. She stated that she welcomed the opportunity to present the petition and was glad that she had been guided through the e petition process. After delays her concerns had resulted in the report now before the Committee and she was pleased with that outcome.

28.3 **RESOLVED** – That the contents of the petition be received and noted.

29. EQUALITY ACT 2010 LIST OF DESIGNATED WHEELCHAIR ACCESSIBLE VEHICLES

- 29.1 The Committee considered a report of the Head of Planning and Public Protection seeking approval that the Council should maintain a list of designed vehicles for the purpose of the Equality Act 2010.
- 29.2 The Licensing Manager stated that the only sensitivity was that some hackney carriage proprietors had vehicle licences which contained a condition requiring wheelchair accessibility and some had provided wheelchair accessible vehicles by choice. If any issues or unforeseen difficulties arose in relation to adopting an inclusive list officers might need to report back to the Committee.
- 29.3 Councillor Cobb, the Chairman commended the report which represented a lot of hard work by officers. Councillor Kitcat also welcomed the report stating that he hoped the list would be well publicised. Although the list of designated vehicles would have no actual effect in law until the duties were commenced this represented the correct approach. Councillor C Theobald also welcomed the report noting that the costs of such accessible vehicles was high.
- 29.4 **RESOLVED** – That the Committee approves the introduction of a designated list of wheelchair accessible vehicles.

30. RESPONSE TO PETITION FROM BUSINESSES ON UPPER NORTH STREET

- 30.1 The Committee considered a report of the Head of City Infrastructure responding to the petition received by the Committee at its previous meeting on 18 November 2010. The petition related to the placing of Advertising boards (swing boards) on Western Road advertising businesses in Upper North Street. This was in direct conflict with the highway licensing policy and the principles of managing street access for all users.
- 30.2 It was noted that the petition had been received and noted at the previous meeting of the Committee and that officers had been directed to examine the issue further and to bring a further report back to that meeting of the Committee.
- 30.3 Councillor Kitcat stated that whilst he understood why it was recommended that the existing policy be upheld he considered that ways in which trade could be supported during current difficult economic times should be, for example by use of shared A boards should be explored.
- 30.4 Mr Fisher, Senior Highways Enforcement Officer explained that a multi-sign scheme was due to be trialled in London Road which if successful could then be rolled out to other areas of the city.
- 30.5 Councillors Kitcat and Hawkes asked whether the petitioners of Upper North Street would be informed and Mr Fisher responded that they would.
- 30.6 Councillors Hawkes and Simpson stressed that the results of the trial scheme should be reported back to Committee and Councillor Simson asked when the trial period was due to end. It was explained that the scheme had yet to commence, to date there had been insufficient interest in take up. Members suggested that if there was insufficient interest in that area that perhaps Upper North Street could be considered instead.

30.7 **RESOLVED** – That the contents of the petition are noted and the Committee agrees to uphold the existing policy.

**31. SEX ESTABLISHMENT AND SEX ENTERTAINMENT VENUE LICENCE FEES
2011/2012**

31.1 The Committee considered a report of the Head of Planning and Public Protection providing further information relating to licence fees and charges for 2011/12 relating to Sex Establishments and Sex Entertainment Venues as requested by Committee at its previous meeting.

31.2 Councillor Kitcat welcomed the report stating that he recognised that the approach used was the most reasonable possible in the current economic climate. He considered that some elements seemed unfair but that little could be done via the Committee or in view of the current deficit.

31.3 Councillor Cobb, the Chairman stated that the report before the Committee had been the result of a lot of hard work. Councillor C Theobald also welcomed the report stating that it was clear that cost of administration and enforcement were high.

31.4 **RESOLVED** - That the Committee note the content of the report.

**32. GUIDANCE FOR CCTV MONITORING IN LICENSED HACKNEY CARRIAGE AND
PRIVATE HIRE VEHICLES**

32.1 The Committee considered a report of the Head of Planning and Public Protection seeking approval of the guidance regarding the use of CCTV monitoring in licensed Hackney Carriage and Private Hire Vehicles.

32.2 The Chairman. Councillor Cobb explained that the wording of the bullet point relating to retention of CCTV images needed to be amended, this amendment was noted and is set

32.3 Councillor Kitcat sought clarification in relation to the bullet point contained on Page 38 of the circulated papers relating to data controllers, he queried whether this would be enforceable. The Licensing Manager explained that taxi drivers would act as their own data controllers, regulators would be attached to each circuit.

32.4 Councillor Older referred to the arrangements to be put into place in relation to audio recordings and referred to measures to be taken to ensure that this did not occur. The Chairman stated that such use would only be permitted in very exceptional circumstances where recording was triggered due to a specific threat.

32.5 Councillor Wrighton queried whether it would be possible to add a condition requiring a panic button to be fitted which could be used by passengers too and whether signage displayed in vehicles refer to the existence of audio recording facilities in addition to the panic button. Councillor Hyde stated that she had understood that panic buttons would be fitted for use by customers and drivers.

32.5 Councillor Watkins stated that before amending the existing wording . in this respect it was important to establish that it would be possible for two buttons to be fitted. The representative of the trade who was present was unable to confirm whether or not that was so. Following discussion it was agreed that more information was required and that officers would seek to ascertain whether or not it was feasible for two buttons to be fitted and to report back to a future meeting of the Committee. It was also agreed that further work would be carried out in relation to the fitting of audio equipment and further information provided to the Committee.

32.6 **RESOLVED** – That the Committee approves the CCTV guidance contained in the report as contained in Appendix A or to other similar standard as agreed by the Head of Planning and Public Protection and the amendments set out below.

33. HACKNEY CARRIAGE/PRIVATE HIRE TRADE ETHNICITY MONITORING

33.1 The Committee considered a report of the Head of Planning and Public Protection setting out the results of the Ethnicity Monitoring of the Hackney Carriage/Private Hire Trade for 2009/10.

33.2 Councillor Wrighton enquired regarding measures being undertaken to encourage more women to become taxi drivers. Councillor Marsh endorsed the importance of positively encouraging women into the trade. Councillor C Theobald also concurred in that view. The Chairman Councillor Cobb stated that all applications were processed as they were received, women were not discriminated against.

33.3 In answer to questions it was explained that the trade was diverse and that all drivers had to have command of English comparable to an 11/12 year old. Councillor Hawkes sought confirmation that all drivers had to complete the knowledge and considered that as drivers were picking up passengers all day long that their command of English was likely to improve rapidly.

33.4 **RESOLVED** – That the contents of the report be noted.

34. INHERITED HACKNEY CARRIAGE PLATES

34.1 The Committee considered a report of the Head of Planning and Public Protection in relation to inherited hackney carriage plates. One of the equality review measures to increase the proportion of wheelchair accessible vehicles had been to require transferred hackney carriages to become wheelchair accessible. This had been primarily targeted at the transfer of a vehicle licence following sale. The Taxi Forum had not foreseen the consequence that licences inherited on death of a licence holder would also be caught by that provision. The trade had been consulted on and had agreed to the proposed exemption.

34.2 **RESOLVED** – That the Committee agree the following exemption:

Where the interest of an existing proprietor's hackney carriage vehicle licence registration as amended under the Town Police Clauses Act 1847 s42 to a beneficiary or at the discretion of the Head of Planning and Public Protection, where the change of registration is required for reasons such as the incapacity of a proprietor or following a

legal separation from a partner, and is not for financial gain the vehicle is exempt from becoming a wheelchair accessible at renewal unless previously required by licence conditions.

35. ITEMS TO GO FORWARD TO COUNCIL

35.1 There were none.

The meeting concluded at 3.30pm

Signed

Chairman

Dated this

day of

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 6

Brighton & Hove City Council

Subject:	Review of Street Trading		
Date of Meeting:	23 June 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Jean Cranford	Tel: 292550
	E-mail:	jean.cranford@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Brighton & Hove City Council's street trading policy was revised following consultation and it was agreed by licensing committee on 26 November 2009.
- 1.2 Brighton & Hove has streets in which street trading is prohibited, it has areas where consent is granted for street trading (e.g. East Street) and there are 5 pitches for street trading in the city centre. The Seafront area including Grand Junction Road and Kings Road is designated a consent street but is outside the trading policy established by the Council and control of that area is the responsibility of the Seafront Office.
- 1.3 Since revision of the policy, officers have been asked to deal with street trading situations including parking obstructions in Controlled Parking Zones and obstruction in city centre; fly traders; difficulties in George Street with farmers' market, and parking dilemmas in Upper Gardner Street.
- 1.4 A summary of complaints relating to street trading has been compiled and can be found at appendix A. This should be read in conjunction with the notes of the meeting at Appendix B. A number of more 'informal' complaints have been received via Councillors.
- 1.5 Due to the number and complexity of complaints received recently, officers are not currently issuing any further street trading permits until members have had an opportunity to review policy.
- 1.6 A scoping meeting relating to Street Trading policy (the problems we are experiencing, evidence and solutions) was held on 21 March 2011 and minutes can be found at appendix B. Those involved concluded that there is a small but growing level of complaint about traders using

restricted parking spaces from which to trade. There are wider issues of complaint from local businesses about what they perceive as being unfair rules which means they cannot obtain parking permission, but that traders can ignore the rules which bind them. If the anecdotal evidence is correct, then this situation is likely to grow as more street traders apply for licences.

- 1.7 Officers from the council's Transport Operations teams have been consulted and their comments can be seen under item 4 (Consultation).
- 1.8 Officers have received comments from two street traders who operate in Zone B. These comments are all appended at appendix C.

2. RECOMMENDATIONS:

- 2.1 The Committee notes the current position: 18 zone B traders (consents allowing trading outside the city centre) have generated 70 complaints (45 directly relating to behaviour). 15 of these are to do with nuisance and obstruction.
- 2.2 That the committee considers whether it is necessary to take further action by way of instructing officers to consult with ward Councillors to identify any issues that have been unreported and refer back to the Committee at a later date or,
- 2.3 That the Committee confirms the current policy.
- 2.4 That the Committee adopts the suggested guidelines on the relevance of convictions in Appendix E.
- 2.5 That the Committee approves the further issue of street trading consents for zone B (outside the city centre)

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Current Policy
Officers in Environmental Health and Licensing issue permits for street trading. Any appeals against officer's decisions are heard by the Licensing Committee (Non-Licensing Act 2003).
- 3.2 There are currently 5 designated pitches for street trading in the city centre (Castle Street, Clarence Square, Dean Street, Crown Street and Marlborough Street). All pitches are let and there is a waiting list for traders who would like to take over a pitch if one becomes vacant.
- 3.3 A street market is held each Saturday in Upper Gardener Street between the hours of 07.00 and 17.00. Occasional markets are held in Bartholomew Square and George Street Hove. New Road and Black Lion Street in Brighton are also authorised for street markets.

- 3.4 Street artists and hot chestnut sellers are permitted to operate in East Street, Duke Street, Bartholomew Square and Market Street.
- 3.5 There are designated areas (zone B) where traders can request a permit for street trading. These are the residential areas outside the city centre.
- 3.6 There are areas throughout the city in which street trading is prohibited. These areas are generally main thoroughfares or areas in the city centre and run from the western boundary of Brighton & Hove in Vale Road, Portslade, along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road. A street trading map is attached at appendix D.

Commentary on street trading policy

- 3.7 Historically, parks have remained undesignated to allow Leisure officers flexibility permitting outdoor events. The Seafront has been a consent street managed on a day to day basis by Seafront officers. Economic development members and officers have been considering corporate market policies and officers are working to ensure corporate market policies and street trading policy work in harmony.
- 3.8 For members assistance:
Street trading is selling articles on the street, including exposing or offering articles for sale. It does not include provision of services, like henna tattooing, hair braiding, tarot reading etc.
The following activities are not subject to street trading controls:
- Pedlars, with a pedlar's certificate issued by the Police under the Pedlars Act 1871. These are itinerant traders.
 - Markets covered by enactment or order (ancient – none in Brighton & Hove)
 - Trunk road picnic areas (none in Brighton & Hove)
 - News vending
 - Trading at petrol filling station
 - Trading on the street adjoining a shop as part of the business of the shop
 - Selling things on a round like milk doorstep delivery
 - Objects on a highway licensed under highways legislation, like tables and chairs or A boards
 - Recreation or refreshment facilities licensed under highways legislation
 - Charitable street collections which are subject to separate permissions

Controls only apply to the street or other public places.

- 3.9 It is recommended that the Committee adopts the suggested guidelines on the relevance of convictions in Appendix E.
- 3.10 Officers have had issues recently where street trading applicants have been reluctant to give sufficient information for essential licensing checks to be carried out. Information is requested so that a Police National Computer (PNC) check can be carried out on each stallholder. From this check we gather information on whether someone has any relevant criminal convictions which would be a relevant licensing and public protection consideration in regulating trading on a market/stall licensed by the Local Authority. When issuing trading consents the licensing authority should be satisfied that public safety is ensured. Street traders are not accountable to their customers in the same way that shopkeepers are, as they are transient.
- 3.11 The guidelines in Appendix E will apply to the Applicant and anyone trading with them. Applicants will be required to declare any unspent convictions on their application form.

4. CONSULTATION

- 4.1 Officers have already consulted all existing street traders and their responses can be found below at appendix C.
- 4.2 Before introducing a controlled parking zone (CPZ) the council should consult with all residents in the area. Results of the consultation are provided to Cabinet for review and agreement to proceed with implementation, if a majority of respondents are in favour of the scheme.
- 4.3 Resident permits are in huge demand particularly in central Brighton due to population density and limited on street parking. As such there are waiting lists for permits in most central Brighton parking zones of up to one year.
- 4.4 There are already waiting lists for residents in 9 out of the 14 parking zones and therefore insufficient capacity to allow traders to park in the controlled parking zones (zone B).
- 4.5 Parking on verges is a general issue rather than one where the council has had complaints about street traders specifically. However, we need to ensure that traders are not displaced from the carriageway or pavement onto verges. This is not an issue for Zone A. A condition could be amended to read "Zone B: the trader shall not trade from or sell, expose or offer for sale any articles from carriageway **or verge** within a controlled parking zone subject to parking restrictions including residents and pay and display bays".
- 4.6 If the committee decide that street trading should be reviewed, a full and measured consultation should involve residents (via the council's website), residents associations and Community Associations including

the North Laine Community Association, businesses (including individual street traders) in Brighton & Hove, Police and Highway Authority, Economic Development and Regeneration regarding the corporate markets policy, Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, City Clean, Legal, Finance, Ward Councillors, City Centre and Hove Business Fora, Trader Associations including North Laine Traders Association, Upper Gardener Street Traders Association, Brighton & Hove Albion Football Club, and the Education Authority (Children's Trust).

- 4.7 The regulation of street trading by consents covers infrequent, itinerant trading. There is no right of appeal against refusal and so it is vital that licensing authorities behave in a fair and reasonable manner. An established street trader would have a reasonable expectation that his/her consent would continue. Street trading consent regulations' primary purpose is to prevent obstruction of the street or danger to persons using it, or nuisance or annoyance to people using the street or otherwise.
- 4.8 The department promotes diet, health and local food issues including engagement with school children by its healthy awards scheme recently launched. Using street trading regulations to promote healthy food, although appealing, may not be proper use of the regulatory controls.

5. FINANCIAL & OTHER IMPLICATIONS:

- 5.1 Financial Implications:
Revenue: Street Trading fees are set at a level that officers reasonably believe will cover the costs of administering the service. Any costs associated with the Street Trading Policy will be met within existing Licensing budgets. Fees are set as part of the annual Council budget setting process.
Capital: There are no capital implications.
Finance Officer Consulted: Karen Brookshaw Date:
- 5.2 Legal Implications:
Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 enables a district council in England and Wales to adopt a code for the regulation and control of street trading within its area. Certain types of trading are excluded from the definition of street trading and these traders are not required to obtain a licence or consent to trade on a licence or a consent street. Similarly, a trader falling within the exclusions may trade in a street designated as a prohibited street.
Lawyer Consulted: Rebecca Sidell Date:
- 5.3 Equalities Implications:
Diversity is valued and strong, safe communities are vital to future prosperity.

- 5.4 Sustainability Implications:
Some street trading supports recycling of goods. Farmers markets may reduce "food miles".
- 5.5 Crime & Disorder Implications:
Transparent, proportional street trading controls minimise danger of obstruction and nuisance. Street trading can be a source of stolen or counterfeit goods.
- 5.6 Risk and Opportunity Management Implications:
Street trading is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.
- 5.7 Corporate / Citywide Implications:
Street trading represents some traditional, historic heritage

**LICENSING COMMITTEE
(NON LICENSING ACT
2003 FUNCTIONS)**

Agenda Item 6

Brighton & Hove City Council

SUPPORTING DOCUMENTATION

Appendices:

- Appendix A – Street trading complaints
- Appendix B – Minutes of meeting re street trading
- Appendix C – Responses from existing street traders
- Appendix D – Current street trading zone map
- Appendix E – Guidelines on the Relevance of Convictions

Documents In Members' Rooms:

None

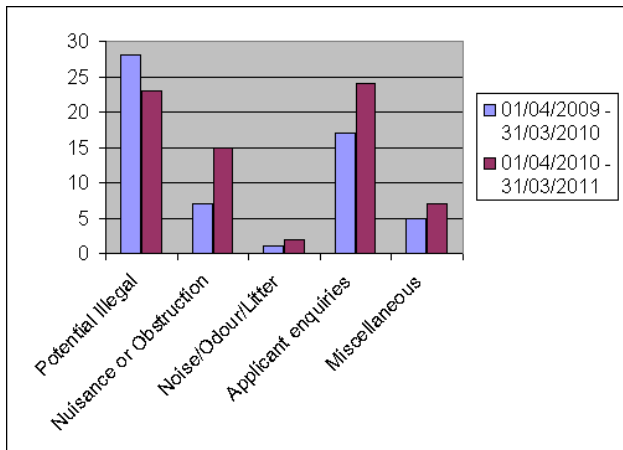
Background Documents:

None

Appendix A

Street Trading Service Requests 2009 - 2011

Potential Illegal	Nuisance or Obstruction	Noise/Odour/Litter	Applicant enquiries	Miscellaneous
28	7	1	17	5
23	15	2	24	7



MINUTES OF STREET TRADING MEETING MONDAY, 21ST MARCH 2011 – 9.15 AM

Attending:- Jim Whitelegg (JW), Debbie Cowley (DC), Becky Keely, (BK), Sarah Cornell (SC); Tim Nichols (TN); Sarah-Jane McNaught (S-JMcN); Paul Nicholls (PN); Simon Court (S CT); Jean Cranford (JC)

SCT (Simon Court) opened the meeting. Fears were raised as we have been inundated (comparatively) with street trading licences, with the prospect of many more to come if anecdotal evidence is accurate. This presents a problem for the future. This is a scoping meeting relating to Street Trading policy – the problems we are experiencing, evidence and solutions.

The number of street traders has increased in Zone B from 7 in April 2010 to 18 currently, plus ice cream sellers (Seafront Office). There has been an increase of 100% in licences over the City and a potential 100% further increase.

Last year complaints covering Zones A and B amounted to approximately 70:- 10 miscellaneous; 4 noise and litter; 6 obstruction to shops; 22 illegal street traders (trading without a licence); 12 parking obstructions; 2 fees. This is up from 55 the previous year – so a 50% increase. There may be other complaints from other teams – Highways asked for information so they can cross reference with their own complaints. There are significant concerns that complaints will increase. This especially seems to be the case when it comes to parking – this has been the source of several recent complaints. If you take out the miscellaneous and illegal trading it is the single largest complaints area.

Of the complaints this is one area where policy could have an impact (as opposed to e.g. litter or illegal trading – which is not part of the policy or can prosecute respectively).

Given the cost of a parking permit it seems unfair that traders should be advantaged over and above residents.

JC to send a courtesy email to the Seafront Office telling them about this meeting.

Legislation/policy relates to consent streets, prohibited streets and occasional markets – this relates to Zones A and B.

We consult Highways Authority re each application and if no response, explicit consent given which overrides policy considerations. Non-motorised vehicle (trailer) can be removed.

Consent says that trader must remove trailer at the end of day (Conditions B) e.g. trader parking in a pay and display bay in John Street.

PN consults before imposing policy restrictions etc. so background information already to hand. It was mentioned that residents have to wait up to a year for a Parking Permit. SC stated that it was quite appropriate for us to use this as our residents consultation – the system is that consultation takes place with residents before imposition of a DPZ. So if the residents want it then clearly they want parking restricted as a local issue. It follows that they would not want those parking spaces taken up by those without permits.

So we have a reasonable understanding of what local residents want.

TN email dated 7th March 2011 (page 3 of 4) giving 23rd June 2011 as committee date. Suggested wording:-

Zone B: the trader shall not trade from or sell, expose or offer for sale any articles from carriageway within a controlled parking zone subject to parking restrictions including residents and pay and display bays. SCT suggested adding shall not obstruct the highway or footway in any way that prevents the free movement of vehicles and pedestrians. Also on to both a provision saying save for exceptional circumstances so as to deal with things like street parties.

Zone A: the trader's operation including waiting customers shall not obstruct the highway or footway in any way that prevents the free movement of vehicles and pedestrians.

SCT agrees – should write to existing 18 traders – this is what is considered, plans would be that any new traders would have new conditions, existing traders would have existing rights to last at least 12 months then the new conditions would come into place. This will allow them to make representations . If a draft letter can be drawn up SCT to come up with exact wording.

Zone A Crown Street page 3 of 4 Tim's email – SCT could add “not to obstruct payments”. No catering on Crown Street in invitation letter.

DC to issue a list of street traders in Zone A (on double yellow lines).

Considering Zone A traders – recommendation consent street or not?

Applications – picture required of vehicle. This to assist in assessing impact on public safety and nuisance and so that words of advice can be given where problem is identified and refusal where problem is insurmountable – example of burger van by Primark discussed – situation where because of

configuration of van could only trade in to road, causing traffic problems and putting road users at risk.

Revoke or illegal street trading offence – 3 warnings then revoke/review enforcement action for leaving all night.

- 1) Photo. Letter advice.
- 2) Photo. Letter warning.
- 3) Photo. Revoke/Review.

To clarify the 7 points raised in SCT's email dated 8th March 2011:

- 1) 23rd June 2011 Committee Hearing.
- 2) Consult Zone B Traders.
- 3-4) Not doing these – instead use Parking justifications – residents permits.
- 5) Continue to monitor complaints.
- 6) Agreed.
- 7) Agreed – Zones A and B proposed conditions.

Email Paul Nicholls of any parking complaints.

Meeting closed at 10.15 am

Responses from existing street traders

~~xxxx xxxxxx~~

TO SARAH JANE 4-5-2011
McNaught

TO WHOM THIS MAY CONCERN

I MR JAMIE ENGLISH RECEIVED YOUR LETTER ABOUT RESTRICTING TRADING FROM CONTROLLED PARKING ZONES. I HAVE JUST STARTED MY BUSINESS AND YOU (THE COUNCIL) GAVE ME PERMISSION TO PARK IN A PARKING ZONE IN JOHN STREET BRIGHTON. IF YOU STOP THIS THEN MY BUSINESS WOULD BE FINISHED. I DON'T HAVE ANY JOB SKILLS SO IT'S VERY HARD FOR ME TO FIND WORK THIS HAS BEEN MY FIRST JOB FOR 3 YEARS NOW. AND I HAD TO BORROW MONEY FROM MY WIFE'S FAMILY JUST TO START UP THIS BUSINESS. AND I CAN SEE MY LIFE GETTING BETTER. AND YOU WANT TO TAKE THIS AWAY FROM ME. IN YOUR LETTER YOU SAY THAT THERE IS NOT MANY PARKING SPACES IN BRIGHTON BUT IN THE ZONE B TRADING ALL OF THE ROAD ARE PARKING BAY OR YELLOW LINE SO WHAT CAN WE DO. I WOULD SAY THAT WHAT YOU ARE PLANNING TO DO IS JUST NOT FAIR.

yours Sincerely
MR J ENGLISH

BRIGHTON & HOVE CITY COUNCIL

Brighton & Hove City Council
- 5 MAY 2011

09 MAY 2011 DIRECT, BRIGHTON

Health, Safety & Licencing

Sarah McNaught

From: Paul Mcknight [paul.mcknight@blueyonder.co.uk]

Sent: 09 May 2011 22:42

To: Sarah McNaught

Subject: Street Trading, your ref SJM/JC

Dear Sarah McNaught

I am writing in response to your letter 19.04.11 concerning the parking bays in the zone B area.

Firstly could I ask where all of these potential Controlled Parking Zones are.

My concern at the moment would be if you continue to issue more and more street trader ice cream van licenses, while imposing more restrictions on the zone B area, this will cause a smaller trading area, covered by increased numbers of ice creams vans, leading to several vans vying for the same trade on the same streets every day. With the possibility of the council having to deal with more complaints because of the increase number of Ice Cream vans and their chimes.

For the last six years as a licensed ice cream business in Brighton, abiding by all the rules and regulations. I believe the current problem has been caused partly by your lack of support and your continued failure to stop the unlicensed traders going to the Parks and sitting there all day or pulling up on the seafront for an hour or so and then disappearing. This not only effects the surrounding café's and shops, but reflects badly on License Ice Cream Vans and I feel we get tainted with the same brush.

I believe that the current level of licensed vans is correct for the zone B area. However due to the current increased number of unlicensed vans there is now an unacceptable cover in the Zone B area and this is having an adverse effect on the local community as parents are put under pressure to buy from both Vans and it can often be the Licensed van attending his round at the usual time that loses out.

I feel that by addressing this problem, will you be addressing that of Supermarket delivery drivers, who use the parking bays constantly or actually block the streets in order to make their deliveries.

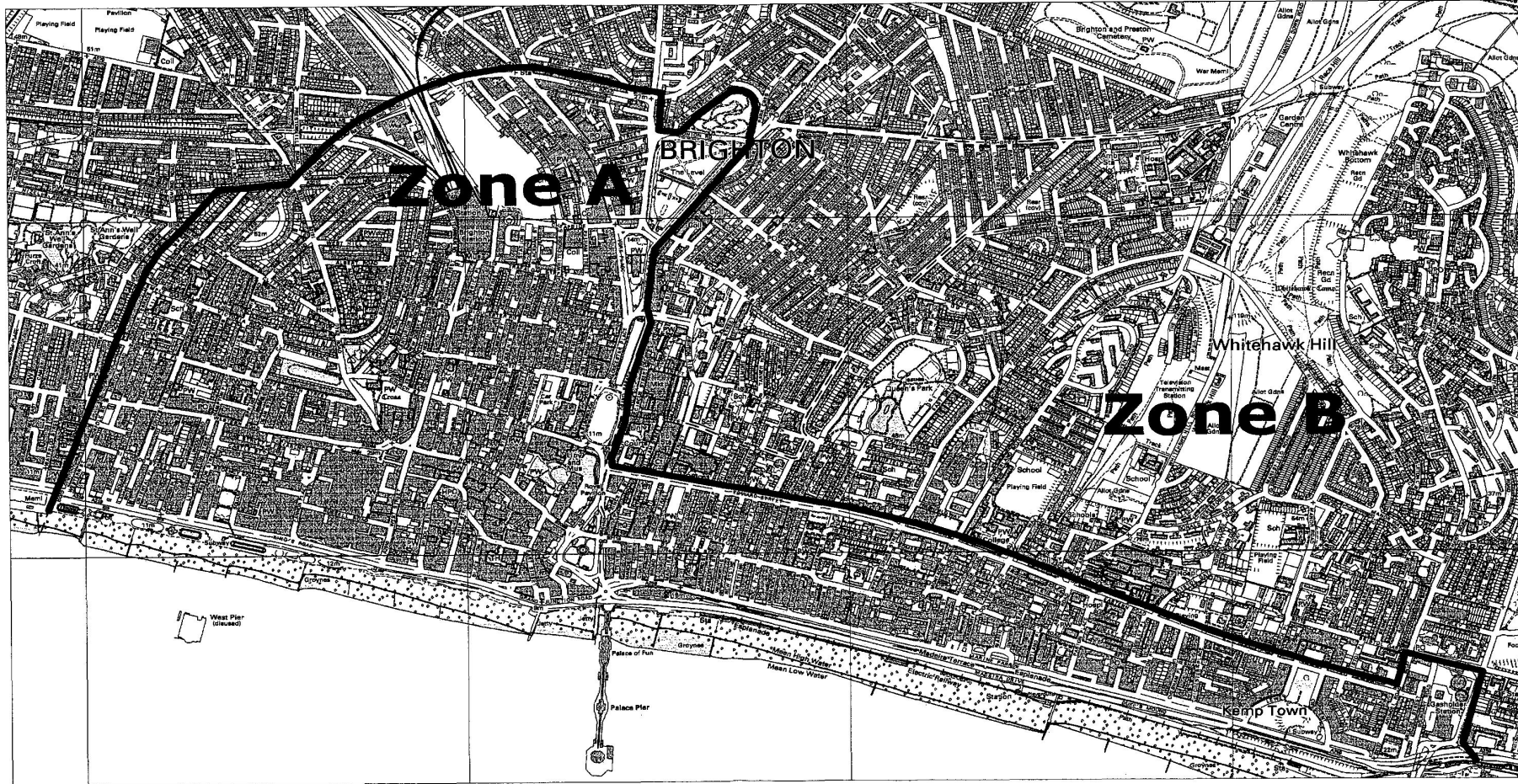
I would kindly ask for the opportunity to discuss this issue further in a meeting, possibly along with other licensed traders, who I know have had problems with unlicensed vans.

I look forward to hearing from you and thank you in advance in this matter.

Yours sincerely

Paul Mcknight
Knights Ice Cream
Tel No 07971 914316

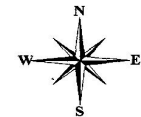
Street Trading Zones



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Date: 25/10/07 Scale 1:10000

Public Safety



GUIDELINES ON THE RELEVANCE OF CONVICTIONS

General Principles:

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from registration but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted:

Offences involving violence

- It is imperative that applicants with convictions for offences involving violence are considered carefully. When applicants have convictions for causing grievous bodily harm, wounding or assault, or even more serious offences involving violence, at least five years should elapse before an application is considered.

Drug- related offences

- An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, need not necessarily debar a candidate from registration, provided the applicant has at least three years free of convictions or five years since detoxification if he/she was an addict.

Indecency offences

- Applicants with recent indecency offences would normally be debarred.

Dishonesty

- Convictions for isolated minor offences should not debar an applicant, but in cases involving serious theft or fraud at least three years should elapse before an application is considered. When offences of dishonesty have been accompanied by violence, it is suggested that at least five years should elapse before registration.

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 7

Brighton & Hove City Council

Subject: Blue Book Review
Date of Meeting: 23 June 2011
Report of: *Head of Planning and Public Protection*
Contact Officer: Name: *Martin Seymour* Tel: 29-6659
E-mail: Martin.seymour@brighton-hove.gov.uk
Wards Affected: All

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To review byelaws, conditions, advice and information for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators contained in the blue handbook. (The Blue Book).

2. RECOMMENDATIONS:

- 2.1 That Committee approve the handbook 2nd Edition of the handbook (Appendix A).

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council licenses Hackney Carriage and Private Hire, Drivers, Vehicles, and Private Hire Operators. The authority for doing so is by adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part II. (Section 45), The Town Police Clauses Act 1847, (Section 68) and the Public Health Act 1875, (Section 171).

The Acts require that the Council must be satisfied that the vehicle is: -

- suitable in type, size and design for use as a hackney carriage or private hire vehicle and it is in a suitable mechanical condition, safe and comfortable.

In the case of private hire vehicles it is further required that

- they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.

Any vehicle used as a hackney carriage or for private hire must

- have in force a policy of insurance in relation to the use of that vehicle.

In addition to the statutory requirements a Council may attach to the grant of a licence such conditions, as the Council considers reasonably necessary.

However, the 1985 Transport Act specifically states that the Council shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the Council. It should be noted that in the case of hackney carriages, the numbers may be limited only if the Council can show there to be no significant unmet demand for this type of vehicle licence. In respect of the issue of driver's licences, the Local Government (Miscellaneous Provisions) Act of 1976 requires the Council to be satisfied that each applicant is a fit and proper person to hold such a licence prior to its grant. There is no authority to attach any condition to a hackney carriage driver's licence as they are controlled by means of byelaws, but conditions may be applied to private hire driver licences.

- 3.2 The handbook was designed to combine many bye laws, conditions, advice and information for hackney carriage and private hire drivers, vehicles and operators previously in various and separate forms and was first approved by committee in February 2007. The 1st edition has been very successful and was welcomed by the trade as it was the first time information and guidance was available in one format. It has been a useful aid to officers in explaining the council's requirements to existing and potential drivers, proprietors, operators and guidance to garages carrying out fitness and compliance tests on behalf of the council.
- 3.3 The 2nd edition has been amended to reflect current working practices, changes in legislation and changes of policy already agreed by committee. Other minor alterations have been made to wording and sequencing in order to make the book user friendly.
- 3.4 One change that members should be aware of is that the blue book no longer specifies the rear seat width as this has created difficulties where manufacturers have altered seat width since the vehicle was first approved and the changes have meant existing vehicles would no longer meet the criteria.
- 3.5 It is now a requirement that taximeters are MID (Measuring Instruments (Taximeters) Regulations 2006) compliant from October 2016. It has been a legal requirement since October 2006 and that only meters that meet this requirement may be fitted but meters previously approved by Transport for London prior to 2006 may be used until 2016.
- 3.6 Guidance with regard to advertising in wheelchair accessible vehicles has been added to the book as has the guidance regarding CCTV previously approved by committee.
- 3.7 Any amendments, changes or additions approved and issued by the council to this handbook must be attached to the inside of this cover and treated as if they are part of the handbook.

- 3.8 It is best practice to review any policies adopted by the council every three years, the handbook should therefore be reviewed in 2014.
- 3.10 It is intended that the handbook will be produced in a booklet format and made available for all hackney carriage & private hire, drivers, proprietors and operators.

4. CONSULTATION

- 4.1 The matter has been discussed at the council's Hackney Carriage and Private Hire Consultation Forum.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

Any costs associated with making amendments to the 2nd Edition Blue Book will be met from existing revenue budgets.

Finance Officer Consulted: Karen Brookshaw

Date: 11/04/2011

5.2 Legal Implications:

The legislative framework for the licensing of hackney carriage and private hire vehicles, drivers and operators is adequately set out in the report and in the Blue Book. It is not considered that any individual's human rights are adversely affected by the report's recommendations.

Lawyer Consulted: Liz Woodley

Date: 17/05/2011

5.3 Equalities Implications:

Many decisions made by the Licensing Committee have been in support of the council's Single Equality Scheme objective to improve disabled people's access to hackney carriage and private hire services, and these have now been incorporated in The Blue Book. As a result of the Equality Impact Assessment of Taxi/Private Hire Licensing, changes have been made that positively impact on equality and inclusion generally. For instance, compulsory CCTV in vehicles may lead to more women drivers, less racist abuse directed at drivers etc.

Sections 160/172 of the Equality Act 2010 (commonly known as The Taxi Provisions) have not yet been fully implemented and will, no doubt, be the subject of an amendment to the Blue Book at the appropriate time. However, the Committee decided in February 2011 to compile a list of Designated Wheelchair Accessible Vehicles in accordance with Sec 167.

5.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

5.5 Crime & Disorder Implications:

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime and increasing the safety of passengers and drivers.

5.6 Risk and Opportunity Management Implications:

The transport industry should be safe, profitable and be a positive experience for residents and visitors.

5.7 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

SUPPORTING DOCUMENTATION

Appendices: A

The Blue Book



Brighton & Hove City Council

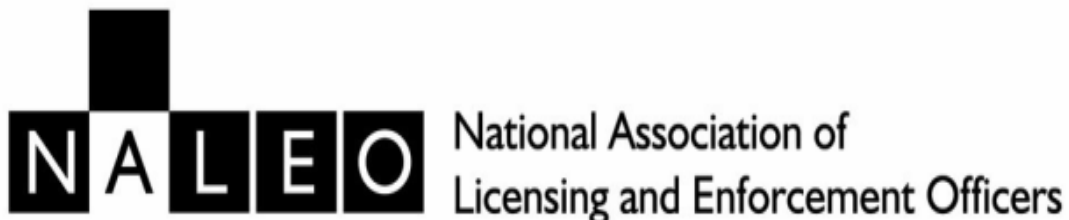
BLUE HANDBOOK FOR HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS 2nd Edition

THIS HANDBOOK WAS DESIGNED TO COMBINE MANY BYE LAWS, CONDITIONS, ADVICE AND INFORMATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, VEHICLES AND OPERATORS PREVIOUSLY IN VARIOUS AND SEPARATE FORMS. THE COUNCIL WISHES TO ACKNOWLEDGE HELP AND ADVICE GIVEN BY NALEO IN THE PRODUCTION OF THIS HANDBOOK.

THE FOLLOWING INFORMATION GIVES GENERAL GUIDANCE ONLY AND SHOULD NOT BE TREATED AS A COMPLETE AND AUTHORITATIVE STATEMENT OF THE LAW.

ANY AMENDMENTS, CHANGES OR ADDITIONS APPROVED AND ISSUED BY THE COUNCIL TO THIS HANDBOOK MUST BE ATTACHED TO THE INSIDE OF THIS COVER AND TREATED AS IF THEY ARE PART OF THE HANDBOOK.

DATE OF NEXT COMPLETE REVIEW JUNE 2014.



HACKNEY CARRIAGE AND PRIVATE HIRE HANDBOOK

This handbook has been produced to give guidance to drivers, proprietors and operators of the above vehicles, and has been

ADOPTED AS THE POLICY DOCUMENT OF THE COUNCIL.

Any requirements of legislation that has effect on the operations being carried out under the terms of any licence granted should be regarded as if they are requirements of that licence. Wherever there appears in this Handbook a summary of any statutory provisions you are advised that such summary may not be exhaustive.

INFORMATION HELD ON DRIVERS, VEHICLES AND OPERATORS

Any information held will be used for the purposes of licensing hackney carriage/private hire drivers and operators but it may be used for other Council purposes where this is permitted by law. The Council is registered under the Data Protection Act 1998 for these purposes. This Authority is under a duty to protect the public funds it administers. We may check information provided, or information provided by a third party, with other information held, such as Council Tax and Housing Benefit, to check the accuracy of information; to prevent or detect crime; and to protect public funds and in other ways permitted by law. The Council may also share this information with other public bodies administering public funds for these purposes, the Police, Revenue and Customs, UK Border Agency, Department for Works and Pensions (DWP). These may include other government departments and other local authorities. We will not disclose information about you to anyone, unless the law permits us to. The Council is the Data Controller for the purposes of the Data Protection Act 1998.

INTRODUCTION

The Council licenses the following;

Hackney Carriage Vehicles and Drivers.

Private Hire Vehicles and Drivers and Operators.

The authority for doing so is by adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part II. (Section 45), the Town Police Clauses Act 1847, (Section 68) and the Public Health Act 1875, (Section 171).

The Acts require that the Council must be satisfied that the vehicle is: -

- suitable in type, size and design for use as a hackney carriage or private hire vehicle and it is in a suitable mechanical condition, safe and comfortable.

In the case of private hire vehicles it is further required that

- they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.

Any vehicle used as a hackney carriage or for private hire must

- have in force a policy of insurance in relation to the use of that vehicle.

In addition to the statutory requirements a Council may attach to the grant of a licence such conditions as the Council considers reasonably necessary. However, the 1985 Transport Act specifically states that the Council shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the Council. It should be noted that in the case of hackney carriages the numbers may be limited only if the Council can show there to be no significant unmet demand for this type of vehicle licence.

In respect of the issue of driver's licences the Local Government (Miscellaneous Provisions) Act 1976 requires the Council to be satisfied that each applicant is a fit and proper person to hold such a licence prior to its grant. There is no authority to attach any condition to a hackney carriage driver's licence as they are controlled by means of byelaws, but conditions may be applied to private hire driver licences.

The Handbook is divided into six sections as follows;

Section 1. Hackney Carriage and Private Hire Vehicles;

Page

- | | | |
|---------|-----|---|
| 5 - 10 | (a) | Procedure for licensing a Hackney Carriage. |
| 11 - 22 | (b) | Conditions relating to Hackney Carriages. |
| 23 - 26 | (c) | Bye laws relating to Hackney Carriages. |
| 27 - 33 | (d) | Procedures for licensing Private Hire Vehicles. |
| 34 - 45 | (e) | Conditions relating to Private Hire Vehicles. |

Section 2. Licensing Drivers;

- | | | |
|---------|-----|--|
| 46 - 50 | (a) | Procedure for licensing hackney carriage & private hire drivers. |
| 51 - 52 | (b) | Bye laws relating to Hackney Carriage Drivers. |
| 53 - 58 | (c) | Conditions relating to Private Hire Drivers. |
| 59 - 63 | (d) | Appendix 1 ... Criminal offence guidelines. |

Section 3. Operators Licences;

- | | | |
|---------|-----|------------------------------------|
| 64 - 65 | (a) | Procedure for licensing Operators. |
| 66 - 69 | (b) | Conditions relating to Operators. |

Section 4. Procedure for Fare / Fees Increases.

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Section 5. Locations of Hackney Carriage Ranks.

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Section 6. Horse Drawn Vehicles

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Section 7. Advice;

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| 71 - 72 | (a) | To Operators. |
| 72 - 73 | (b) | To Drivers. |
| 74 - 76 | (c) | To Vehicle Owners or Drivers. |
| 76 - 77 | (d) | General. |
| 77 - 82 | (e) | CCTV |
| 82 - 83 | (f) | Advertising in Wheelchair Accessible Vehicles |

SECTION 1.
PART A
PROCEDURE FOR LICENSING A HACKNEY CARRIAGE.
INITIAL INSPECTION

Brighton & Hove City Council operates a restricted number policy in connection with the number of hackney carriage vehicle licences it issues in accordance with the 1985 Transport Act. A waiting list is maintained by the Council enabling it to issue any extra hackney carriage vehicle licences when they become available, to those persons at the head of that list. Strict conditions apply and to be included on this list existing drivers who meet the conditions need to make application each year during the month of March to obtain credits.

The vehicle should normally be presented to the Licensing Officer prior to licensing for inspection to ensure compliance with the following conditions and bye laws;

1. SUITABILITY.

- 1.1 In the case of a first application for a hackney carriage vehicle licence the vehicle must not normally exceed 7 years of age from date of initial DVLA registration and not more than 7 years of age in the case of any subsequent application for renewal of licence and not to be left-hand drive.
- 1.2 In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles), or is M1 ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible, the vehicle must not normally exceed 12 years of age from date of first registration, and not more than 12 years of age in the case of any subsequent application and not be left hand drive.
- 1.3 The age of the vehicle in section 1.1 and 1.2 to be taken from the vehicle registration document.
- 1.4 The maximum age limits described in section 1.1 and 1.2 may only be exceeded if the vehicle presented is in exceptional condition (as confirmed by the inspecting garage).
- 1.5 In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, it must provide at least two doors for the use of passengers conveyed in the vehicle neither being the door used by the driver, with at least one opening to the near-side. They must also have serviceable ramps to load and unload persons wishing to travel in the vehicle whilst remaining seated in their wheelchair and be of a size and comfort as decided by the Director to accommodate a user in a standard wheelchair, at least one carer and have sufficient luggage space.
- 1.6 All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.

- 1.7 In the case of normal saloon type vehicles, they must be fitted with four road wheels and at least four doors and the vehicle to be of a type approved by the Strategic Director of Place, Brighton & Hove City Council.
- 1.8 In the case of an estate type vehicle or a hatchback type saloon the hatch door will not be considered or counted as a door for means of entry or egress.
- 1.9 That in no circumstances will any vehicle be licensed which would require any passenger to move or tip any seat to enter or egress from any seat they may occupy or that would require them to climb over any seat or luggage in the vehicle. All passenger seats must face forward or rearward to the direction of travel, (no passenger may sit sideways to direction of travel).
- 1.10 Vehicles should normally have an engine capacity of at least 1600cc.
- 1.11 An audio warning for vehicles with sliding doors is operational when the ignition is turned on when the rear side passenger doors are open.
- 1.12 Extra handles be fitted in a position above the steps at the rear side entrances to the vehicle to assist passengers when getting into and out of the vehicle.
- 1.13 A suitable additional step as decided by the Director shall be provided at the rear side entrances to the vehicle.
- 1.14 Luggage space must be reasonable and sufficient for the maximum number of passengers permitted on the licence and be physically separated from the passenger seating.
- 1.15 Any spare wheel must normally be of the same type as the road wheels. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres, passengers must not be carried when in use.
- 1.16 LPG conversions other than new vehicles must be carried out by Government Approved Garages for such conversions and the necessary certificate produced. Sufficient space should still be available for luggage.

2. MECHANICAL INSPECTION.

If the vehicle meets the standards required by the initial inspection it should be presented to one of the Council nominated test centres, currently;

Westbourne Motors, 270 Portland Road, Hove,
Lee Motors, Church Place, Kemp Town, Brighton,
Autofit, Unit 1, Chalex Industrial Estate, Manor Hall Road, Southwick,
Smith & Humphries, Ninfield.

TLS, Unit E1, Meridian Industrial Estate, Hoyle Road, Peacehaven,
Becks, New Town Road, Hove.

HoveMot.com, of The Old Studio, Cambridge Works, Cambridge Grove, Hove
The inspection is to determine that the vehicle is in road worthy condition to enable a certificate of compliance to be issued. The requirement for Mechanical

Inspection applies to all vehicles except those new vehicles with delivery mileage only on the odometer.

3. FINAL INSPECTION PRIOR TO LICENSING.

The following will be checked prior to licensing;

- 3.1 A satisfactory mechanical inspection form. (Fitness Certificate)
- 3.2 Sight of current vehicle insurance certificate or cover note, (to include towing and the carriage of the number of wheelchairs for which the vehicle is adapted if necessary).
- 3.3 The registration document. – Registered keeper's details document.
- 3.4 Certificate of Compliance for all vehicles other than new vehicles with only delivery mileage on the odometer.
- 3.5 A current road fund licence, (tax disc).
- 3.6 A Council approved calendar controlled meter fitted in a position as to be readily seen by all passengers and sealed with the current tariff installed.
- 3.7 A Council approved and valid fire extinguisher
- 3.8 A current tariff card as agreed by the Council fixed in a prominent position where it may be seen by any passenger carried.
- 3.9 In the case of a change of vehicle, the Expiring or Surrendered vehicle licence.
- 3.10 Vehicle presented in full Council livery: - white bodywork, bonnet and boot lid or hatchback or estate rear door painted aquamarine to colour code BSI 6E53 or covered in aqua vinyl with 3M Scotchcal Vinyl – 50-795 or KPMF Vinyl – Turquoise K70076. Council issued door signs and door number showing the vehicle plate number with the pavilion logo foremost on the front doors and plate number to the rear doors. A single telephone number of the operator may be shown on the front doors below the Council logo and shall not exceed the logo in length. Both signs to be provided by the Council.
- 3.11 Council approved roof sign. (See Section 23 Roof Signs)
- 3.12 From 1st April 2012 all vehicles must at initial licensing or renewal have CCTV installed to be operated and maintained in accordance with the requirements of the Director.

4. ISSUE OF LICENCE.

Subject to all conditions being met the licence will be granted after payment of the appropriate fee and a plate deposit for new plates issued.

5. RENEWAL OF LICENCE, (ANNUAL RE-LICENSING).

- 5.1 Vehicles must comply with the requirements of section 3.1 to 3.12 and section 4 above
- 5.2 The licensing period runs for 1 year from date of commencement.

- 5.3 Application for renewal may be made for relicensing up to one month prior to expiry by personal application and an appointment must be pre-booked with the Hackney Carriage Office.
- 5.4 Late applications or failure to make a prior booking may result in vehicles not being licensed immediately.
- 5.5 No licence will be issued unless the application is complete with all documents, information and the payment required. Any incomplete application will be returned to the applicant.

6. MECHANICAL TESTING.

- 6.1 The Council nominated testing garages will endeavour to test all vehicles within 10 working days of application to them for testing.
- 6.2 If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Road Vehicles (Construction and Use) Regulations 1986, then the plate may be removed by the testing centre, or any authorised officer, until such time as the vehicle passes the test, and until the plate is returned the vehicle may not be used for hire and reward or plying for hire.
- 6.3 Any vehicle called for inspection which fails to attend may have its licence suspended immediately and subsequently the licence may be revoked.
- 6.4 Any vehicle failing to keep an appointment for testing will incur a fee payable to the nominated garage.

7. VEHICLE DAMAGE.

- 7.1 The proprietor of any hackney carriage must report to an authorised officer as soon as reasonably practicable, and in any case within seventy two hours, the occurrence of any accident involving the hackney carriage.
- 7.2 The vehicle will be inspected by an authorised officer and a decision made as to whether or not the vehicle is in such condition to continue in service.
- 7.3 If any damage to the vehicle is such that an authorised officer considers it still to be in a fit condition to continue in service until such time as a permanent repair is undertaken these must be undertaken within a maximum of 28 days of the damage occurring.
- 7.4 If any damage is considered by an authorised officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service.
- 7.5 In the case of any dispute as to section 7.4 above the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which shall be final. The appropriate fee for such examination will be paid by the proprietor.

8. REPLACEMENT VEHICLES.

Any replacement vehicle must comply with sections 1 to 7 above.

A completed application transfer form must be submitted with other necessary documents and the fee, prior to any such vehicle being used as a hackney carriage.

The existing vehicle is required to be returned to its original colour. Failure to do so may result in the new hackney carriage vehicle licence being suspended or revoked until such time as this action has been taken. Confirmation that the vehicle has been returned to its original colour will be accepted from any of the Council's approved garages for testing purposes. Otherwise the original vehicle must be produced to the hackney carriage office for confirmation this action has been carried out.

9. CHANGE OF VEHICLE OWNER.

If a proprietor transfers his interest in a vehicle to somebody else he must within 14 days give notice of the transfer in writing to the authorised officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fees paid.

Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible as described in 2.2 above at the next renewal date following transfer.

Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Head of Planning and Public Protection, where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.

10. CONDITIONS.

The Council has the power to attach conditions to hackney carriage licences. The standard conditions are as set out in this handbook. Proprietors/Owners should ensure that vehicles comply with these conditions before submitting it for test. If any doubts about the application of any of these conditions to a vehicle exist the authorised officer should be contacted.

11. SUSPENSION OR REVOCATION.

The Council has the power to suspend or revoke a licence if the vehicle is unfit, for offences or non-compliance with the 1976 Act by operator or driver, or any other reasonable cause. In the case of revocation the plate must be returned to the Council.

SECTION 1.
PART B.
CONDITIONS RELATING TO HACKNEY CARRIAGE VEHICLES.

12. INTERPRETATION.

In these conditions;

- 12.1 “The Council” means Brighton and Hove City Council.
- 12.2 “the Director” means the Strategic Director of Place, (for the time being) of the Council.
- 12.3 “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Licensing Manager, (for the time being) of the Council.
- 12.4 “the vehicle” means the vehicle subject to the hackney carriage vehicle licence to which the conditions are attached.
- 12.5 “the proprietor” means the person currently shown on the hackney carriage vehicle licence as the proprietor of the vehicle.
- 12.6 “the driver” means the driver currently of the vehicle.
- 12.7 “mechanical inspection” means the certificate of compliance issued by the Councils nominated garage certifying that the vehicle is mechanically sound.
- 12.8 “any nominated garage” means for the time being the garage approved by the Council for the purpose of undertaking mechanical inspections.
- 12.9 Any obligation not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- 12.10 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

13. AGE OF VEHICLE.

- 13.1 In the case of a first application for a hackney carriage vehicle licence the vehicle must not normally exceed 7 years of age from date of initial DVLA registration and not more than 7 years of age in the case of any subsequent application for renewal of licence and not to be left-hand drive
- 13.2 In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, (i.e. London type hackney carriage purpose built), or is MI ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible the vehicle must not normally exceed 12 years of age from date of first registration, and not more than 12 years of age in the case of any subsequent application and not be left-hand drive.
- 13.3 The age of the vehicle in section 13.1 and 13.2 above to be taken from the vehicle registration document.
- 13.4 The maximum age limited described in section 13.1 and 13.2 above, may only be exceeded if the vehicle presented is in exceptional condition, See Section 14.3 below.

- 13.5 All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 13.6 A vehicle shall be taken as being re-licensed only if there was in force in respect of that vehicle a current hackney carriage vehicle licence previously issued by the Council immediately prior to it being re-licensed; there may be no lapse between licences.
- 13.7 Any vehicle with a 'Q' plate registration will not be licensed if in excess of 5 years old from date of manufacture. Where the age of a 'Q' registered vehicle is not identifiable the age will be calculated as three years old at the date of 'Q' registration in line with the policy of the D.V.L.A

14. MAINTENANCE AND APPEARANCE OF VEHICLE.

- 14.1 The vehicle and its fittings must at all times when it is available for hire or being used as a hackney carriage;
 - 14.1.1 be safe.
 - 14.1.2 be tidy.
 - 14.1.3 be clean.
 - 14.1.4 comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including but without prejudice to the generality of, the foregoing, the Road Vehicles (Construction and Use) Regulations 1986.
- 14.2 The vehicle must be, and must be maintained throughout the term of the hackney carriage vehicle licence, to a high standard of appearance to the complete satisfaction of the Council.
- 14.3 The following shall apply as a minimum:
 - 14.3.1 RUST- Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with more than three visible rust patches each of more than 20 sq.cms, should be failed.
 - 14.3.2 DENTS- Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter/ length or a single dent of more than 20cms in diameter / length should be failed.
 - 14.3.3 SCRATCHES -Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed.
 - 14.3.4 PAINT WORK- All panels on all vehicles including those which are wheelchair accessible and those which conform to the Conditions of Fitness as prescribed by Transport for London shall be painted in manufacturers 'white' colour except for bonnet and boot panels which must be 'Aqua' in colour (BSI 6E53), except vehicles currently licensed which must meet this requirement upon replacement; panels with unmatched colours or in primer should be deemed as failures. Alternatively the bonnet and boot maybe

covered in aqua vinyl (3M Scotchcal Vinyl – 50-795 or KPMF Vinyl – Turquoise K70076)

- 14.3.5 SEATS- In conventional vehicles where it is intended that the licence be for four passengers, seats must be of a suitable size and comfort as decided by the Director and, in respect of seating shall comply with the Road Vehicle (Registration and Licensing) Regs. 2002. All seats, including the driver's, must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. Front passenger seat must provide a headrest.
- 14.3.6 CARPETS / FLOOR COVERING. All carpets and floor covering shall be complete and free from cuts, tears or serious staining.
- 14.3.7 HEADLINING and OTHER TRIM. All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- 14.3.8 WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent window without difficulty.
- 14.3.9 BOOT / LUGGAGE COMPARTMENT. This should be empty, except for a spare wheel and essential tools. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- 14.3.10 INTERIOR. The interior must be kept clean, tidy and free of any litter or other rubbish.
- 14.3.11 WHEELCHAIRS & SWIVEL SEATS. must comply with Condition 29 below.
- 14.3.12 DARKENED/TINTED WINDOWS except light tints and sun strips are not normally acceptable in the interest of public safety. The tint should not normally exceed a light restriction of 25% for windscreens and 30% for all other windows.
- 14.3.13 The inspecting garage will advise if in their opinion the vehicle is suitable to be licensed. Any disputes in interpretation of the above will be at the discretion of the Director.
- 14.3.14 Nets must be provided for use where luggage is not separated from the passengers.

14.4 **Exterior Markings**

- 14.4.1 No vehicle shall be licensed as a hackney carriage vehicle unless its exterior paintwork is white with the bonnet and boot painted aqua marine to BSI 6E53 or covered in aqua vinyl with 3M Scotchcal Vinyl – 50-795 or KPMF Vinyl – Turquoise K70076.
- 14.4.2 Each hackney carriage shall display signs on each door in accordance with the design approved and supplied by the Council. The sign shall be constructed of vinyl and be applied direct to the door.

- 14.4.3 The proprietor shall, forthwith upon the vehicle ceasing to be a hackney carriage licensed by the Council remove the exterior markings specified by the Council under this condition and, in accordance with the Councils requirements, return the vehicle to a single colour. The Council reserves the right to refuse to license a replacement vehicle if this condition has not been complied with.
- 14.4.4 The vehicle plate issued by the Council in respect of the licensed vehicle shall be fixed securely on the outside of the vehicle at the rear in a conspicuous position and in such a manner as to be easily removed by an authorised officer or a constable.

15. PASSENGERS

The proprietor or driver of the vehicle shall not convey or permit to be conveyed in the vehicle more than the maximum number of persons specified in the licence.

16. ALTERATION OF THE VEHICLE

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

17. SAFETY EQUIPMENT

A device to effectively prevent luggage and other goods placed in the rear of the vehicle from entering the front of the vehicle shall be available in estate cars and other similar vehicles at all times when such vehicles are used as a hackney carriage.

18. INTERIOR MARKINGS

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

19. INSPECTION OF VEHICLE.

- 19.1 The vehicle may not be available for hire or be used as a hackney carriage unless there is a current compliance certificate in force in respect of that vehicle.
- 19.2 Any vehicle that is 10 years old or older will be required to be fitness tested at six monthly intervals and a compliance certificate produced for that test.
- 19.3 The vehicle must be mechanically inspected by one of the Councils

- nominated testing garages prior to a licence being issued.
- 19.4 The vehicle must be inspected and a mechanical inspection certificate issued within one month of application for a vehicle licence or for re-licensing of a vehicle licence.
- 19.5 Subparagraphs 19.1, 19.3 and 19.4 will not apply in the case of a new vehicle with only delivery mileage on the odometer.

20. DOCUMENTS.

There must be carried in the vehicle when it is available for hire or being used as a hackney carriage;

- 20.1 The insurance certificate or insurance cover note or copy “for the purpose of plying for hire”.
- 20.2 A copy of the current tariff as approved by the Council clearly displayed within the vehicle where it may be seen by any passenger carried.
- 20.3 A sign giving the licence number of the vehicle and driver giving the maximum number of passengers to be carried, which will be issued by the Council and be displayed inside the vehicle where it may be clearly seen by any passenger carried.
- 20.4 Signs shall not contain anything of a religious or political nature or contain any matter likely to cause offence. An exception will be a small discreetly placed, symbolic item that is reflective of a personal belief that will keep a driver safe. This should not be directly in the line of sight of any passenger and should not present a risk to the safety of a passenger for instance being inadequately fixed and be submitted for approval by the authorised officer.
- 20.5 A current vehicle excise duty disc (tax disc) correctly displayed in the windscreen.
- 20.6 A copy of the Byelaws with respect to Hackney Carriages in Brighton & Hove.

21. SIGNS NOTICES ETC.

- 21.1 No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or any devices whatsoever other than those mentioned in paragraph 21.2 below shall be displayed on, in or from the vehicle.
- 21.2 Signs permitted are;
- 21.2.1 any registration number.
- 21.2.2 any sign required by statute or subordinate legislation.
- 21.2.3 any sign on a taximeter indicating that the vehicle is for hire.
- 21.2.4 the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle displayed at bumper height. (This is in addition to the sign required in 20.3 above).
- 21.2.5 the roof sign referred to in paragraph 23 below.

- 21.2.6 any sign indicating membership of a national motoring organisation.
- 21.2.7 any sign requesting passengers not to smoke or eat or drink in the vehicle.
- 21.2.8 the tariff and licence number as in 20.2 and 20.3 above.
- 21.2.9 any sign approved by the Council to indicate that the payment of fares may be made by credit card shall be displayed on the front windscreen of the vehicle.
- 21.2.10 any sign provided by Brighton and Hove City Council to show that the vehicle is used for school contracts, shall be displayed in the windscreen in such a manner so as to not obstruct the driver's vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
- 21.2.11 Any sign approved by the Director to indicate the vehicle is a taxi bus
- 21.2.12 any sign indicating use of security camera in a vehicle.
- 21.2.13 any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle, nor any hanging obstruction be placed in any part of the vehicle.
- 21.2.14 any other sign within the vehicle must be approved by an authorised officer and must meet the conditions as set out above.
- 21.2.15 approved council livery.
- 21.2.15 Subject to approval from the Director seat advertising may be displayed in the purpose built seat holders of wheelchair accessible vehicles.

22. LICENCE PLATE.

The design of the rear exterior plate shall be that approved by the Strategic Director of Place. The Council must be informed immediately should the licence plate showing the number of the hackney carriage licence be broken, lost or defaced. On no account must a hackney carriage ply for hire without a plate. (As required under the Town Police Clauses Act 1847, sections 51 and 52).

23. ROOF SIGNS.

- 23.1 Each hackney carriage vehicle, other than a purpose built or wheelchair accessible vehicle shall have installed on the roof and display a toblerone roof sign bearing the words "Brighton & Hove Taxi" on its front and rear face in a position central to the width of the roof. The word "taxi" must be plainly and distinctly visible from the front and rear of the vehicle. The rear sign may have only the telephone number of the hackney carriage company instead of the wording "Brighton & Hove Taxi", and must be capable of being illuminated during the hours of darkness. The sign must be white with black lettering as agreed by the Director showing to the front

- and red with black lettering as agreed by the Director to the rear. The sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.
- 23.2 Subparagraph 23.1 shall not apply to a vehicle complying with the Conditions of Fitness as prescribed by Transport for London or wheelchair accessible vehicle. Any vehicle of this specification must display a sign bearing the word “taxi” on its front face at roof level. The word “taxi” must be plainly and distinctly visible from the front of the vehicle.

24. DRIVER IDENTITY BADGE.

Two badges will be issued one of which will be displayed at all times in the top nearside of the front windscreen of the vehicle in a position so as to be seen by passengers. Vehicles with a partition may display this badge on the partition. The second badge is to be worn by the driver at all times when working as a hackney carriage driver, in a clearly visible manner to passengers.

25. CRIMINAL CAUTIONS/CONVICTIONS.

The proprietor must immediately, and in any case within 3 days, disclose to the Council in writing the details of any criminal cautions or convictions, Anti Social Behaviour Orders, County Court Judgments, High Court Judgements and Fixed Penalty Notices imposed upon him or her, (or in the case of a company or partnership, on any of the directors or partners), during the period of the hackney carriage vehicle licence.

26. MOTORING CONVICTIONS & FIXED PENALTY TICKETS

The proprietor must immediately, and in any case within 3 days, disclose to the Council in writing the details of any motoring convictions or fixed penalty tickets imposed upon him or her or any of their drivers using their hackney carriage, during the period of the hackney carriage vehicle licence.

27. CHANGE OF ADDRESS.

The proprietor must inform the Council of any change of address in writing prior to the change, where possible, but not more than seven days after in any case.

28. COMPLIANCE.

The responsibility for complying with these conditions, unless otherwise stated, shall be the proprietors and drivers jointly and severally. Any vehicle currently licensed that does not meet the conditions at the time they come into force will be permitted to be re-licensed annually provided it passes the mechanical requirements, but any replacement vehicle will be required to meet all conditions as set out in this handbook.

29. WHEELCHAIR ACCESSIBLE VEHICLES - APPLICABLE ONLY TO VEHICLES WHICH COMPLY WITH THE CONDITIONS OF FITNESS AS PRESCRIBED BY THE AND EQUALITY ACT 2010.

- 29.1 A vehicle complying with the specifications required by the above Act must be adapted or designed to carry at least one wheelchair passenger whilst remaining seated in the wheelchair and meet type approval and be of such configuration without alteration.
- 29.1.1 there must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.
- 29.1.2 there must be sufficient space for a wheelchair to travel facing forward or rearward.
- 29.1.3 there must be a separate means of securing the chair and the wheelchair occupant.
- 29.1.4 there must be serviceable wheelchair ramps carried in the vehicle.
- 29.1.5 be of a size and comfort as decided by the Director to accommodate a user in a standard wheelchair, at least one carer and have sufficient luggage space.
- 29.2 A vehicle designed or adapted in accordance with subparagraph 29.1 may carry a maximum of two signs indicating that it is capable of carrying wheelchair passengers.
- 29.3 Any swivel seat fitted must meet the requirements of the above Act.
- 29.4 The proprietor must ensure that all drivers of the vehicle are adequately trained in embarking, disembarking and safe carriage of passengers in wheelchairs. Proprietors must be able to demonstrate to the Authorised Officer that training has been provided upon demand.

30. SEEING AND HEARING (GUIDE) DOGS.

No driver may refuse to carry a seeing, hearing or assistance (guide) dog that is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him/her from this condition, any payment for such certificate to be paid by the applicant. The Council may then issue an exemption certificate to be displayed in the vehicle whilst that person is driving that vehicle.

31. TOWING OF TRAILERS.

No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for plying for hire has been produced to an authorised Officer. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle. The contents of such trailer must be secured and covered in a proper and watertight manner.

Any trailer used must comply with regulations in all respects and where required the driver must hold the appropriate towing licence as issued by the D.V.L.A. The vehicle with a trailer attached may not ply for hire or stand for hire on a taxi rank.

32. DUAL PLATING.

No vehicle will be granted a licence if it is licensed in another district or Council due to the problems of meeting the variance in conditions applied in different districts and Councils and the enforcement of those conditions in cases of non-compliance, (i.e. signs, meters, suspensions or revocation).

33. MECHANICAL BREAKDOWN.

If any vehicle becomes unfit to complete a hiring during a hiring;

33.1 The driver shall be entitled to demand the fare for the distance already traveled as shown on the meter.

33.2 The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

34. ACCIDENTS

Any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle should be reported to the council as soon as reasonably practicable and in any case within 72 hours.

35. TRANSFER OF INTEREST

35.1 If the proprietor transfers his/her interest in the vehicle to someone else he/she must, within fourteen days, give written notice to the Council of the transfer and the name and address of the transferee.

35.2 Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible as described in 2.2 above at the next renewal date following transfer.

36. DEPOSIT OF DRIVER LICENCES

If the proprietor of the vehicle allows somebody other than him/herself to drive the vehicle, s/he shall before allowing that person to commence driving the vehicle ensure that the driver deposits his/her hackney carriage driver's licence with the proprietor for retention by him/her until such time as the driver ceases to

be permitted or employed to drive the vehicle or any vehicle of his/hers. Provided that any licence so deposited shall be made immediately available to the driver upon request if she/he is required to produce the licence by any authorised officer of the Council or any constable. Where a driver works for two or more owners, arrangements should be made for duplicate licences to be issued.

37. RECORD OF LICENCES

The proprietor of the vehicle shall supply the operator of the vehicle, where applicable, such details relating to the vehicle licence, insurance and MOT / Certificate of Compliance as are required by the operator.

38. TAXIMETERS

All taximeters fitted to Brighton & Hove licensed hackney carriages shall be EEC or Transport for London type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. If a taxi meter fitted to the vehicle is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicles transmission gearing ratio the proprietor shall not cause or permit the vehicle to be used for hire until the taximeter has been satisfactorily tested and sealed by an authorised officer of the Council.

39. TABLE OF FARES

There shall be displayed within the vehicle in a position so as to be clearly visible to any passenger a current table of fares supplied by the Council. The driver shall if requested by the hirer of the vehicle provide him/her with a written receipt for the fare paid.

40. CCTV AND SAFETY SCREENS

From 1st April 2012 all vehicles must at initial licensing or renewal have CCTV installed to be operated and maintained in accordance with the requirements of the Director. (see guidance on pages 76-80)

Currently CCTV equipment may be installed in the licensed vehicle subject to the following conditions :

- 40.1 the CCTV equipment shall be of a type approved by the Director.
- 40.2 the equipment shall be installed and operated and maintained in a manner to the satisfaction of the Director.
- 40.3 any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime, to confirm or rebut complaints made against the driver or as evidence in motor insurance

- matters
- 40.4 no tape recording or other material created by the system shall be used or distributed for any purpose other than allowed by (40.3) above or kept more than 31 days if not required under 40.3 above.
 - 40.5 access to any recorded material shall be limited to the police, any authorised officer of the Council and persons covered by the Information Commissioners CCTV Code of Practice and access to any material otherwise recorded must be available upon demand to the police, or any authorised officer of the Council.
 - 40.6 notices indicating that a video / recording system is in operation and giving details of the data controller shall be clearly displayed in the vehicle.

A Safety Screen fitted between the driver and passengers, may be installed in the licensed vehicle subject to the following:

- 40.8 approval in writing must be obtained from the Council before a safety screen is fitted into the licensed vehicle
- 40.9 for any safety screen installed in the licensed vehicle the Director must approve (a) the type of screen (b) the manner in which it is installed into the vehicle and (c) the person who installs it.
- 40.10 the vehicle proprietor must produce vehicle insurance for the vehicle, which includes an indemnity covering liability for any injury caused by the presence of the screen.

41. COMPLAINTS.

Any vehicle against which a complaint is laid must be presented to an authorised officer within one working day of being so requested for inspection, testing and for the driver to answer such complaint.

42. INSPECTION.

The vehicle may be called in for inspection at anytime by an authorised officer to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation of licence.

43. RANKS.

The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time.

44. VEHICLE CHECKS.

Any vehicle which is suspected of any infringement of legislation, bye laws or conditions may be inspected by an authorised officer at any time to ensure its fitness to be used as a hackney carriage in the interest of public safety.

45. APPEALS

- 45.1 Licence holders may appeal against all or any of these conditions attached to a licence granted.
- 45.2 Any appeal must be made within 21 days of the grant of a licence.
- 45.3 Appeals must be made to the Magistrates Court - you should contact the Clerk to the Justices, The Law Courts, Edward Street, Brighton. Before appealing it is advisable to seek independent aid/or legal advice.
- 45.4 Applicants may appeal against the refusal to grant a licence.
- 45.5 Any appeal must be made within 21 days of the refusal of the licence.
- 45.6 Appeals must be made to the Crown Court.

SECTION 1.
PART C.

HACKNEY CARRIAGE BYE LAWS Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Brighton & Hove Council with respect to hackney carriages in the Brighton & Hove Council area.

INTERPRETATION

1. Throughout these byelaws "the Council" means the Brighton & Hove City Council and "the district" means the area of the City of Brighton & Hove.

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 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; and

(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 time as well as for distance in pursuance of the tariff fixed by the Council;
- (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; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND THEIR 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; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise, 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 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 appointed by the Council which that hackney carriage is permitted to use;
- (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 which that hackney carriage is permitted to use;

- (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; and
 - (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 make use of the services of any other person for the purpose of importuning any person to hire such carriage.
 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. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
 12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
 13. 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; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES.

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

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

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

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.

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

PENALTIES

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

SECTION 1.
PART D.
PROCEDURE FOR THE LICENSING OF A PRIVATE HIRE VEHICLE INITIAL INSPECTION

46.

The vehicle shall normally be presented to the authorised officer for inspection to ensure compliance with the following conditions;

Suitability.

- 46.1 In the case of a first application for a vehicle licence it must be under 10 years since date of first registration, not more than 10 years in the case of any subsequent application for renewal of licence, and not be a left-hand drive vehicle.
- 46.2 The age of the vehicle to be taken from the vehicle registration document.
- 46.3 The maximum age limit may only be exceeded if the vehicle is in exceptional condition, as confirmed by the inspecting garage.
- 46.4 The vehicle must be any single manufactures colour other than white. White to be decided by the Director.
- 46.5 In the case of a normal saloon type vehicle they must be fitted with four road wheels and at least four doors. The type of vehicle to be decided by the Director.
- 46.6 In the case of an estate / hatchback type vehicle the hatch will not be considered or counted as a door for means of entry or egress
- 46.7 In no circumstances will any vehicle be licensed which would require any passenger to move or tip any seat to enter or egress from any seat they may occupy or that would require them to climb over any seats or luggage in the vehicle.
- 46.8 In the case of minibus or conversions there must be a minimum of two rear side doors, one opening to the near side, to the passenger compartment and any luggage which occupies that compartment must be separated from the passengers in a safe manner and not obstruct any passageway or exit door. All passenger seats must face forward or rearwards in relation to direction of travel.
- 46.9 In the case of conversions all external fittings such as roof pods that could lead the vehicle to be mistaken as a hackney carriage must be removed.
- 46.10 Vehicles must be of a sufficient size and comfort accommodate the number of passengers the vehicle will be licensed to carry (the normal minimum number being 4).
- 46.11 The seating configuration should be that ingress and egress should not be restricted by other seats i.e. that it should not

- be necessary to move or tip a seat to get into and or out of the vehicle.
- 46.12 An audio warning for vehicles with sliding doors shall be operational when the ignition is turned on when the sliding doors are open.
 - 46.13 Extra door handles shall be fitted in a position above the steps at the rear side entrances to the vehicle to assist passengers getting into and out of people carrier type vehicles.
 - 46.14 Suitable additional step(s) as agreed by the Director shall be fitted at the rear side entrances of people carrier type vehicles
 - 46.15 All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
 - 46.16 In the case of vehicles which make provision for the carriage of passengers whilst still occupying a wheelchair there must be separate means of securing the wheelchair and passenger and serviceable ramps to assist loading and unloading.
 - 46.17 The vehicle must not be of such design and appearance as to lead any person to believe that it is a hackney carriage.
 - 46.18 Luggage space must reasonable and sufficient for the maximum number of passengers permitted on the licence and be physically separated from the passenger seating.
 - 46.19 Any spare wheel must normally be of the same type as the road wheels. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres passengers must not be carried when in use.
 - 46.20 Other than new vehicles with LPG capacity, L P G conversions must have been carried out by a garage approved by the Government for such conversions and a certificate confirming this produced. Sufficient luggage space should still be available following the conversion.

47. STANDARDS, MAINTENANCE AND APPEARANCE OF VEHICLE.

- 47.1 The vehicle and its fittings must be at all times when it is available for hire or being used as a private hire;
 - 47.1.1 be safe.
 - 47.1.2 be tidy.
 - 47.1.3 be clean.
 - 47.1.4 comply with all relevant statutory requirements application to the class of vehicle to which the vehicle belongs including

but without prejudice to the generality of the foregoing the Road Vehicles (Construction and Use) Regulations 1986.

- 47.2 The vehicle must be, and shall be maintained throughout the term of the private hire vehicle licence, to a high standard of appearance to the complete satisfaction of the Council.
- 47.3 The vehicle must be kept in good condition to include the following;
 - 47.3.1 RUST. Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with more than three visible rust patches of more than 20 sq.cms each should be failed.
 - 47.3.2 DENTS. Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter/length, should be failed.
 - 47.3.3 SCRATCHES. any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed.
 - 47.3.4 PAINT WORK. All panels on a saloon vehicle shall be painted in a manufacturers standard colour, which may not be white, or of a colour which may appear to be white under street lighting; panels with unmatched colours or primer should be deemed to be failures.
 - 47.3.5 SEATS. In conventional saloon vehicle where it is intended that the licence be for four passengers, the rear seat must be of sufficient size and comfort as decided by the Director and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats including the driver's must be free from cuts, tears or cigarette burns except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. Swivel seats must meet the Equality Act 2010 standards. Front passenger seat must provide a headrest. In the case of wheelchair accessible vehicles they must be of a size and comfort as decided by the Director to accommodate a user in a standard wheelchair, at least one carer and have sufficient luggage space.
 - 47.3.6 CARPETS / FLOOR COVERING. All carpets and floor coverings shall be complete and free from cuts, tears or serious staining.
 - 47.3.7 HEADLINING and OTHER TRIM. All interior trim including headlining shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
 - 47.3.8 WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent

- window without difficulty.
- 47.3.9 BOOT / LUGGAGE COMPARTMENT. This should be empty, except for spare wheel, essential tools and first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
 - 47.3.10 INTERIOR. The interior must be kept clean, tidy and free of any litter or other rubbish.
 - 47.3.11 DARKENED/TINTED WINDOWS except light tints and sun strips are not normally acceptable in the interest of public safety. The tint should not normally exceed a light restriction of 25% for windscreens and 30% for all other windows.
 - 47.3.12 The inspecting garage will advise if in their opinion the vehicle is suitable to be licensed. Any disputes in interpretation of the above will be at the discretion of the Strategic Director of Place.
 - 47.3.13 Nets will be provided for luggage not separated from the passengers.

48. INSPECTION OF VEHICLE.

- 48.1 The vehicle may not be available for hire or be used as a private hire vehicle unless there is a current mechanical inspection certificate in force in respect of that type or class of vehicle.
- 48.2 The vehicle must be mechanically inspected by the Councils nominated testing centre prior to a licence being issued. For nominated garages see section 2 of this handbook.
- 48.3 The vehicle must be inspected and a mechanical inspection certificate issued within one month prior to application for a vehicle licence or for the re-licensing of a vehicle.
- 48.4 Subparagraph 48.1, 48.2 and 48.3 will not apply in the case of a new vehicle with delivery mileage on the odometer from the date of first registration as verified by the vehicle registration document.

49. FINAL INSPECTION PRIOR TO LICENSING.

The following will be checked by an Authorised Officer prior to Licensing;

- 49.1 The Mechanical Inspection (Certificate of Fitness).
- 49.2 Insurance cover for the use to which the vehicle will be put to include towing and wheelchairs if necessary and other vehicle documents as listed on the application form.
- 49.3 That the vehicle has a Council approved valid fire extinguisher, and that all windows are clear of stickers with approved exceptions. That the vehicle is displaying a current road fund licence (tax disc).
- 49.4 If fitted a calendar control meter fitted in a position as to be seen by all passengers, sealed and with the correct tariff.

- 49.5 Certificate of Compliance for all vehicles. New vehicles with only delivery mileage on odometer are exempt.
- 49.6 Door signs and numbers if required.
- 49.7 Vehicle registration document or proof of ownership i.e. bill of sale.

50. ISSUING A LICENCE.

If all of the above items and all conditions are met and are satisfactory then the licence will be issued together with other appropriate material after the licence fee and plate deposit have been paid.

51. RE-LICENSING.

- 51.1 All licences issued run from one year from the date of issue.
- 51.2 All vehicles presented for grant of a new licence must have a certificate of mechanical inspection dated within one month prior to application.
- 51.3 Any late applications may result in the vehicle not being licensed for the commencement of the following licensing period.
- 51.4 The vehicle will be re-inspected in accordance with section 2 above
- 51.5 A licence will only be granted if all documents, information and the payment required are complete. Any incomplete application will be returned to the applicant.
- 51.6 The Council's nominated testing garage will endeavour to test all vehicles within 15 working days of application to them for testing.
- 51.7 If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Road Vehicles (Construction and Use) Regulations 1986, then the plate may be removed by the testing centre or any authorised officer until such time as the vehicle passes the test, and until such time as the plate is returned, the vehicle may not be used for hire and reward.
- 51.8 Any vehicle called for inspection, which fails to attend, may have its licence suspended immediately and subsequently the licence may be revoked.
- 51.9 Any vehicle failing to keep an appointment for testing will incur a fee payable to the nominated garage.

52. VEHICLE DAMAGE OR ACCIDENT INVOLVING A LICENSED VEHICLE

- 52.1 The proprietor of any private hire vehicle must report to the Authorised Officer as soon as reasonable practicable, and in any case within seventy-two hours, the occurrence of any accident involving the private hire vehicle.
- 52.2 The vehicle will be inspected by the Authorised Officer and a decision made as to whether or not the vehicle is in such condition

to continue in service.

- 52.3 If any damage to the vehicle is such that the Authorised Officer considers it still to be a fit condition to continue in service until such time as a permanent repair is undertaken these must be undertaken within a maximum of 28 days of the damage occurring.
- 52.4 If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service.
- 52.5 In the case of any dispute as to section 52.4 above, the vehicle will be taken to the Councils nominated testing garage (See Section 2) where a qualified mechanic will give a binding decision which shall be final, the appropriate fee for such examination will be paid for by the proprietor.

53. REPLACEMENT VEHICLES.

Any replacement vehicle must comply with sections 51.1-51.9 above. A completed application form must be submitted with any other necessary documents and fee paid prior to any replacement vehicle being used as a private hire vehicle

54. OPERATOR.

The vehicle used must be covered by an Operator's Licence issued by the Council.

55. CHANGE OF VEHICLE OWNER.

If a proprietor transfers his interest in a vehicle to somebody else he must immediately or in any event within 7 days give notice of the transfer in writing to an Authorised Officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until the licence has been transferred to that person and all documentation completed and any necessary fees paid.

56. EXCEPTION FROM DISPLAY OF PLATE.

There are exceptions if a vehicle is used for a wedding ceremony or funeral. Application must be made in writing and a certificate of exception granted before the plate may be removed from the rear of the vehicle and it will then be displayed inside the vehicle to the side of the drivers seat in such a manner so as to be clearly seen when the drivers door is open. All other signs may in these circumstances be removed and the drivers badge must be carried in the vehicle and produced on demand.

57. CONDITIONS.

The Council has power to attach conditions to private hire licenses. The standard conditions are as set out in this handbook. The vehicle must comply with these conditions before it is submitted for its test. If doubt exists about the application of any of these conditions the Authorised Officer should be contacted.

It is an offence to ply for hire or to stand on a hackney carriage rank with a private hire vehicle or to permit others to do so or tout for business.

The Council has the power to suspend or revoke a licence if the vehicle is unfit or for offences or non-compliance with the 1976 Act by operator or driver, or any other reasonable cause. In the case of revocation the plate must be returned.

SECTION 1.

PART E.

PRIVATE HIRE VEHICLE LICENCE CONDITIONS MADE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.

58. In these conditions;

58.1 “The Council” means ‘Brighton & Hove City Council.’

58.2 “the Director” means the Strategic Director of Place, for the time being of the Council.

INTERPRETATION.

58.3

58.3.1 “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Licensing Manager for the time being of the Council.

58.3.2 “the vehicle” means the vehicle subject of the private hire vehicle licence to which the conditions are attached.

58.3.3 “the proprietor” means the person for the time being shown on the private hire vehicle licence as the proprietor of the vehicle.

58.3.4 “the driver” means the driver for the time being of the vehicle.

58.3.5 “mechanical inspection” means the certificate issued by the Councils nominated garage certifying that the vehicle is mechanically sound and fit for use as a licensed vehicle.

58.3.6 “nominated garage” means for the time being the garage approved by the Council for the purpose of undertaking mechanical inspections.

58.4 Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

58.5 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

59. PASSENGERS

The proprietor or the driver of the vehicle shall not convey or permit to be conveyed in the vehicle more than the maximum number of people (irrespective of age) specified in the licence

60. AGE OF VEHICLE.

60.1 In the case of a first application for a vehicle licence for that vehicle to be under 10 years since date of first registration and not more than 10 years in the case of any subsequent application for renewal

of licence. In the case of a first application for a wheelchair accessible vehicle that is M1 ECWVTA under 12 years since date of first registration and not more than 12 years in the case of any subsequent application for renewal of licence

- 60.2 The age of the vehicle is to be taken from the vehicle registration document.
- 60.3 The maximum age limit described in section 60.1 above, may only be exceeded if the vehicle presented is in exceptional condition as confirmed by the inspecting garage.
- 60.4 A vehicle shall be taken as re-licensed, (renewal of licence), only if there was in force in respect of the vehicle a current private hire vehicle licence previously issued by the Council immediately prior to its being re-licensed, there may not be a lapse period between licenses.
- 60.5 Any vehicle with a "Q" plate registration will not be licensed if in excess of 10 years old from date of manufacture. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as three years old at the date of "Q" registration in line with the policy of the D.V.L.A. and taken from the registration document.

61. MAINTENANCE AND APPEARANCE OF VEHICLE.

- 61.1 The vehicle and its fittings must at all times when it is available for hire or being used as a private hire vehicle;
 - 61.1.1 be safe.
 - 61.1.2 be tidy.
 - 61.1.3 be clean.
 - 61.1.4 comply with all relevant statutory requirements applicable to the class of vehicle to which the vehicle belongs including but without prejudice to the generality of the foregoing the Road Vehicles (Construction and Use) Regulations 1986.
- 61.2 The vehicle must be, and shall be maintained throughout the term of the private hire vehicle licence, to a high standard of appearance to the complete satisfaction of the Council.
- 61.3 The vehicle must be of any single manufacturers colour other than white. (Interpretation of ' white' to be decided by the Director).
- 61.4 All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 61.5 Permitted door signs must be permanently fixed centrally on each front door of the vehicle as determined by the council. They should be 30cms by 46cms in size with white lettering, containing only the words "PRIVATE HIRE" and "PRIOR BOOKING ONLY" and a single telephone number for the operator of the vehicle. The rear passenger doors will have signs showing the vehicle plate number. The signs to be supplied by the Council at no extra cost to the licence holder. If door signs are displayed a roof sign must also be

- displayed showing the single telephone number for the operator of the vehicle on the front and back of the roof sign.
- 61.6 The vehicle must be kept in exceptional condition to include the following;
- 61.6.1 RUST. Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with more than three visible rust patches of more than 20 sq.cms should be failed.
- 61.6.2 DENTS. Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter / length or a single dent of more than 20cms in diameter / length should be failed.
- 61.6.3 SCRATCHES. Any vehicle with un-repaired scratches down to bare metal on three or more panels of 5cms in length, or a single scratch of more than 20cms in length, should be failed.
- 61.6.4 PAINT WORK. All panels shall be painted in other than white or any colour which may appear to be white panels with unmatched colours or in primer should be deemed a failure.
- 61.6.5 SEATS. In conventional saloon vehicles where it is intended that the licence be for four passengers, the rear seat must be of sufficient size and comfort as decided by the Director and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations 2002. All seats, including the drivers, must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
- 61.6.6 CARPETS / FLOOR COVERING. All carpets and floor covering shall be complete and free from cuts, tears or serious staining.
- 61.6.7 HEADLINING and OTHER TRIM. All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- 61.6.8 WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent windows without difficulty.
- 61.6.9 BOOT / LUGGAGE COMPARTMENT. This should be empty, except for spare wheel, essential tools and first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- 61.6.10 INTERIOR. The interior must be kept clean, tidy and free of any litter or other rubbish

61.6.11 DARKENED/TINTED WINDOWS except light tints and sun strips are not normally acceptable in the interest of public safety. The tint should not normally exceed a light restriction of 25% for windscreens and 30% for all other windows.

62. INSPECTION OF VEHICLE.

- 62.1 The vehicle may not be available for hire or be used as a private hire vehicle unless there is a current mechanical inspection certificate in force in respect of that type or class of vehicle.
- 62.2 The vehicle must be mechanically inspected by the Councils nominated testing garage prior to a licence being granted. (For list of nominated testing garages see Section 2).
- 62.3 The vehicle must be inspected and a mechanical inspection certificate issued within one month of application for the vehicle licence or for the re-licensing of a vehicle.
- 62.4 Subparagraphs 62.2 and 62.3 will not apply in the case of a new vehicle with only delivery mileage on the odometer.
- 62.5 The vehicle may be called for inspection at anytime by the Authorised Officer to ensure compliance. Failure to attend and show any documentation requested may lead to suspension or revocation of licence.

63. ALTERATION OF THE VEHICLE.

No alterations in the original type specification, design or appearance of the vehicle shall be made without the approval in writing under the hand of the Director.

64. DOCUMENTS.

There must be carried in the vehicle when it is available for hire or used as a private hire vehicle:

- 64.1 A copy of the insurance certificate or current insurance cover note.
- 64.2 A copy of the current tariff as advertised by the operator clearly displayed within the vehicle where it may be seen by any passenger carried in cases where a meter is fitted.
- 64.3 A sign giving the licence number of the vehicle and giving the maximum number of passengers to be carried, will be displayed where it may be clearly seen by any passenger carried such notice to be issued by the Council.
- 64.4 A current vehicle excise disc correctly displayed in the windscreen.

65. SIGNS.

- 65.1 No signs notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices whatsoever (collectively referred to as “signs”), other than those mentioned in paragraph 65.2 and 65.8 below shall be displayed on, in or from the vehicle.
- 65.2 Signs permitted are;
 - 65.2.1 any registration numbers.
 - 65.2.2 any sign required by statute or subordinate legislation.
 - 65.2.3 any sign on a taximeter indicating the vehicle has been hired.
 - 65.2.4 the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle displayed to the near side at bumper height. (This is in addition to the sign required in 64.3 above inside the vehicle).
 - 65.2.5 the roof sign referred to in paragraph 67 below. If required vinyl door signs as provided by the Council to be fitted direct to the vehicle front doors indicating that the vehicle is only available for hire by prior booking and showing one telephone number of the operator. If front signs used, rear door vinyl signs as provided by the Council showing the vehicle plate number to be fixed by the door handles.
 - 65.2.6 any sign indicating membership of a national motoring organisation.
 - 65.2.7 any sign requesting passengers not to smoke in the vehicle.
 - 65.2.8 the tariff and licence number as in 64.2 and 64.3 above.
 - 65.2.9 any sign approved by the Council to indicate that the payment of fares may be made by credit cards shall be displayed on the front windscreen of the vehicle.
 - 65.2.10 any sign provided by ‘Brighton & Hove City Council’ to show that the vehicle is used for school contracts shall be displayed in the windscreen in such a manner so as not to obstruct the drivers vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
 - 65.2.11 any sign approved by the council to indicate that a security camera system is operated within the vehicle.
 - 65.2.12 Any sign approved by the director to indicate the vehicle is a taxi bus
 - 65.2.13 any other sign on or in the vehicle must be approved by the Authorised Officer.
- 65.3 Any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be positioned on the rear window of the vehicle, nor any hanging obstruction be placed in any part of

- the vehicle.
- 65.4. No sign may include in the lettering any word whether in the singular or the plural the words "taxi", "cab" or "hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word.
 - 65.5 All badges, plates or signs provided by the Council remain the property of the Council at all times.
 - 65.6 Only licensed vehicles shall be permitted to carry advertising in relation to Hackney carriage or Private Hire operators.
 - 65.7 No vehicle may be double plated (i.e. be licensed in two districts), due to the variance in conditions, signs required and matters relating to suspension and revocation
 - 65.8 Livery as permitted by Brighton & Hove Council.

66. LICENCE PLATE.

The Council must be informed immediately should the licence plate showing the number of the private hire vehicle be broken, lost or defaced. On no account must a private hire vehicle be used for hire without a plate unless written application has been made for, and an exemption certificate been granted. An exemption certificate will only be granted if the application meets the requirements of section 75 of the Local Government (Miscellaneous Provisions) Act 1976.

67. ROOF SIGNS.

An approved roof sign may be displayed on a private hire vehicle provided that it does not exceed 28cms by 10cms by 10cms, being white to the front and red to the rear. If such a sign is used it must at all times in black numbering display the telephone number of the company operator to the front and to the rear. Such signs must be gutter or magnetically mounted to the rear side of the vehicle above the front passenger door and may be illuminated. The sign must at all times comply with any requirement of vehicle lighting regulations if and when illuminated.

68. DRIVERS IDENTITY BADGE.

Two badges will be issued one of which will be displayed at all times on the windscreen of the vehicle in a position so it can be clearly seen by passengers at all times, the second badge is to be worn by the licensed driver at all times when employed as a private hire driver and be clearly visible to passengers. The photographs to be colour passport size provided by the applicant, any replacement badges will require a further photograph to be provided by the applicant.

69. CRIMINAL CAUTIONS/CONVICTIONS.

The proprietor must immediately, and in any case within 3 days, disclose to the Council in writing the details of any criminal cautions or convictions Anti Social Behaviour Orders, County Court Judgments and Fixed Penalty Notices imposed upon him or her, (or in the case of a company or partnership, on any of the directors or partners), during the period of the private hire vehicle licence.

70. MOTORING CONVICTIONS AND FIXED PENALTY TICKETS

The proprietor must immediately, and in any case within 3 days disclose to the Council in writing the details of any motoring convictions or fixed penalty tickets imposed upon him or any of his/her drivers (or in the case of a company or partnership, of any directors or partners), during the period of the licence.

71. CHANGE OF ADDRESS.

The proprietor must inform the Council of any change of address in writing before the change, where possible, but not more than seven days after in any case of such a change

72. SEEING, HEARING AND ASSISTANCE (GUIDE) DOGS.

No driver may refuse to carry a seeing, hearing or assistance (guide) dog which is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him from this condition, any payment for such a certificate to be paid by the applicant. Drivers must comply with the Equality Act 2010 at all times.

73. WHEELCHAIR ACCESSIBLE VEHICLES

The proprietor must ensure that all drivers of the vehicle are adequately trained in the embarking, disembarking and safe carriage of passengers in wheelchairs. Proprietors must be able to demonstrate to the Authorised Officer that training has been provided upon demand.

74. COMPLIANCE.

The responsibility for complying with these conditions unless otherwise stated shall be the proprietor and drivers jointly and severally. Any complaint in writing regarding a vehicle will result in the vehicle being called for inspection by the Authorised Officer and the vehicle must be presented within one working day with all documents, from the time the owner is informed. Failure to comply with any condition or legislation may result in the issue of a notice under Section 68 of

the Act. (Stop notice).

75. INTERIM INSPECTION.

A vehicle may be called for inspection, including documents, at anytime. If it fails to meet the required standards the licence may be suspended or revoked under Section 68 of the Act of 1976. (Vehicles which fail to comply with any condition or requirement of legislation may be suspended until such time as they comply, failure to comply within two months will result in automatic revocation of licence).

76. MAINTENANCE OF VEHICLE AND SAFETY EQUIPMENT.

The proprietor of the vehicle shall;

- 76.1 provide sufficient means by which any person in the vehicle may communicate with the driver.
- 76.2 cause the roof or covering to be kept watertight.
- 76.3 provide adequate windows and the means of opening and closing them.
- 76.4 cause the seats to be properly cushioned and covered.
- 76.5 cause the floor to be provided with a proper carpet, mat or other suitable covering.
- 76.6 cause the fittings and furniture generally to be kept in a clean and well maintained condition.
- 76.7 provide means for securing luggage.
- 76.8 provide an efficient vaporising liquid or dry powder fire extinguisher which shall be carried in such a position as to be readily available at all times, and this should be to BS EN3: 1996 Standard.
- 76.9 A device to effectively prevent luggage and other goods placed in the rear of the vehicle from entering the front of the vehicle shall be available in estate cars and similar types of vehicle at all times when such a vehicle is in use as a private hire vehicle.
- 76.10 ensure that the vehicle and all its fittings and equipment are at all times when the vehicle is in use or available for hire are kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in the Road Vehicles (Construction and Use) Regulations) are fully complied with.
- 76.11 ensure that no material alteration or change in the specification, design condition or appearance of the vehicle are made without the written approval of the Council at any time whilst the licence is in force.
- 76.12 all vehicles with rear seat belt anchorage points must be fitted with rear seat belts.
- 76.13 no private hire vehicle may be white or appear to be white in colour.
- 76.14 if a vehicle is fitted with a meter it shall be maintained in working order at all times and must be inspected and sealed by the Authorised Officer prior to use.

76.15 At all times a tariff card will clearly be displayed where it may be seen by any passenger giving the tariff applied by the operator through whom the vehicle is operated.

77. MECHANICAL BREAKDOWN.

If any vehicle becomes unfit to complete a journey during a hiring;

77.1 The driver shall be entitled to demand the fare for the distance already travelled.

77.2 The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver is entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

78. TOWING OF TRAILERS.

No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Authorised Officer. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle. The contents of such trailer must be secured and covered in a proper manner so as to be watertight.

Any trailer used must comply with regulations in all respects and where required the driver must hold the appropriate towing licence as issued by the D.V.L.A.

79. HACKNEY CARRIAGE RANKS.

Private hire vehicles may not stop on or near an appointed hackney carriage rank at anytime.

80. PRIVATE HIRE RANKS.

Any private hire vehicle, singularly or with others, which give the appearance that it is available for immediate hiring, may commit an offence. No more than two vehicles may congregate in any one location giving the appearance that they are a rank and may be plying for hire, except at the office location of the operator for whom they work.

81. DUAL PLATING.

No vehicle may be licensed in two districts due to problems in the variance of conditions applied and enforcement of such conditions in cases of non-compliance.

82. VEHICLE CHECKS.

Any vehicle which is suspected of any infringement of any legislation or condition may be stopped by an Authorised Officer at anytime to ensure its fitness to be used as a private hire vehicle in the interest of public safety.

83. DEPOSIT OF LICENCE.

Any vehicle proprietor who is employed by an operator to fulfil bookings made by the operator shall produce the original licence and deposit a copy of his vehicle licence with that operator during the period that the vehicle is employed by that operator. The operator shall return the licence to the vehicle proprietor at the end of the period. The deposit of licence will not be required of proprietors who hold their own operator licence.

84. CCTV AND SAFETY SCREENS

From 1st April 2012 all vehicles must at initial licensing or renewal have CCTV installed to be operated and maintained in accordance with the requirements of the Director. (see pages 76-80)

CCTV equipment may be installed in the licensed vehicle subject to the following conditions:

- 84.1 The CCTV equipment shall be of a type approved by the Director.
- 84.2 The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Director.
- 84.3 Any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime, to confirm or rebut complaints against the driver or motor insurance matters
- 84.4 No tape recording or other material created by the system shall be used or distributed for any purpose other than allowed by 84.3 above or kept for more than 31 days if not required under 84.3 above.
- 84.5 Access to any recorded material shall be limited to the police, any authorised officer of the Council and persons covered by the Information Commissioners CCTV code of Practice and access to any material otherwise recorded must be available upon demand to the police, or any authorised officer of the Council.
- 84.6 Notices indicating that a recording system is in operation and giving details of the data controller shall be clearly displayed in the vehicle.

A safety screen may be installed in the licensed vehicle subject to the following conditions:

- 84.7 Approval in writing must be obtained from the Council before a safety screen is fitted into a licensed vehicle.

- 84.8 For any safety screen installed in the licensed vehicle the Director must approve
- (a) the type of screen
 - (b) the manner in which it is installed in the vehicle
 - (c) the person who installs it
- 84.9 The vehicle proprietor must produce vehicle insurance for the vehicle which includes an indemnity covering liability for any injury caused by the presence of the screen.

85. ACCIDENTS

Any accident to the private hire vehicle causing damage materially affecting the safety performance or appearance of the vehicle should be reported to the Council as soon as reasonably practicable and in any case within 72 hours.

86. TRANSFER OF INTEREST

If the proprietor transfers his/her interest in the vehicle to someone else he/she must, within seven days, give written notice to the Council of the transfer and the name and address of the transferee.

87. RECORD OF LICENCES

The proprietor of the private hire vehicle shall supply the operator of the vehicle, where applicable, such details relating to the vehicle licence insurance and MOT/Certificate of Compliance as are required by the operator.

88. TAXIMETERS

If a taximeter is fitted in a licensed private hire vehicle it shall be EEC or Transport for London Office type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. If the meter is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicles transmission gearing ratio the proprietor shall not cause the vehicle to be used for hire until the taximeter has been satisfactorily tested and seal by an authorised officer.

89. TABLE OF FARES

If a taxi meter is fitted in the vehicle, there shall be displayed within the vehicle in a position so as to be clearly visible to any passenger a current table of fares in form and printing previously submitted and approved by the Council. The driver shall if requested by the hirer of the vehicle provide him/her with a written receipt for the fare paid.

90. LICENCE CONDITIONS.

Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the Licence Conditions/Guides/Handbook a summary of any statutory provision you are advised that such summary is not exhaustive.

Any vehicle licensed that does not meet the conditions at the time they come into force will be permitted to be re-licensed annually provided it passes the mechanical requirements, but any replacement vehicle will be required to meet all conditions as set out in this handbook.

91. APPEALS.

- 91.1 You may appeal against all or any of the conditions attached to a licence granted to you.
- 91.2 You may appeal against the refusal of a licence to you.
- 91.3 Any appeal must be made within 21 days of grant of licence or the refusal of such a licence.
- 91.4 Appeals must be made to the Magistrates' Court - you should contact the Clerk to the Justices, The Law Courts, Edward Street Brighton.

SECTION 2.

PART A.

PROCEDURE FOR LICENSING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS.

Brighton & Hove City Council condemns all incidents of harassment whether racist, religiously motivated, homophobic, transphobic or due to gender or disability, whether perpetrated by Council staff, employees, agents, third parties or those involved in providing licensed taxi service whether hackney or private hire. If incidents are reported to the Council they will be investigated and where warranted enforcement action taken against the perpetrator. It is clear under the law that if the matter was to go to Court on appeal then these allegations can and should be put before the Court to help it decide whether the driver or operator is a fit and proper person.

92. MAKING APPLICATION.

All applicants are advised that to avoid errors in completing an application they collect the papers required from the office of the Hackney Carriage and Private Hire Officer, at that time they will receive an explanation as to the requirements.

Prior to issue of a licence the following will be required;

- 92.1 The Criminal Record Bureau form must be completed and forwarded to the Criminal Record Bureau. A copy of this form is returned to the Licensing Officer with details of any record which may or may not exist, a copy will also be sent to the applicant. This form is required every three years.
- 92.2 Applicants will be required to produce a birth certificate and / or passport to show date and place of birth, on initial application only
- 92.3 The applicant will be required to produce a full current driving licence, both parts where this type of licence is held, for the correct group as required for driving a hackney carriage or private hire vehicle as issued by the DVLA and must have been held for at least twelve months. EEC licences must be converted to a UK DVLA licence before application is made.
- 92.4 The application form must be completed and all questions must be fully answered.
- 92.5 References will be written for from the names provided. These must be persons of some standing in the community, and should normally include your current employer. A future employer, relations or friends are not acceptable. References are only required on initial application.
- 92.6 Four colour passport photographs must be provided for initial applications (one on subsequent applications to renew a current licence); these are used for positive identification on references, for the issue of I.D. badges to successful applicants and for office records.

- 92.7 A medical certificate in the form supplied by the Council, from the applicants own general medical practitioner on initial application, one at age 45, 50, 55, 60, 65 and annually thereafter, or at anytime as required by the Council. All medicals are to be to the standard required for vocational licences Group 2 as described on the DVLA web site under the heading 'At a glance Guide to the current Medical Standards of Fitness to Drive'.
- 92.8 All applicants must have in addition to the above have passed the BTEC Level 2 Certificate in Introduction to the Role of the professional Taxis and Private Hire Driver (QCF) (or equivalent award as decided by the Director) and have undertaken and passed the Driving Standards Agency (D.S.A.) Taxi Drivers Test or Private Hire Drivers Test and produce the necessary pass certificate before undertaking a knowledge test.
- 92.9 No licence will be issued unless all information has been supplied and appropriate fee paid.
- 92.10 When all above items are in hand, the applicant will, when ready, be invited to undertake a knowledge test of the area and a routes test. Subject to the applicant achieving a satisfactory standard and the fee being paid then an appropriate licence will be granted and I.D. badges issued.
- 92.11 Anyone failing the knowledge test or routes test will be invited to retake the test at a later date, at least one month following the failure of the first test without additional fee. Should the second attempt result in failure a period of one month must elapse before the third and final attempt is made. If unsuccessful on the third attempt the application will be considered to be a failure and a fresh application will be required, if the applicant wishes to continue, with the necessary forms and fees as described above.
- 92.12 The Council reserves the right to require any applicant to provide additional Criminal Record forms or full medical forms if they have reason to believe that changes have taken place since the original application.
- 92.13 Any application not completed within six months will be considered as null and void and all new information will need to be submitted. No refund of fees paid will be made.
- 92.14 In all cases sight of a passport will be required or other document as required by the Council.

93. ANNUAL RE-LICENSING OF DRIVERS.

- 93.1 Drivers will be required to comply with those conditions for initial application above in section 92.1 to 92.14 with the exceptions of 92.2, 92.5, 92.8, 92.10, and 92.11.
- 93.2 Drivers are required to undergo annual competence training as required by the Director and are to produce a Certificate of

Professional Competence at renewal.

- 93.3 In cases where a medical condition of the applicant needs to be referred to the Council's Medical Consultant, a licence will not normally be renewed until a satisfactory report is received from the Council's Medical Consultant.
- 93.4 Hackney Carriage driver licences are issued for a period of one year from the date of commencement of the licence.
- 93.5 Private Hire driver licences are issued for a period of one year from the date of commencement of the licence.
- 93.6 All applications for renewal should be made a minimum of three weeks prior to expiry date with all papers required complete at time of application to enable any checks of official records to be made prior to the issue of a new licence.
- 93.7 Any licence not renewed on or before renewal date will be deemed to be a new application and not a renewal of an existing licence.
- 93.8 Any incomplete applications will be returned to the applicant and not be processed until application is resubmitted with all details and papers as required.
- 93.9 No licence will be issued unless the payment has been submitted and the right is reserved to present cheques and drafts for payment on receipt and withhold processing of applications pending clearance. Any applicant who presents a cheque, which is not honored, will have the licence immediately suspended and this will subsequently be revoked, unless the payment is honored within seven days. Payment will be required in cash in cases where a cheque has not been honored.
- 93.10 Any new and existing Brighton & Hove hackney carriage or private hire driver who accrues more than seven penalty points on his or her UK driver's licence within a one year period will be required to undertake and obtain a pass certificate for the hackney carriage / private hire taxi assessment test from the Driving Standards Agency (DSA) within a period of one year from the date of the last conviction or fixed penalty endorsement before their driver's licence will be renewed.
- 93.11 The Director has delegated powers to require at his discretion any Brighton & Hove licensed hackney carriage or private hire driver to undertake and pass the DSA hackney carriage / private hire driver taxi test within a period of one year or shorter period from being required to do so.
- 93.12 Any driver disqualified by a court under the totting up procedure or otherwise will be required to apply as a new applicant following at least one year from restoration of their DVLA licence.

94. DRIVERS BADGE.

The drivers badge issued by the Council must be worn in such position that it can be clearly seen at all times. The second badge is to be displayed clearly in the vehicle. The badges remain the property of the Council.

95. COMPLAINTS.

Any driver against whom a complaint is laid will attend at the office of the authorised officer, within one working day to answer such complaint, after having been informed of such requirement to attend.

96. INSPECTION.

Any driver called for inspection must attend with any documents requested; failure to do so may lead to suspension or revocation of licence.

97. MUST BE LICENCED.

Attention is drawn to section 46 of each of the 1847 and 1976 Acts which require ALL drivers of hackney carriage and private hire vehicles to hold an appropriate driver licence, as issued by the Council, and it is an offence which affects the insurance to allow any unlicensed person to drive any licensed vehicle, (see Guidelines to Offences for penalties). In effect only hackney driver licence holders may drive hackney carriages and private hire vehicles may only be driven by private hire driver licence holders.

98. LAPSE IN LICENCE.

Any lapse in licence will result in any application being treated as a new application and not a renewal, and full application requirements as detailed in Section 2, Part A, 92, will have to be satisfied.

99. NOTES.

The Council has the power to revoke or suspend licences after convictions for various offences, or failure to comply with the relevant provisions of The Town Police Clauses Act 1847, and The Local Government (Miscellaneous Provisions) Act, 1976, Part II, or any other reasonable cause. Any requirements of legislation which affect the operations carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

The Council in determining its powers of immediate suspension or immediate revocation, will consider each case according to its merits and where it is satisfied that in the interests of public safety require such a course of action; an

offence is committed of such a serious nature as to warrant such action; a medical condition exists that makes it unsafe to continue working the decision will normally be to suspend or revoke with immediate effect.

SECTION 2.

PART B.

HACKNEY CARRIAGE DRIVERS LICENCE CONDITIONS

IMPORTANT NOTE;

DUE TO THE STATED CASE OF WATHAN v NEATH AND PORT TALBOT BOROUGH COUNCIL of 2002, in which it was said that there is no power to attach conditions to a hackney carriage driver's licence, one may consider 'conditions' to be desirable and therefore one will need to look at the Acts of 1847 and 1889 and the Council's Bye Laws as a method of imposing controls.

HACKNEY CARRIAGE BYE LAWS MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1847 AND SECTION 171 OF THE PUBLIC HEALTH ACT 1875.

100. INTERPRETATION.

See Section 1. Part C. Hackney Carriage Bye Laws.

101. FOR 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.

See Section 1. Part C. Hackney Carriage Bye Laws.

102. FOR FIXING THE RATES OR FARES, AS WELL FOR TIME AS DISTANCE, TO BE PAID FOR SUCH HACKNEY CARRIAGES WITHIN THE DISTRICT, AND FOR THE DUE PUBLICATION OF SUCH FARES.

See Section 1. Part C. Hackney Carriage Bye Laws.

103. FOR SECURING THE SAFE CUSTODY AND REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AN FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.

See Section 1. Part C. Hackney Carriage Bye Laws.

104. PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE.

See Section 1. Part C. Hackney Carriage Bye Laws.

105. PENALTIES.

See Section 1. Part C. Hackney Carriage Bye Laws.

SECTION 2.

PART C.

PRIVATE HIRE DRIVERS LICENCE CONDITIONS MADE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.

106. INTERPRETATION.

- 106.1 In these conditions;
 - 106.1.1 “the Council” means ‘Brighton & Hove City Council.
 - 106.1.2 “the Director” means the Strategic Director of Place, (for the time being) of the Council.
 - 106.1.3 “the driver” means the person to whom the Council has granted the Private Hire Drivers Licence to which these conditions are attached.
 - 106.1.4 “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Licensing Manager for the time being of the Council.
- 106.2 Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- 106.3 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

107. CONDUCT.

- 107.1 The driver shall behave in a civil and orderly manner at all times.
- 107.2 The driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 107.3 The driver shall at all times when operating wear the badge provided by the Council in such position as to be plainly visible.

108. PROMPT ATTENDANCE.

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

109. NUMBER OF PASSENGERS.

The driver shall not convey in the vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle, (regardless of the age of any passenger carried). Shall not convey in the front seat any child below the age of twelve years or under 135cms unless wearing a suitable restraint and using a child/booster seat and not more than one person in

any seat. Without the consent of the hirer permit any other person to be carried whilst hired.

110. LUGGAGE.

The driver of a vehicle so constructed as to carry luggage shall, when requested by a person hiring the vehicle;

110.1 convey a reasonable quantity of luggage.

110.2 afford reasonable assistance in loading and unloading.

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

111. PROVISION SECURING THE SAFE CUSTODY AND REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN PRIVATE HIRE VEHICLES, AND FIXING THE CHARGES TO BE IN RESPECT THEREOF.

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

111.2 The proprietor or driver of a private hire vehicle shall, if any property accidentally left therein by a person who may have been conveyed in the carriage be found by or handed in to him;

111.2.1 report the finding or handling to him of the property to a police station as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner.

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

112. APPEARANCE.

112.1 The driver shall be clean and tidy in appearance.

112.2 The driver shall at all times be dressed in a manner not to cause embarrassment to members of the public.

112.3. Suitable footwear.

113. TOUTING AND SOLICITING.

The driver shall not, whilst driving or in charge of a private hire vehicle;

113.1 tout or solicit any person to hire, or be carried for hire in any private

- hire vehicle.
- 113.2 cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- 113.3 ply for hire or appear to be plying for hire and any roof light affixed to the vehicle must be extinguished when hired.

114. DEPOSIT OF LICENCE.

If a driver is permitted or employed to drive a private hire vehicle of which the operator is someone other than himself, he shall, before commencing to drive that vehicle, deposit his private hire licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle. The operator must return such licence to the driver when he ceases to drive any vehicle operated by that operator.

115. TAXIMETER.

- 115.1 If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- 115.2 The driver of a private hire vehicle shall not tamper with or permit any person to tamper with any taximeter, which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- 115.3 Private hire vehicles fitted with a taximeter may not operate unless the meter is in working condition and has been checked by the Council's Authorised Officer.
- 115.4 All private hire vehicles must display a tariff card showing the rates of fares charged by the operator through whom they work and as advertised by the operator.

116. FARE TO BE DEEMED.

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for the 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 taximeter. Journeys shall be by the shortest or most direct route unless requested otherwise. Receipts for payments made must be given if requested to show company name, fare paid, and date and be signed by the driver.

117. CHANGE OF ADDRESS.

The driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place, and in any case within 7 days

of such change.

118. MOTORING CONVICTIONS.

The driver must immediately and in any case within seven days disclose to the Council in writing, details of any motoring conviction or fixed penalty imposed upon him during the period of his hackney carriage or private hire driver's licence.

119. CRIMINAL CAUTIONS/ CONVICTIONS

The driver must immediately and in any case within seven days disclose to the Council in writing, details of any police criminal cautions or convictions, Anti Social Behaviour Orders, County / High Court Judgments and Fixed Penalty Notices imposed upon him during the period of his hackney carriage or private hire driver's licence.

120. BADGES.

The driver's badge must be worn in a position where it may be seen at all times. The driver shall upon expiry (without immediate renewal), revocation or suspension of his licence, return to the Council the driver's badges issued to him by the Council. A second badge is issued and must be clearly displayed in the vehicle. The badges shall remain the property of the Council at all times.

121. OPERATORS.

All private hire drivers are responsible for checking that the operator through whom they are working has a current operators licence.

122. LOST PROPERTY.

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

122.2 If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, unless it be sooner claimed by or on behalf of its owner, shall be taken within 48 hours to the nearest police station and left in the custody of the officer in charge.

123. ANIMALS.

123.1 Whilst plying for hire or whilst hired the driver shall not convey in any private hire vehicle any animals belonging to or in the custody

- of himself or the proprietor or operator of the vehicle.
- 123.2 Any animal belonging to or in the custody of any passenger, which in the driver's discretion may be conveyed in a private hire vehicle, shall only be conveyed in the rear seating area of the vehicle.
- 123.3 No driver of a private hire vehicle may refuse to carry a 'guide dog' or 'assistance dog' provided it is accompanied by a fare paying passenger, unless the driver can produce a medical certificate signed by a registered medical practitioner to the effect that the driver has an allergy to dogs as produced to the Council and an exemption certificate issued. No charge shall be made for the carriage of any assistance dog as defined in the Equality Act 2010.

124. ILLNESS OR INJURY.

The driver shall notify the Council in writing as soon as possible and in any event within 14 days, of any illness or injury affecting his fitness to drive.

125. OPERATOR LICENCE.

The owner of any vehicle, which carries a mobile telephone, pager or otherwise makes provision for the acceptance of bookings must hold an Operator's licence.

126. PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE.

Before any proprietor of a private hire vehicle permits or employs any other person to drive the vehicle he shall ensure that the vehicle is adequately insured for that person to drive and produce evidence of that insurance for inspection by any person employed or permitted to drive or by any Authorised Officer on request.

127. NOTE.

Any requirements of legislation which effects the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

128. GENERAL LICENCE CONDITIONS.

All drivers shall operate strictly within the terms of any licence issued, incorporating of all terms and conditions of The Local Government (Miscellaneous Provisions) Act 1976, and other conditions within this handbook but these may not necessarily be exhaustive.

129. APPEALS.

- 129.1 You may appeal against all or any of these conditions.
- 129.2 Any appeal must be made within 21 days of the grant of licence.
- 129.3 Appeals must be made to the Magistrates Court - you should contact the Clerk to the Justices, The Law Courts, 'Edward Street Brighton.
- 129.4 Appeals are made by way of section 52 and 77 of the 1976 Act and section 300 of the Public Health Act 1936.

SECTION 2. (D).
APPENDIX 1.

GUIDELINES RELATING TO THE RELEVANCE OF CAUTIONS AND CONVICTIONS, ANTI SOCIAL BEHAVIOUR ORDERS, COUNTY COURT AND HIGH COURT JUDGMENTS AND FIXED PENALTY NOTICES WHEN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES.

130. The council is empowered in law to check for the existence and content of any criminal record held in respect of an applicant for a hackney carriage or private hire driver or operator licence so when submitting an application for such a licence an applicant is required to declare all convictions (whether or not spent), cautions, Anti Social Behaviour Orders, County Court and High Court injunctions or Fixed Penalty Notices they have recorded against them, and any pending proceedings. In making its decision the council will consider the nature of the information, its own guidelines on the relevance of cautions, convictions, Anti Social Behavior Orders, County Court / High Court injunctions and Fixed Penalty Notices in the licensing process and any other factors which may be relevant. These guidelines will also be taken into account in relation to renewal applications, and decisions to suspend or revoke licences. The Council in determining its powers of immediate suspension or immediate revocation, will consider each case according to its merits and where it is satisfied that in the interests of public safety require such a course of action; an offence is committed of such a serious nature as to warrant such action; the decision will normally be to suspend or revoke with immediate effect. For the purpose of these guidelines, cautions will be treated as convictions.

- 130.1 Each case will be decided on its own merits.
- 130.2 A person with a conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before the application is entertained. However, persons with convictions for offences of indecency, sexual, or child related nature or other serious crime will not normally be issued with a licence. Persons subject to pending proceedings for such offences will be properly investigated.
- 130.3 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
- 130.4 Hackney carriage and private hire drivers are classed as 'regulated occupations' by the Rehabilitation of Offenders Act 1974 (exemption order as amended) which means that the Rehabilitation of Offenders Act does not apply to them (and thus their convictions are never spent). Furthermore, in respect of applications or

renewals for hackney carriage Proprietor or private hire operators licences, the Council as a judicial authority under the Rehabilitation of Offenders Act 1974 may take into account spent convictions involving serious offences, (i.e. Death by Dangerous Driving, Drugs, Violence, Sexual offences or offences of a habitual nature).

130.5 Cautions are never spent, but their age and gravity will be taken into account as for convictions.

130.6 Fixed penalty notices are now used in relation to a range of offences and they will be taken into consideration depending upon their number, the nature of the offence and all the circumstances.

131. MINOR MOTORING OFFENCES.

Isolated convictions or fixed penalty notices for minor traffic offences, e.g., obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application. Any new applicant must have held a full drivers licence as issued by DVLA for a period of twelve months without any period of suspension during those twelve months. Licence holders convicted during the period of licence of such offence may be warned as to future conduct, and that any disqualification may lead to revocation of any hackney carriage or private hire licence held with the Council.

132. MAJOR TRAFFIC OFFENCES.

An isolated conviction for reckless or dangerous driving or driving without due care and attention etc., will merit at least a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers. More serious convictions and those with more than one conviction for these types of offences within two years will normally merit revocation, or refusal in the case of new applicants, and no further application will then normally be considered until a period of at least three years free from convictions has elapsed.

133. DRUNKENNESS.

133.1 With a motor vehicle.

A serious view will be taken of cautions / convictions for driving or being in charge of a vehicle under the influence of drink. An isolated incident in the past will not necessarily debar an applicant provided he has been at least three years free of cautions / conviction, but strict warnings will be given as to future behaviour. More than one caution / conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire drivers' licence. At least one year should elapse (after the restoration of the DVLA driving licence), before an applicant is considered for a hackney carriage or private hire

driver's licence. If the applicant is found to be an alcoholic a minimum period of five years should elapse after treatment is completed before a licence application is considered.

133.2 A driver found guilty of driving passengers for hire and reward whilst under the influence of drink will normally have his hackney carriage or private hire drivers licence revoked immediately and be banned from holding a hackney carriage or private hire drivers licence with the Council for a minimum period of two years.

133.3 Not in a motor vehicle.

An isolated caution / conviction for drunkenness need not debar an applicant from obtaining a licence, however, a number of cautions / convictions for drunkenness could indicate a medical problem necessitating a critical examination, (see 133.1above).

134. INSURANCE OFFENCES.

134.1 With a motor vehicle.

A serious view will be taken of any caution / convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily debar an applicant provided he has been three years free of any caution / conviction, but strict warning will be given as to future behavior. More than one caution / conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire licence. At least three years should elapse (after the restoration of the DVLA driving licence), before an applicant is considered for a hackney carriage or private hire driver's licence.

134.2 A driver found guilty of driving passengers for hire and reward whilst without insurance will normally have his hackney carriage or private hire driver's licence revoked immediately and be banned from holding a hackney carriage or private hire driver's licence with the Council for a minimum of five years.

134.3 Any applicant with three insurance offences or more will not normally be considered fit and proper to hold a hackney carriage or private hire licence with the Council.

135. DRUGS.

An applicant with a caution / conviction for a drug related offence should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained or minimum of three years after detoxification treatment if applicant was an addict. Medical advice will be sought where necessary.

136. VIOLENCE.

As hackney carriage and private hire drivers maintain close contact with the public, a firm line will be taken with applicants who have cautions / convictions for grievous bodily harm, wounding, assault or criminal damage. A minimum of three years free of cautions / convictions should be shown before an application is entertained and even then a strict warning will be administered. An existing licence holder could expect his licence to be suspended or revoked if convicted of these offences.

137. DISHONESTY.

Licence holders are expected to be person of trust. The widespread practice of deliveries for companies, taking children to school and families on holiday shows this trust. It is easy for dishonest drivers to defraud foreign visitors when giving change, or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. For these reasons a serious view will be taken of any cautions / convictions involving dishonesty. In general, a period of at least three years free of any cautions / convictions will be required before entertaining an application for a hackney carriage or private hire drivers licence by the Council. Any existing driver convicted of offences of dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a hackney carriage or private hire driver's licence for three year period at minimum.

138. INDECENCY OFFENCES.

As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, importuning, or any of the more serious offences, should be refused until a substantial period (at least three to five years) free of such offences has elapsed. More than one conviction of this kind should preclude consideration for at least five years. In either case, if the applicant was required to register on the Sex Offenders Register as a result of an offence of a sexual nature, then no application should normally be considered whilst the applicant is still on the register.

139. DISCRIMINATION OFFENCES

An applicant with a caution / conviction for a discrimination related offence should be required to show a period of at least three years free of any caution / convictions before any application is entertained.

140. BREACHES OF LICENSING CONDITIONS AND OTHER LOCAL AUTHORITY OFFENCES

Isolated convictions / cautions for breach of licensing conditions or other local

authority offences should not prevent a person from proceeding with an application but these offences may be considered when determining if an applicant should be granted a licence. Licence holders committing offences during the period of licence may be warned as to future conduct and may lead to revocation of any hackney carriage or private hire licence held with the Council.

141. ANTI SOCIAL BEHAVIOUR ORDERS (ASBO'S)

An ASBO during its current term or within three years of its final date should not prevent any person from proceeding with an application, but it will be considered, taking into account all the circumstances, and nature of the behaviour, when determining if an applicant should be granted a licence.

142. COUNTY/HIGH COURT INJUNCTIONS

Any Court injunction and / or order relating to anti-social behaviour especially those for harassment or violence (including domestic violence) within the last three years should not prevent any applicant from proceeding with an application, but will be considered when determining if an applicant should be granted a licence, taking into consideration the nature and severity of the behaviour and all relevant circumstances.

143. SCANNERS.

Anyone convicted of the use of a radio scanner will normally be banned from holding any licence for a minimum of a five-year period.

144. NOTES.

Any information disclosed will be kept in strict confidence and will only be taken into account in relation to the application and will be retained no longer than necessary. It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence, punishable by up to seven years imprisonment upon conviction.

SECTION 3.
PART A.
PROCEDURE FOR LICENSING A PRIVATE HIRE OPERATOR.

145. GENERAL.

Anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operators licence, (with the exception of those who only operate vehicles covered by section 75 of the Act of 1976). This means that any individual (group or company) which advertises the services of any private hire vehicle with the services of a driver for hire and reward, or has a mobile telephone or pager which is carried within a licensed vehicle then that driver and vehicle have made provision for the acceptance of bookings for hire and reward and will be required to hold a private hire operators licence.

146. THE OPERATOR.

- 146.1 The application form must be complete and returned to the Hackney Carriage Office.
- 146.2 Every applicant will be checked to ensure that they are a fit and proper person to hold a private hire operators licence.
- 146.3 The applicant is required to provide proof of holding a radio transmission licence (and planning permission for any aerial if required) if such radios are used by the operator.
- 146.4 In the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure compliance with the following;
 - 146.4.1 clean, adequately heated, ventilated and lit, both for bookings and waiting,
 - 146.4.2 if required waiting area has adequate seating facilities.
- 146.5 The operator premises to be licensed must be situated within the district of Brighton & Hove.
- 146.6 The operator may only utilise drivers and vehicles also licensed by Brighton & Hove City Council.
- 146.7 No licence will be issued until all licence requirements are met to the satisfaction of the authorised officer and the appropriate fee has been paid.
- 146.8 All operators premises to which the public have access must be covered by public liability insurance to cover all risks.
- 146.9 Planning permission for operating purposes maybe required and it is the operator's responsibility to ensure any permission required is granted and produced to an authorised officer at the time of application.

147. NOTES.

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Case law has shown that anyone making provision for the acceptance of bookings for private hire must be licensed in the District where such provision is made (this includes such things as mobile telephones, pagers and redirected calls by any electronic means) and such bookings must be fulfilled by drivers and vehicles licensed in the same district as which the operator holds his licence. So if an operator accepts a call on a mobile telephone in a district other than the one in which he is licensed he will commit an offence of operating in an un-licensed manner.

SECTION 3.
PART B.
PRIVATE HIRE VEHICLES OPERATOR'S LICENCE CONDITIONS MADE
UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976.

148. INTERPRETATION.

- 148.1 In these conditions;
- 148.1.1 "the Council" means 'Brighton & Hove Council.'
- 148.1.2 "the operator" means the person to whom the Council has granted the Private Hire Operator's Licence to which these conditions apply. In the case of a partnership to each of the partners and in the case of a company to each of the company directors.
- 148.2 Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- 148.3 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

149. THE RECORDS TO BE KEPT BY THE OPERATOR.

- 149.1 The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder, computer system or other means approved by the Authorised Officer, and produced for his examination on demand.
- 149.2 The operator shall enter in the recording system (book folder or other means) before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him;
- 149.2.1 the time and date of the booking.
- 149.2.2 the name where possible and pick up point of the hirer.
- 149.2.3 the time and date of pick up and call sign of the vehicle used.
- 149.2.4 how the booking was made (e.g. by telephone, personal call).
- 149.3 The operator shall keep records of all private hire vehicles operated by him, which will include details of the owner, registration numbers and drivers of such vehicles, together with any radio call sign used.
- 149.4 The operator shall keep all records for a period of not less than six months following the date of last entry.

150. THE STANDARD OF SERVICE.

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

- 150.1 ensure that when a private hire vehicle has been booked that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.
- 150.2 keep clean, adequately heated, ventilated and lit premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- 150.3 ensure that any waiting area provided has adequate seating facilities.

151. PROVISIONS REGULATING SIGNS ON VEHICLES.

The proprietor of a private hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the words "taxi" or "cab", whether in the singular or plural, or those words of similar meaning or appearance to either of those words, whether alone or as part of another word. Only licensed vehicles may carry any advertisement in relation to any Private Hire Operator, which must be approved by an Authorised Officer.

152. PROVISIONS REGULATING THE CONDUCT OF THE OPERATOR.

- 152.1 The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness / condition of a vehicle or a complaint against a driver.
- 152.2 The operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change.
- 152.3 No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.
- 152.4 The operator shall within seven days disclose to the Council in writing details of any convictions (motoring or otherwise) imposed upon him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

153. EMERGENCY CALL SIGN.

All operators using a radio network must have in place an emergency call sign. When this call sign is used the operator and / or other cars will render all assistance possible to the caller. The use of the call sign in a frivolous manner could result in suspension of licence. On hearing the call sign all other vehicles will maintain radio silence until advised that the situation is resolved. The call

sign should only be used when a person is at risk, (e.g. need for police, fire or ambulance assistance). The call should be changed at regular intervals to avoid misuse. All drivers must be aware of the call sign currently in use by the operator. Each operator is responsible to ensure compliance. Whilst this will complement the "Police Link" it is not voluntary but a condition of the operators licence in the interests of the safety of drivers and passengers.

154. OPERATOR OFFICE LOCATION.

The office must be located within Brighton & Hove City to enable any Authorized Officer access to the premises or any records as required by statutes or conditions. If unable to fulfill a booking they may only pass these to another operator within the same licensing district.

155. DEPOSIT OF DRIVER AND VEHICLE LICENCES.

Any operator who employs or permits anyone to drive any licensed vehicle owned by them will ensure that a copy of the drivers licence is deposited with them during the period that the driver is employed or permitted to drive, the licence must be returned to the driver at the end of that period. Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his vehicle is so employed. The operator must return the licence to the vehicle proprietor at the end of the period.

156. APPEALS.

- 156.1 The applicant / licence holder may appeal against all or any of these conditions.
- 156.2 Any appeals must be made within 21 days of the grant of the licence.
- 156.3 Appeals must be made to the Magistrates Court – contact: the Clerk to the Justices, The Law Courts, Edward Street Brighton

157. PRIVATE HIRE OPERATOR ASSOCIATION.

- 157.1 Operators may form an association and must give a copy of the constitution of that Association to the Licensing Officer.
- 157.2 The Association must keep the Authorised Officer informed in writing of the offices and members of the Association.
- 157.3 Only vehicles being operated through members of the Association may display signs as approved by an Authorised Officer.

158. CONFIDENTIALITY

Due the nature of enforcement work undertaken by authorised officers, operators

are expected not disclose/broadcast to drivers or proprietors the whereabouts of authorised officers or any other enforcement agencies as this may jeopardise any enforcement actions being undertaken at the time. Failure to comply with this requirement may result in suspension of licence.

159. POLICE LINK.

All operators and drivers should assist in this scheme. The main purposes are:

159.1 To alert radio controlled vehicles as to missing or suspicious persons or vehicles etc.

159.2 To alert Brighton & Hove Police of any criminal activities observed.

159.3 To create a safer environment for all taxi and private hire drivers.

Drivers should report through the operator to the police and the police will use the scheme to advise drivers of incidents or help required.

SECTION 4. **PROCEDURE FOR FARES INCREASES.**

Since the adoption of the cabinet system there has been a change to how fare changes are agreed. The Cabinet set up an advisory committee to the Executive for the purpose of advising on licensing functions that are the responsibility of the Executive, including setting taxi fares; the Cabinet agreed that membership of the advisory committee should mirror the Licensing Committee membership. The Cabinet delegated power to the Strategic Director of Place to set taxi fares after considering the recommendations of the advisory committee. The advisory committee hears representations and objections in the usual way and then make recommendations. The final decision can then be made either by Cabinet or an Officer with delegated power. It is proposed that the power to set the tariff should be delegated to the Strategic Director of Place after considering the advice of the advisory committee. If the Director is minded to reject the committee's recommendations, the matter would be expected to be referred to Environment CMM or Cabinet.

160.

- 160.1 Applications for hackney carriage fare increases will be made through the Taxi Forum in accordance with the agreed formula approved by the Council.
- 160.2 If the general consensus of the trade is in agreement with a fare increase, representatives of the trade will be called to a meeting to discuss any proposals with officers of the Council and Chairman of the Licensing Committee who will then present any proposal agreed by that meeting to the next available meeting of the Advisory Committee to the Executive for their consideration and recommendation to the cabinet member of environment.
- 160.3 No increase in fares can come into operation until the proposals have been advertised as required and objections have been considered.
- 160.4 Any fare increase approved must be set into the taximeter within one week of the date on which such increase comes into force.
- 160.5 No proprietor may charge any increase until the due date and the taximeter has been re-calibrated to the new fares.
- 160.6 All taximeters must be checked and sealed by the authorized officer prior to being used for hire and reward in any vehicle
- 160.7 The Council may not set fares for private hire as these are set and advertised at the discretion of individual private hire vehicle operators in accordance with the provisions of the Act of 1976.

161. FEES FOR LICENCES.

All fees for licences and plates deposits are made by the Council with an annual review each year to come into effect for any licence issued and valid from 1st April following. This applies to both hackney carriages and private hire. There are procedures for objections to certain fees and details will be included when the Council advertises such increases. The Act does not allow this function to be profit making.

SECTION 5. HACKNEY CARRIAGE RANKS.

162. RANKS

See the latest list as approved by the Council.

SECTION 6. HORSEDRAWN VEHICLES

Anyone that wishes to make application for horse drawn vehicles is advised to seek the assistance of an authorised Officer.

SECTION 7. PART A. ADVICE TO OPERATORS.

Within the Conditions of your licence you are responsible for many items in relation to your business, the drivers working through your circuit and the vehicles used. You may be required to display or produce various items to various Officers, visiting your premises, on demand.

These include;

D.T.I. Radio licence.	Fire Extinguishers.
Public Liability Insurance.	First Aid Kit.
Health and Safety Policy.	Operators Licence.
Health and Safety Notices.	Adequate Lighting.
Shops and Factories Offices Notice.	Booking Records.
Fire Evacuation Notice.	Planning Permission.
Advice on Lifting Notice.	Vehicle Licences.
Company Register Certificate.	Copy of Vehicle Licences.
List of Vehicles with details.	List of Drivers with details.
Diary of Advanced Bookings.	Accident Book.

The Records of Bookings MUST show;

Date and Time made.
 Name and Address where possible of hirer.
 Destination where possible Personal or Telephone booking.
 Time of Pick-Up. Point of Pick-Up.
 Time Allocated to Driver. Allocated to which Vehicle.

The Records of Vehicles MUST show;

Registration of Vehicle. Council Plate Number.
 Name and Address of Owner. Any Radio Call Sign.
 Number Licensed to Carry. Name and Address of ALL Drivers.
 Date Commenced Using Vehicle. Date Ceased Using Vehicle.

The Standards required of an Operator include;

Punctual Attendance for Bookings. Clean Premises with Public Access.
 Premises Heated to standard. Premises Ventilated to standard.
 Premises well lit. Seating if Public Access.
 Radio Equipment in Working Order Correct Radio Procedures used
 Check P.H. Driver Licence Valid. Ensure Vehicle Licenses are Valid.
 Check Vehicles Clean and Safe. Ensure Insurance is Valid.
 Check Road Fund Licence Valid. Check Vehicle for Damage.
 Report Any Driver Offences Ensure Plates Displayed Correctly.
 Report any Accidents. Report any Lost Property.
 Assist with Police Link calls. Maintain Driver Standards.
 Keep all Records for 6 months.
 Give Fixed Price Quote if Requested.
 Telephone in Working Order. Report any changes of Director.
 Report any changes of Address.
 Ensure Only Licensed Drivers are used to drive licensed Vehicles.
 Only use the services of drivers and vehicles licensed by Brighton & Hove
 City Council.

PART B.
ADVICE TO DRIVERS.

Within the Conditions of the grant of your licence you are responsible for various items, some of which may be checked by various Officers on demand.

These include;

Only a Licensed driver may drive a licensed vehicle at any time.
 Do not use anyone to tout for you.
 Do not tout for hire.
 Check operator is licensed.
 Never stop for flag down (Private hire vehicle only).
 Keep vehicle clean inside and out.

Ensure vehicle complies with law.
Control language on radio.
Ensure vehicle is insured.
Check road fund licence valid.
Check road 'tax' is clearly displayed.
Report any convictions.
Report any change of address.
Always check destination.
Report any found property.
Use your radio call sign properly.
Assist with any Police Link Calls.
Attend at Licensing Office if called.
Keep Records of Bookings.
Ensure vehicle signs correct.
Keep copy of valid insurance
Undertake Medical if required.
Produce any Licence if required.
Only drive licensed vehicles.
Wear I.D. badge at all times.
Display I.D. badge in vehicle.
Ensure children wear seat belts and advise adults.
Comply with Criminal Record Bureau requirements.
Never exceed number of passengers on Plate regardless of age.
Check car after every journey for lost property.
Do not accept immediate hiring for private hire.
Report any change of Medical Fitness and attend for a medical if required.
Give reasonable assistance with luggage.
Produce any documents required by operator for checking.
Driver, Vehicle and Operator MUST all be licensed in 'Brighton & Hove.

Remember;

Passengers hire the vehicle with the services of the driver and he should;

- a) Not use the horn to make passengers aware of his arrival.
- b) Not cause distress, by loud radio use, to passengers or others.

IMPORTANT.

The courts have clearly stated that a driver must only drive for an operator licensed with that same district as their vehicle and driver licence, so all three licences, (driver, vehicle and operator) must be issued by the same council. Failure to comply with certain items above can lead to arrest and a fine of up to £2,500. This list is for advice only and is not exhaustive.

PART C. **ADVICE TO VEHICLE OWNERS.**

Your licence is issued subject to the vehicle being mechanically fit and meeting the requirements of licence conditions. Your vehicle could be required to undertake inspections by various Officers and failure to meet the standards required may result in the suspension of the licence and possible revocation.

We would advise that attention be given to the following;

Vehicle Insurance is valid.

Road Fund Licence is valid.

Certificate of Compliance is valid

Driver holds valid DVLA. licence.

Driver holds Brighton & Hove driver licence.

Check vehicle complies with law.

Boot kept clear for luggage.

Vehicle clean inside and out.

All accidents are reported.

Any change of Address reported.

Any change of vehicle reported

Carry a Fire Extinguisher.

Meter must be sealed if fitted.

Roof sign must be fitted (HC)

Display tariff inside vehicle.

Meter must be fitted (HC).

Display vehicle plate number inside.

Carry copy of insurance in vehicle.

Maintain to "Exceptional Condition"

Ensure attend for Interim Inspection.

Display plate on exterior of vehicle.

Roof sign correctly positioned (PH).

Demonstrate that drivers are adequately trained in the embarking, disembarking and safe carriage of passengers in wheelchairs.

Do not let anyone drive who does not hold the correct type of licence for the type of vehicle, at any time (i.e. they must hold a private hire or hackney carriage driver licence issued by Brighton & Hove City Council, depending on the class of vehicle).

This list is for advice only and is not exhaustive. Failure to comply with certain items above could lead to arrest and a fine of up to £2,500.

Types of Vehicle

All vehicles licensed by the council must be of appropriate size and comfort for their use as decided by the Director. There are several factors taken into account when approving a particular vehicle such as the width of the rear seat (is there adequate room for three persons and can they fasten the seat belts easily). The amount of headroom and legroom available, this can vary from model to model.

Is there adequate room in the boot for luggage or a folding wheelchair. In the case of wheelchair accessible vehicles can they easily accommodate at least one wheelchair user seated in the wheelchair and at least one carer. The ease of access and egress to the vehicle or seating is also taken into account. The number of passengers is determined by the amount of luggage space, if the vehicle has seats that move forward it maybe allowed more seats than a vehicle that has fixed seating.

The above is not an exhausted list of factors that are taken into account when deciding if a vehicle is suitable to be licenced and manufacturers change specifications on a regular basis so if you are unsure if a vehicle is suitable always take advice from officers at the hackney carriage office before purchasing a vehicle.

To assist you may like to know that the following vehicles are already licensed by the council.

Saloon Cars

Audi -	A4, S8,
BMW -	520,730,750
Chrysler –	300, GD Voyager
Citroen –	Berlingo, C5, C8, Synergie, Xantia, Xsara, Picasso
Fiat -	Multipla, Ulysse
Ford -	Mondeo, Galaxy
Hyundai -	Sonata, Trajet
Jaguar –	XJ
Kia –	Carens, Ceed, Magentis
Mazda -	6
Mercedes -	E-Class
Mitsubishi –	Carisma
Nissan –	Almera, Primera
Peugeot –	307 Estate, 3008, 406, 407, 508, 607, 806, 807, Premier
Renault –	Grande Espace, Laguna, Megane, Scenic
Rover –	75 Estate
Saab –	95
Seat –	Alhambra
Skoda –	Octavia, Superb
Toyota –	Avensis, Carina
Vauxhall -	Omega, Vectra, Zafira
Volkswagen –	Passat, Sharan
Volvo –	S60, S80, V70

Wheelchair Accessible Vehicles

LTI -	TX1, TX2, TX4
Citroen –	Dispatch, EuroTaxi, Sentinel,

Fiat -	Euro 7, Scudo, TW200, TW220
Ford –	Tourneo, Transit
Mercedes –	Vito
Nissan –	Primastar
Peugeot -	E7, Partner Premier
Renault -	Traffic
Vauxhall –	Vivaro
Volkswagen -	Transporter

PART D. **GENERAL ADVICE.**

**Operators must be licensed in the same district as the district in which they have the office, and only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.

**Once licensed the vehicle becomes a Hackney Carriage or Private Hire and can only be driven by a person who holds a licence to drive that type of vehicle i.e. A Hackney carriage is always a Hackney Carriage and can only be driven by a Hackney Carriage Driver Licence holder (Yates v Gates, 1970, and Thain v Darlington, 1995,) and Private Hire has similar cases in respect of drivers and vehicles (Mahmood v Leeds, 1995 and Benson v Boyce, (Copeland), 1997), the law has not changed since those decisions were handed down.

**If the vehicle does not comply with the requirements of the law or the licence conditions in any respect it may not be used until it complies in all respects.

**Touting or plying by Private Hire are serious offences which could not only see the offender being arrested but also liable to a fine of up to £2,500, (plus the revocation of any licenses held). The touting legislation also applies to hackneys.

**Any gathering of more than 2 private hire vehicles could be seen as ‘forming a rank’ and lead to prosecution for plying for hire.

** Anyone convicted of any criminal offence, (this could include many offences against the taxi and private hire requirements) can be disqualified from holding a DVLA driving licence and this is particularly so if a vehicle was used in the crime.

**No unlicensed driver or vehicle may be used at anytime for the fulfilling of any booking which falls within the licensing requirements of the 1847 or 1976 Acts.

AUTHORISED OFFICERS.

It is an offence to obstruct or not give assistance or information to any such Officer or Police Constable in relation to the performance of his duties for the purpose of the licensing of Private Hire or Hackney Carriages.

RICKSHAWS OR OTHER VEHICLES.

Any person wishing to license any vehicle, which does not have four wheels, is not propelled by mechanical means, or does not comply with the conditions as

relating to Hackney Carriages or Private Hire Vehicles is advised to seek the assistance of an authorised Officer.

FIRST AID.

Your attention is drawn to your liability if rendering first aid. The kit if carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self-administration by the customer in the interest of customer care.

JOINT RESPONSIBILITY

Drivers, vehicle proprietors and operators will be held responsible to ensure that each is licensed and any information passed to the authorised officer of non compliance will be treated in strictest confidence.

CCTV MONITORING IN BRIGHTON & HOVE HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

The installation and operation of in-vehicle CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via –

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf

These guidelines set out to ensure that in-vehicle CCTV systems in licensed Brighton & Hove Hackney Carriage and Private Hire Vehicles are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Hackney Carriage and Private Hire Drivers and their passengers.

General Requirements

- The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Strategic Director of Place.
- Any material recorded on the equipment shall only be used as evidence in court proceedings, to aid the investigation of crime, to confirm or rebut complaints made against the driver or as evidence in motor insurance matters.
- No recording or other material created by the system shall be used or distributed for any purpose other than allowed by above or kept for more than 31 days if not required under above.

- Any system should have at least 32 Bit Encryption and be password protected and meet or exceed the current FIPS 140-2 standard or equivalent.
- All equipment must comply with any legislative requirements in respect of Road Vehicles (Construction and Use) Regulations.
- All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.
- All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Automotive Electromagnetic Compatibility Requirements (EMC)

- CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.
- Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.
- CCTV equipment should be e-marked or CE-marked and be confirmed by the equipment manufacturer as being suitable for use in motor vehicles.

Installation

- All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
- Each in-vehicle CCTV installation (if fitted) will be subject to the conditions of vehicle licensing.
- The installed in-vehicle CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
- All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers for lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
- All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger area or impact on the luggage carrying capacity of the vehicle.
- It is contrary to the Road Vehicles (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.
- Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary

safety systems, which may cause degradation in performance, or functionality of such safety systems.

- All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.
- If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Hackney Carriage / Private Hire Driver and their passengers.
- Equipment installed must be positioned in such a way that the driver and any passengers are easily identifiable while seated in the vehicle.
- All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.
- All system components requiring calibration in situ should be easily accessible.
- As an added deterrent to passengers it is strongly recommended that a monitoring screen be installed showing any images that the systems cameras are recording in view of the passengers. Subject to Regulation 109 of the Road Vehicles (Construction and Use) Regulations 1986" which provides for the use of television sets or other monitors in motor vehicles.

Camera Activation Methods

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay and drivers panic button. A direct wired link to the vehicles taximeter, in the case of a Taxi, will not be acceptable

Audio Recording

- In-vehicle CCTV systems should not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. If the system comes equipped with sound recording facility then this functionality should be disabled unless audible recording has been justified by the data controller on application to the Information Commissioner.
- There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:-
- Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.
- In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Image Security

- Images captured must remain secure at all times.
- The captured images must be protected using encryption software, which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

Video Imaging Quality (ADD)

- The video frame rate to be decided by the proprietor/supplier of the CCTV system

Retention of CCTV images

The in-vehicle CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for
- example, a compact flash solid state card;
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.
- Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.
- In-vehicle CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a **maximum** period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a **maximum** period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data. The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the specified

company, organisation or individual, which has decided to have in-vehicle CCTV installed. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed. Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a Brighton & Hove licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of the Council at any time during the term of the Brighton & Hove vehicle licence. The Notification requires renewal on an annual basis, and payment of the appropriate fee.

Using a third party service provider (data processor)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor. There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Use of information recorded using in-vehicle CCTV

The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines

Requests may be made by the Police or other law enforcement agencies: any authorised officer of Brighton & Hove City Council, or exceptionally, other appropriate bodies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests.

Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the DPA, members of the public may make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a

photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

Signage

All Hackney Carriage and Private Hire Vehicles with in-vehicle CCTV must display the appropriate signage. The driver may also verbally bring to the attention of the passengers that in-vehicle CCTV equipment is in operation within the vehicle, if it is felt appropriate.

The contact details of Data Controller of the CCTV system must be displayed in the vehicle.

ADVERTISING IN BRIGHTON & HOVE HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

No advertisement is permitted on or in a taxi unless it meets the following requirements.

1. The taxi is a wheelchair accessible vehicle.
2. Advertising on the interior of the taxi is permitted within the passenger compartment on the base of occasional (tip-up) seats only.
3. Occasional seat advertisements must be encapsulated in clear non-flammable plastic and should be of a quality not easily defaced, soiled or detached.
4. The advertising agency name should be carried on the advertisement.
5. The advertisement(s) in each vehicle should not advertise more than one company, product, service, or location although a sponsor's details are permissible.
6. Advertisements will not be approved if, in the Director's reasonable opinion, the advertisement falls within any of the following categories:

The advertisement ...

- does not comply with the law or incites someone to break the law.
- does not comply with the British Code of Advertising, Sales Promotion and Direct Marketing.

- is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement or by way of inference.
- depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.
- depicts or refers to indecency or obscenity or uses obscene or distasteful language.
- relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours.
- depicts direct or immediate violence to anyone shown in the advertisement.
- condones or provokes anti-social behaviour.
- relates to films which have not been granted permission for public exhibition or which do not show the British Board of Film Classification certificate.
- contains images or messages which relate to matters of public controversy and sensitivity.
- relates to a political party or parties or a political cause.

Proprietors and drivers do not need to seek prior approval to display advertisements that comply with the above.

In cases of doubt, they should consult the Authorised Officer in the first instance, *prior to displaying the relevant advertisement.*

However, if the Authorised Officer or Director considers an advertisement may not comply with these guidelines they may request a copy of the advertisement in either hard copy or electronic form, along with other reasonable information including details of the relevant advertising agency that prepared the advertisement.

If the Director considers that the advertisement does not comply with these guidelines, s/he may propose or invite reasonable variations to the advertisement or require the advertisement to be removed. In the latter case the Director will provide written reasons for the decision.

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 8

Brighton & Hove City Council

Subject: Horse Drawn Hackney Carriage Vehicle Licences
Date of Meeting: 23 June 2011
Report of: *Head of Planning and Public Protection*
Contact Officer: Name: *Martin Seymour* Tel: 29-6659
E-mail: Martin.seymour@brighton-hove.gov.uk
Wards Affected: All

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To approve the council's policy of not issuing licences to horse drawn vehicles.

2. RECOMMENDATIONS:

- 2.1 That Committee resolves that it will be licensing policy not to issue licences for any applications for horse drawn vehicle licences.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Section 37 of the Town Police Clauses Act 1847 gives the Council a discretion to license to ply for hire such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as it thinks fit. As long as the Council exercises the discretion reasonably, which includes taking into account relevant considerations and ignoring irrelevant ones, it would be open to the Council to determine not to issue any hackney carriage licences to horse drawn vehicles.
- 3.2 The council has received a preliminary application enquiry during 2010 to run vehicles on Madeira Drive with intent from the prospective applicant to formally make application in 2011, which is why members are being asked to formally confirm the policy that any application for a hackney carriage licence would not be issued to any horse drawn vehicle.
- 3.3 This proposal is also contrary to the Councils tourism strategy. Inclusion of a horse and cart operator in areas of the city such as on Madeira Drive would add no value to the seafront or tourism offer. VisitBrighton does not believe that horse drawn vehicles would add value to the tourism offer or help with the dispersal of the night time economy by way of taxis. It would also be concerned that it would be in direct competition with the Volks Railway which is an important part of the City's tourism heritage. One of the aims of the Tourism Strategy is that we should

make strides to 'allow our visitors to move around the area easily'. The seafront area is currently one of the busiest areas of the City for pedestrians, bicycles and vehicular traffic and adding to this congestion would not be beneficial or add value to the seafront as our 'shop window'. We would also be concerned with the safety implications of increased congestion. In addition to this, along with the Seafront team, VisitBrighton would have to deal with members of the public who were concerned for the horse's welfare as they would no doubt correspond with us via letter, e-mail or telephone or in person at the Visitor Information Centre. Our experience in other matters shows that our visitors would see us as being responsible in this capacity; however we do not have the resource or expertise to deal with it.

3.4 No significant unmet demand has been identified.

4. CONSULTATION

4.1 The matter has been discussed at the council's Hackney Carriage and Private Hire Consultation Forum, Tourism, Visit Brighton

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

There are no direct financial implications associated with the recommendation in this report.

Finance Officer Consulted: Karen Brookshaw Date: 27/05/2011

5.2 Legal Implications:

None directly.

Lawyer Consulted: Rebecca Sidell Date: 17/05/2011

5.3 Equalities Implications:

Brighton and Hove Federation for the Disabled comment that they feel that disabled children and their families would enjoy a ride along the sea front and that this could be quite a tourist attraction; reasonable adjustments could be made to make the carriages be accessible.

5.4 Sustainability Implications:

None

5.5 Crime & Disorder Implications:

Conflict with other seafront uses and competing demand on limited space present a risk.

5.6 Risk and Opportunity Management Implications:

The transport industry should be safe, profitable and be a positive experience for residents and visitors. Officers are concerned over the safety of such an operation on already busy and questionably dangerous stretches of road. Seafront officers witness near misses all the time in Madeira Drive with vehicles stopping suddenly to secure a parking space or reversing into oncoming traffic. Cars and coaches double parking as well as the added dimension of the new cycle lane and ever changing traffic calming arrangements. Adding a horse and carriage would invariably increase the dangers for both passengers and other road users.

5.7 Corporate / Citywide Implications:

This proposal is contrary to tourism strategy. Inclusion of a horse and cart operator on Madeira Drive would add no value to the seafront or tourism offer. See the main body of report.

SUPPORTING DOCUMENTATION

Appendices:

None

HORSE DRAWN CARRIAGE VEHICLE CONDITIONS MADE UNDER THE TOWN POLICE CLAUSES ACTS 1847 & 1889

These conditions shall apply to the use for hire or reward of any carriages and horses by the licensee. It shall also be the responsibility of the Licensee to ensure as far as is reasonably practicable that these conditions are complied with by any person employed by him to drive horses and carriages on his behalf. These conditions are in addition to the terms expressed in any other approval or permission granted in relation to the operation of horse drawn carriages within the City of Brighton & Hove and any Government legislation.

1. Carriages

- 1.1 The carriage shall be produced for examination and / or inspection by an authorised officer of the Council, at such times and at such places as may reasonably be required.
- 1.2 The Council shall be notified if any alteration is proposed to be made to any part of the carriage, prior to that alteration being carried out.
- 1.3 The carriage shall be fitted with a suitable and sufficient drag chain and slipper or other sufficient brake, which shall at all times be maintained in efficient working order.
- 1.4 The carriage shall, in all respects, be kept in good order and repair.
- 1.5 The interior and exterior shall, as far as is reasonably practicable, be kept clean.
- 1.6 The floor of the carriage shall be covered with mats of a suitable material.
- 1.7 The seats of the carriage shall be properly cushioned or covered, fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein.
- 1.8 A plate shall be affixed to the rear of the vehicle of a pattern & design approved by the Council, displaying the licence number of passengers permitted to travel in the vehicle.
- 1.9 A notice shall be affixed to some part of the vehicle, where it is conspicuously visible to the passengers, detailing the fares that will be demanded for the conveyance of persons.

2. Harnesses, Equipment and Tack

Every part of the harness of animals drawing the carriage shall be kept in good order and repair so that the animal is securely attached to the carriage and is under due control.

The tack must fit the horse properly so as not to cause pain, distress or rubbing of the horse. The rest of the traces must also fit the horse and carriage.

A shute shall be affixed to the rear of the horse to ensure that when a horse defecates the product is not deposited on the highway.

3. Passengers

The driver shall not convey or permit to be conveyed in the carriage passengers in excess of the number authorised by the Council.

4. Insurance

An insurance certificate covering the carriage of passengers for hire or reward shall be produced on application and on request for examination by an authorised officer of the Council.

5. Horses

- 5.1 Prior to issue of the licence each horse intended to be used shall have a veterinary inspection by an approved Equine Inspector (by the joint Royal College of Veterinary Surgeons and the British Veterinary Association Committee). The veterinary certificate shall be in a form approved by the Council and shall certify the horses fitness to perform it's task, taking into account it's age, type, size and temperament.
- 5.2 Colour photographs of both sides of the horse (untacked and provided by the owner/proprietor) shall be attached to the certificate, signed and dated by the equine veterinary surgeon and specifying the name of the horse so as to allow verification of the horse's identity by an authorised officer of the Council.
- 5.3 Each horse must be properly shod and a detailed inspection of the feet performed and trotted up in hand (untacked).
- 5.4 Each horse must be vaccinated against Equine Influenza and Tetanus. There must be a worming programme in place. The heart of each horse should be auscultated and the eyes subjected to an ophthalmic inspection using an ophthalmoscope, for which a darkened loose box must be provided.
- 5.5 The DEFRA Horse Passport shall be presented for inspection to the inspecting veterinary surgeon to enable comparison and identification to be made with the horse and to the authorised officer of the Council with the licence application form.
- 5.6 The owner / proprietor must demonstate competence in horse welfare and horse driving
- 5.7 No horse under four years old shall be permitted to be used.
- 5.8 The mode of transport of the horses from the stables to the place of work must be approved

6. Hours of work

Hours of work shall be defined as those hours during which the horse is in the traces, not just whilst pulling the carriage.

The Operator shall ensure that:

- 6.1 no horse shall work more than six hours in any given day;
- 6.2 during each calendar week (Sunday to Saturday) each horse shall be given two days rest; and,

6.3 each horse shall not work on more than three consecutive days.

7. Rest Periods

The Driver shall ensure that:

- 7.1 each horse shall be given a minimum of 10 minutes rest after each ride;
- 7.2 after two hours of continuous work each horse shall be given a minimum of 30 minutes rest;
- 7.3 during exceptionally hot weather, when there is no cloud cover, or periods of heavy rain each horse shall be provided with adequate shade / shelter during rest periods;
- 7.4 each horse shall be sponged down in hot weather or when there is evidence of heat stress; and,
- 7.5 during rest periods each horse shall have access to clean water and be fed as appropriate with low protein food. The horse shall not be fed unless the food is contained in a proper bag or receptacle or is delivered with the hand.

8. Drivers

- 8.1 Any driver employed must have adequate training and be over 18 years.
- 8.2 No driver of a carriage shall allow it to wait at a stand or stop for more time that it takes to set down or take up passengers, unless that stand or stop has been approved for waiting by an authorised officer of the Council.
- 8.3 Every driver of a carriage, whilst driving said carriage, shall wear a Badge of a type and style approved by the Council, which shall show their name, licence number and have affixed to it a photograph.

9. General

- 9.1 In the event of an authorised officer of the Council having reasonable grounds to suspect that a horse being worked is unfit to perform it's tasks, that horse shall be subjected to immediate inspection by a qualified veterinary surgeon. Where as a result of such an examination the horse is found to be unfit its use shall be immediately discontinued until such time as a certificate of fitness issued by a qualified veterinary surgeon is produced to the Council's authorised officer.
- 9.2 The Licensee shall be responsible for containing or clearing away defecation of his horses in any public place as a result of his operation by virtue of this licence, and for the cleanliness of stand points.
- 9.3 Where the horses are kept when not in work and where any sick or injured horses may be housed must achieve good standards of construction, ventilation, lighting (natural or artificial) and water supply.
- 9.4 Isolation facilities must be available for any horse with an

- infectious disease.
- 9.5 There must be adequate facilities for the accommodation of tack, feed, fodder and bedding.
 - 9.6 There must be an Equine First Aid Kit with each carriage and at the stables.
 - 9.7 Fire precautions at the Stables should be in place with instructions as to procedures in the event of fire, especially the evacuation of people and horses.
 - 9.8 If pasture is provided, it needs to be inspected, adequate with shelter from bad weather and adequate water. Fencing must be properly maintained.
 - 9.9 If not in work, provision must be made for exercise of the horses.
 - 9.10 The Harness and tack must be properly accommodated.

HORSE DRAWN CARRIAGE DRIVER CONDITIONS MADE UNDER THE TOWN POLICE CLAUSES ACTS 1847 & 1889

These conditions shall apply to the driving for hire or reward of any carriages and horses by the licensee. These conditions are in addition to the terms expressed in any other approval or permission granted in relation to the operation of horse drawn carriages within the City of Brighton & Hove.

10. Carriages

The Driver shall ensure that, prior to commencing work on any particular day, that the Carriage is fit for the purpose and in that respect shall ensure that:

- 10.1 the carriage is fitted with a suitable and sufficient drag chain and slipper or other sufficient brake, in efficient working order.
- 10.2 the carriage is in good order and repair.
- 10.3 the floor of the carriage is covered with mats of a suitable material.
- 10.4 the seats of the carriage are properly cushioned or covered and that fittings and furniture are clean and adequate for the convenience of persons conveyed therein.

11. Harnesses and tack

The Driver shall ensure that, prior to commencing work on any particular day;

- 11.1 any harness provided for the drawing of carriages is in good order and repair so that the animal is securely attached to the carriage and is under due control.
- 11.2 that "dung chutes" or similar devices are fitted to the tack of each horse to contain any defecation of the horses in a public place or that facilities are available to clean up any such defecation occurring on the route of the journey or at the stand point.

12. Passengers

The driver shall not convey or permit to be conveyed in the carriage passengers in excess of the number authorised by the Council.

13. Horses

The Driver shall ensure that, prior to commencing work on any particular day, that any horse he intends to drive is;

- 13.1 in good physical condition and is not showing any signs of ailment or distress.
- 13.2 adequately shod.

14. Hours of work

Hours of work shall be defined as those hours during which the horse is in the traces, not just whilst pulling the carriage. The Driver shall ensure that:

- 14.1 no horse shall work more than six hours in any given day;
- 14.2 during each calendar week (Sunday to Saturday) each horse shall be given two days rest; and,
- 14.3 each horse shall not work on more than three consecutive days.

15. Rest Periods

The Driver shall ensure that:

- 15.1 each horse shall be given a minimum of 10 minutes rest after each ride;
- 15.2 after two hours of continuous work each horse shall be given a minimum of 30 minutes rest;
- 15.3 during exceptionally hot weather, when there is no cloud cover or periods of heavy rain, each horse shall be provided with adequate shade / shelter during rest periods;
- 15.4 each horse shall be sponged down in hot weather or when there is evidence of heat stress; and,
- 15.5 during rest periods each horse shall have access to clean water and be fed as appropriate with low protein food. The horse shall not be fed unless the food is contained in a proper bag or receptacle or is delivered with the hand.

16. Hygiene

The Driver shall be responsible for cleaning up any horse defecation in a public place on the route of the journey or at the standpoints as soon as it is practicable using the equipment provided in accordance with condition 11.2 above and for the hygienic disposal of that material.

17. General

In the event of an authorised officer of the Council having reasonable grounds to suspect that a horse being worked is unfit to perform its tasks, that horse shall be subjected to immediate inspection by a qualified veterinary surgeon. Where as a result of such an inspection the horse is found to be unfit its use shall be immediately discontinued until such time as a certificate of fitness issued by a qualified veterinary surgeon is produced to the Council's authorised officer.

HORSE DRAWN CARRIAGE OPERATOR CONDITIONS MADE UNDER THE TOWN POLICE CLAUSES ACTS 1847 & 1889

These conditions shall apply to the provision for hire or reward of any carriages and horses by the licensee. It shall also be the responsibility of the Operator to ensure, as far as reasonably practicable, that any person employed by him to drive horses and carriages on his behalf, is familiarised with and complies with the Horse Drawn Carriage Drivers Licence Conditions and that the owner / proprietor can demonstrate competence in horse welfare and horse driving and any driver employed has adequate training. These conditions are in addition to the terms expressed in any other approval or permission granted in relation to the operation of horse drawn carriages within the City of Brighton & Hove.

18. Carriages

- 18.1 The carriage shall be produced for examination and / or inspection by an authorised officer of the Council, at such times and at such places as may reasonably be required.
- 18.2 The Council shall be notified if any alteration is proposed to be made to any part of the carriage, prior to that alteration being carried out.
- 18.3 The carriage shall be fitted with a suitable and sufficient drag chain and slipper or other sufficient brake, which shall at all times be maintained in efficient working order.
- 18.4 The carriage shall, in all respects, be kept in good order and repair.
- 18.5 The interior and exterior shall, as far as is reasonably practicable, be kept clean.
- 18.6 The floor of the carriage shall be covered with mats of a suitable material.
- 18.7 The seats of the carriage shall be properly cushioned or covered fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein.

19. Harnesses and tack

The Operator shall ensure that, prior to commencing work on any particular day;

- 19.1 any harness provided for the drawing of carriage is in good order and repair so that the animal is securely attached to the carriage and is under due control.
- 19.2 that "dung chutes" or similar devices are available to be fitted to the tack of each horse to contain any defecation of the horses in a public place or that facilities are available to clean up any such defecation occurring on the route of the journey or at the stand point.

20. Passengers

The Operator shall ensure that the maximum number of passengers authorised by the Council to be carried in the carriage at any one time is indicated on the carriage and that any Driver is made aware of this.

21. Insurance

An insurance certificate covering the carriage of passengers for hire or reward shall be produced by the Operator on request for examination by an authorised officer of the Council.

22. Horses

- 22.1 Prior to issue of the licence each horse intended to be used shall have a veterinary inspection by an approved Inspector (by the joint Royal College of Veterinary Surgeons and the British Veterinary Association Committee). The veterinary certificate shall be in a form approved by the Council and shall certify the horses fitness to perform it's task, taking into account it's age, type, size and temperament.
- 22.2 Colour photographs of both sides of the horse (untacked and provided by the owner/proprietor) shall be attached to the certificate, signed and dated by the veterinary surgeon and specifying the name of the horse so as to allow verification of the horse's identity by an authorised officer of the Council.
- 22.3 Each horse must be properly shod and a detailed inspection of the feet performed and trotted up in hand (untacked).
- 22.4 Each horse must be vaccinated against Equine Influenza and Tetanus. There must be a worming programme in place. The heart of each horse should be auscultated and the eyes subjected to an ophthalmic inspection using an ophthalmoscope, for which a darkened loose box must be provided.
- 22.5 The DEFRA Horse Passport shall be presented for inspection to the inspecting veterinary surgeon to enable comparison and identification to be made with the horse and to the authorised officer of the Council with the licence application form.
- 22.6 The owner / proprietor must demonstrate competence in horse welfare and horse driving
- 22.7 No horse less than four years old shall be permitted to be work.
- 22.8 The mode of transport of the horses from the stables to the place of work must be approved

The Operator shall ensure that, prior to commencing work on any particular day, that any horse he permits to be driven is;

- 22.9 in good physical condition and is not showing any signs of ailment or distress.
- 22.10 adequately shod.

23. Hours of work

Hours of work shall be defined as those hours during which the horse is in the traces, not just whilst pulling the carriage. The Driver shall ensure that:

- 23.1 no horse shall work more than six hours in any given day;
- 23.2 during each calendar week (Sunday to Saturday) each horse shall be given two days rest; and,
- 23.3.3 each horse shall not work on more than three consecutive days.

24. Rest Periods

The Driver shall ensure that:

- 24.1 each horse shall be given a minimum of 10 minutes rest after each ride;
- 24.2 after two hours of continuous work each horse shall be given a minimum of 30 minutes rest;
- 24.3 during exceptionally hot weather, when there is no cloud cover, or periods of heavy rain each horse shall be provided with adequate shade / shelter during rest periods;
- 24.4 each horse shall be sponged down in hot weather or when there is evidence of heat stress; and,
- 24.5 during rest periods each horse shall have access to clean water and be fed as appropriate with low protein food. The horse shall not be fed unless the food is contained in a proper bag or receptacle or is delivered with the hand.

25. General

In the event of an authorised officer of the Council having reasonable grounds to suspect that a horse being worked is unfit to perform it's tasks, that horse shall be subjected to immediate inspection by a qualified veterinary surgeon. Where as a result of such an examination the horse is found to be unfit its use shall be immediately discontinued until such time as a certificate of fitness issued by a qualified veterinary surgeon is produced to the Council's authorised officer.

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 9

Brighton & Hove City Council

Updated action plan from Committee report recommendations September 10

Number	Recommendation	Agreed action
1	That the committee notes the position regarding the Equality Act 2010 and its possible implications.	Committee originally noted in September 2010. Further report to be made to update members.
2	That the committee notes the current BTEC qualification will not be available to new applicants after 30 th September 2010 and approves the replacement entry-level qualification for new drivers.	BTec is now a National Standard. HCO called introduction to the Role of the Professional Taxis and Private Hire Driver (L2) and we will recognise any qualification gained under this standard. All new drivers will have to attain this qualification. Need to ensure that the new qualification provides the correct level of equalities training including proper use of wheelchair accessible vehicles.

3	That the HCO, working in partnership with the Federation of Disabled People and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of March 2011.	Please see 2 above. There is a need to establish the baseline of equalities training and consider how to ensure continuing professional development. Once established, a licence condition would be imposed once the hackney carriage office has legal clearance.
4	That the HCO implement changes and improvements to the current complaints process to ensure that it is accessible and that all complainants are provided with clear, detailed responses.	A new complaints leaflet has now been produced and distributed to council's main access points. It is also available on the council's website. These are also available for operators. Officers are working on a 'free post' post card to allow people in taxis to make complaints.
5	That the Committee approve the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year, and that the Existing Conditions are amended accordingly with the rider 'all vehicles over ten years old shall be required to pass two vehicle inspections each year' be added.	The maximum age limit was raised.
5A	That the Committee approve the removal of the maximum age limit for newly licensed vehicles, subject to the maximum age limit appropriate to that vehicle.	As 5 above.
6	Withdrawn	This arose from technical difficulties in requiring swivel seats in vehicles not designed for them.

7	That the views and evidence provided by all contributing parties to this report be brought to the attention of officers dealing with the school transport contracts.	The trade and officers are aware of the separation between licensing requirements and contract work. The trade have been advised by the Head of Schools admissions and transport on a number of occasions. The city's private hire operators understand the new Best Value tendering and procurement process and are very welcome to submit tenders.
8	That the Committee approve all new hackney carriage vehicle licences and licences which are renewed following a transfer should conform to the Conditions of Fitness as prescribed by the Public Carriage Office (ie purpose built London type hackney carriage vehicles) or be for wheelchair accessible vehicles with M1 ECWVTA.	Officers are unaware of any transfers that have resulted in new WAVs in the fleet. Taxi licensing is migrating to a corporate software system which should allow transparent reporting of data.
8A	That the Committee approves the licensing of rear loading M1 ECWVTA WAVs.	Taxi licensing policy (Blue Book) will be used to attempt to specify minimum standards of WAV.
8B	That the Committee approves the immediate release of five new hackney carriage vehicle licenses.	Agreed to issue 5 last September and 5 in May have been offered.
9	That the Committee approves that CCTV approved by the Director is installed in all vehicles (a) upon application for a new vehicle licence on or after 1 April 2012, or (b) on annual renewal of a vehicle licence falling between 1 April 2012 and 31 March 2013	Amended to read by 1 April 2013. Committee have now agreed this condition. Officers are following progress of legal challenge elsewhere in the country.

10	That the Committee approve a pilot scheme initially for one-year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.	Details of WAV drivers installed on BHCC website with relevant links to Federation website.
11	That the Committee note the promotion of accessible taxi/PHV services to taxi voucher recipients in January 2011.	Officers liaising with Customer Services to promote vouchers.
12	That the Committee note the proposal to support National Customer Service week by promoting WAVs and demonstrating access features of vehicles.	City Cabs promoted their vehicles during this week. Further work with customer services will be explored.
13	That the Committee supports in principle a Star Rating for operators, the detail to be developed by the HCO in partnership with the Federation of Disabled People.	MS to arrange meeting between Geraldine, MS and operators, also include in Forum Agenda.
14	That the Committee ask the Federation of Disabled People to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.	Geraldine to investigate.
15	That the Committee require 'Right to Work' checks carried out on application for drivers' licences.	Done
16	That the Committee approve in principle, interior seat advertising in licensed WAVs.	Done
New	Equalities Act 2010 preparation for a list of designated vehicles. New offences are created concerning failure to pick up, failure to carry safety and overcharging.	Officers are now able to produce a designated list of wheelchair accessible vehicles and have written to all proprietors advising them that their vehicle has been placed on the "shadow list" and that they will be written to again once the act comes into force.

		Currently officers only know of 10 of the 126 WAVs.
New	Taxi forum terms of reference.	Head of Environmental Health & Licensing to offer assistance to progress.

